



TOWN OF FAIRFAX

STAFF REPORT

January 28, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager 

SUBJECT: Appointment of candidate to fill the term of Councilmember Bragman's vacant seat and oath of office to seat new Councilmember

RECOMMENDATION

- 1) Select and appoint candidate to fill the Town Council vacancy.
- 2) Oath of office to seat the new Councilmember.

DISCUSSION

At the January 14th meeting, the Council interviewed four (4) applicants (initially there were 6 applicants, but two withdrew) for the vacant seat on the Council. The Council narrowed its choices down to two candidates:

- Bruce Ackerman
- Peter Lacques

The Council decided it would conduct the next round of interviews at this evening's special meeting. The Council agreed to allow up to 30 minutes for questions and answers (Q&A) of each candidate. (Note: the other candidate would be asked to voluntarily leave the room during the Q&A session). Staff recommends the order be determined by a random drawing of the names at the meeting. At the end of the Q&A session, staff would recommend the Council receive public input on the matter and then discuss and consider the appointment of a candidate to the Council. If the Council fills the vacancy by appointment, the person appointed shall hold office only for the rest of the unexpired term, i.e., until November 2015. In the event of a tie, the Council can consider multiple motions until a decision can be reached.

If the Council is unable to reach agreement on an individual to fill the vacated seat, the Council must call a special election to fill the vacancy, and the seat would remain vacant until the election. Fairfax Town Code Section 2.04.020 provides that if a vacancy occurs on the Town Council, the Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy as provided by Government Code Section 36512(b).

If the Council calls a special election, the special election must be held on the date of the next regularly established election that is not less than 114 days from the call of the special election, i.e., the November 2015 election.

The Council has through February 3, 2015, 60 days, to appoint a person to fill the vacancy or to call a special election, since Councilmember Bragman's seat was vacated on December 5, 2014.

ATTACHMENTS

Applications

**Application
of
Bruce Ackerman**

RECEIVED

JAN 05 2015

TOWN OF FAIRFAX

TOWN OF FAIRFAX
APPLICATION FOR APPOINTMENT TO THE
FAIRFAX TOWN COUNCIL
Due by 5:00 PM, January 5, 2015

This application and attachments will become a public record upon submittal to the Town. Applicant must be at least 18 years of age and a Registered Voter of the Town of Fairfax.

NAME: Bruce Ackerman

HOME ADDRESS:

RESIDENT OF THE TOWN OF FAIRFAX FOR 22 YEARS

PRESENT OCCUPATION: Computer software developer

NAME OF BUSINESS: Self-Employed

BUSINESS ADDRESS: Home

HOME & BUSINESS PHONE:

E-MAIL ADDRESS:

EDUCATION:

Public schools in several states, finishing with High School in Albuquerque, NM

Baylor University 1971-73 – Chemistry, Biology and Mathematics

MIT 1973-75 – Electrical Engineering / Computer Science and Psychology

Continuing to learn in many areas through work, travel and public service

PARTICIPATION IN THE FOLLOWING CIVIC AND COMMUNITY ACTIVITIES/ORGANIZATIONS:

Fairfax General Plan Action Committee (adjourned) – was Chair, previously secretary.

General Plan Implementation Committee – was Chair, now community member

Fairfax Climate Action Committee – currently Chair

Member of the Environmental Forum of Marin, having graduated from the Masters Class 34 (2006-07) and served on the Board of Directors

On the national level, Data Collection Director for the Division of Research of the Midwives Alliance of North America, since 2004 (founding member of the Division)

I've spent a lifetime engaged in community work including recycling, political organizing, work in several food cooperatives, helping refugees, educating myself on energy issues, and working for 20 years for the Midwives Alliance. Many of these were unpaid work, but I've always tried to make the work I do for pay be consistent with my values, such as engaging in research on photovoltaics and development of several laboratory and medical instruments.

WHY DO YOU WANT TO BE CONSIDERED FOR THE POSITION OF TOWN COUNCIL MEMBER?

This is an opportunity to contribute to the Town and beyond. I was privileged to work on GPAC, guiding our wonderful community process to craft a General Plan. Through that process I learned a good deal about Fairfax, so I hope to be at a point now where I could contribute to the Council.

I was encouraged once before to run for Council, but when Larry Bragman came forward I was happy to bow out. It now seems to be the right time to take my turn on the Council.

I believe that I could bring an understanding of Fairfax's needs, while respecting multiple viewpoints and encouraging creative discussions based on complex and nuanced information. Informed by my scientific and technical background, I try to approach decisions with an open mind, but with a determination to engage the major challenges of our age.

