

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council
From: Garrett Toy, Town Manager
Date: April 3, 2013
Subject: Adoption of Resolution 13- , a Resolution of the Town Council of the Town of Fairfax proposing a special municipal election be held in its jurisdiction on November 5, 2013; requesting the Marin County Board of Supervisors to consolidate with any other election conducted on said date, requesting election services by the County Clerk; and providing for candidate's statement of qualifications and filing fee

RECOMMENDATION

Approve the resolution proposing a special election be held to fill the vacancy created by the resignation of Ryan O'Neil; requesting the Marin County Board of Supervisors to consolidate with any other election conducted on said date; requesting election services by the County Clerk; and providing for candidate's statement of qualifications and filing fee.

DISCUSSION

Earlier this evening, the Town Council considered the second reading of an ordinance that enables the Council to make appointments for less than the balance of the term of office for the vacant seat. Government Code Section 36512(c)(3) provides that a city may enact an ordinance which:

"Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election."

Pursuant to Government Code Section 36937(a), the ordinance takes effect immediately.

Also on this meeting's Agenda is the appointment of a Council member for the interim period until the next regularly scheduled municipal election on November 5, 2013. Should the Council have adopted the above mentioned ordinance, the attached resolution calls for the special election to fill the seat vacated upon the resignation of Ryan O'Neil on February 7, 2013. This seat would be for the remainder of Mr. O'Neil's term, through November 2015, or approximately two years. This election would be consolidated with any other County election and with the Town's regular election scheduled for November 5, 2013, at which time three (3) other Town Council seats are up for re-election. Those three seats are for terms of four (4) years.

FISCAL IMPACT

None at this time.

RESOLUTION NO. 13- 13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX PROPOSING A SPECIAL MUNICIPAL ELECTION BE HELD IN ITS JURISDICTION ON NOVEMBER 5, 2013; REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, REQUESTING ELECTION SERVICES BY THE COUNTY CLERK; AND PROVIDING FOR CANDIDATE'S STATEMENT OF QUALIFICATIONS AND FILING FEE

WHEREAS, it is the determination of the Town Council of the Town of Fairfax that a Special Municipal Election be held on the 5th day of November, 2013, at which election the issue to be presented to the voters shall be:

Nomination of candidates for the Town Council:
Two year term, November 2013 -November 2015: One (1) seat
(Filling remainder of the unexpired term of Ryan O'Neil)

NOW, THEREFORE, the Town Council of the Town of Fairfax does hereby, based on the findings enumerated above, resolve that the Board of Supervisors of the County of Marin is hereby requested to:

1. Consolidate said election with any other applicable election conducted on the same day;
2. Authorize and direct the Elections Department, at Town expense, to provide all necessary election services and to canvass the results of said election.

BE IT FURTHER RESOLVED that:

3. The following rules be established regarding Statements of Qualifications:
 - a. Said statements shall not exceed 200 words;
 - b. The actual pro-rated costs of printing, handling and translating said statements shall be levied against each candidate availing himself/herself of such service;
 - c. The candidate shall be required to pay in advance, at the time of filing, his or her prorated share of the estimated total cost of printing, handling, translating, and mailing of said statement as a condition of having his or her statement included in the sample ballot;
 - d. That no additional materials shall be prepared to be sent on behalf of the candidate with the Marin County Ballot/Voters Pamphlet; and

4. Each candidate shall pay a filing fee of \$25, unless in lieu of paying the filing fee the candidate chooses the option of collecting not less than 20 nor more than 30 signatures of Fairfax-registered voters.

THE FOREGOING RESOLUTION was duly and regularly adopted by the Town Council of the Town of Fairfax, County of Marin, State of California, at a regular meeting thereof, held on the 3rd day of April, 2013, by the following vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____

JOHN REED, MAYOR

Attest:

Michele Gardner, Deputy Town Clerk