WHAT ARE THE THREE MAIN ISSUES FACING THE TOWN OF FAIRFAX?

Climate Change and Sustainability: Without a doubt the overriding issue of our time is climate change, along with the many other ways in which our life is degrading the planet and cannot be sustained. Government at all levels is only slowly addressing these issues, though some noteworthy successes have arisen from Fairfax, Marin and California. While Marin citizens and policy makers have a deep commitment to protecting the natural environment and to justice for all people, we nevertheless have an outsized footprint and are far from living within our means. Locally we should focus on the efficiency of our buildings, minimal use of materials, and widespread use of ecological options to reduce and re-think transportation. Through Marin Clean Energy and other means we have an outstanding opportunity to become net energy producers, enjoying revenue as well as resilience as we do so.

Public Education: As we address the need to restore the planet and adapt to rapid and irreversible changes both physical and economic, we need to educate ourselves so our actions are effective and creative. We need to tame our tendency to lead with our opinions, letting a deeper understanding of the facts guide our decision making. The brilliance of our people can best be brought to bear if we create an environment in which knowledge and experience are valued, and contribution to the public discourse is rewarded.

Democracy: The deciding factor determining how successfully we rise to our great potential in these times of challenge and opportunity will be whether we can maintain civil discourse. Fairfax has deep values of democracy and civic engagement, but many of our 7500 citizens find the public process to be too contentious to participate in. With patience, active listening, and respectful discourse, Fairfax can continue to be a leader as we globally navigate a positive, joyful conversion from a consumer-based society to one built around love of nature, community, arts and play, living lightly on the land we love.

We have a fabulous Town Council and Planning Commission, the best I've seen in my years here, and many great committees and volunteers – we are well placed for this transformation.

WHAT IS YOUR VISION FOR THE TOWN OF FAIRFAX?

I envision our town as a strong, smart community in which all our citizens *enjoy* being involved, in which true democracy shines, and which becomes less and less dependent on external sources of goods, services and energy, and more and more truly at place among the green hills surrounding us.

I envision citizens being able to work at home and in the town, with less need for frequent commutes and using effective transportation options when we do travel.

I envision diversity thriving and making our town ever stronger, more resilient and more fun, as we find ways to remove the barriers so those who work in our shops and restaurants, care for elders or do construction are able to live here and be part of the community at all levels.

I envision our economy becoming more localized, particularly as we enjoy the produce of local farmers and ranchers and as we produce more of our energy locally. We will become more resilient to the global shifts underway, and focus our lives on the rewards of bringing every bit of the intelligence and world-class experience of the Bay Area's people to reimagine our life on this earth.

I envision all the changes we make locally having wide-ranging benefit as Fairfax continues to be a beacon for others, of hope and best practices for community, democracy and sustainability.

DATE: January 2, 2015

SIGNATURE:



Please return completed and signed application by **5:00 PM Monday, January 5, 2015** to:

Michele Gardner, Town Clerk
Fairfax Town Hall
142 Bolinas Road
Fairfax 94930

You may also submit it by email, mgardner@townoffairfax.org, or fax, 415-453-1618.

NOTE: Please limit attachments to no more four pages (single-sided) or two pages (double-sided).

**Application
of
Peter Lacques**

RECEIVED

JAN 05 2015

TOWN OF FAIRFAX

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Due by 5:00 PM, January 5, 2015

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NAME: Peter F. Lacques

HOME ADDRESS: Fairfax, CA 94930

RESIDENT OF THE TOWN OF FAIRFAX FOR 15 YEARS

PRESENT OCCUPATION: Attorney

NAME OF BUSINESS: Peter F. Lacques, Attorney at Law

BUSINESS ADDRESS: 400 Red Hill Avenue, San Anselmo, CA 94960

HOME & BUSINESS PHONE: Home - business - 415.454-2100

E-MAIL ADDRESS:

EDUCATION: Bachelor's Degree in English with Special Honors - University of Texas, Austin, 1983
Juris Doctorate, New College of Law, San Francisco, CA 1994

PARTICIPATION IN THE FOLLOWING CIVIC AND COMMUNITY ACTIVITIES/ORGANIZATIONS:

- Fairfax Planning Commission, 2005 to 2013 (including term as Chair); Fairfax Tree Committee (concurrent with Fairfax Planning Commission).
Sierra Club - Executive Committee Board Member for the Marin County Group (2111 to present)
Youth Court Judge 2012-2013 (a restorative justice program for youth offenders administered by the Marin County YMCA as an alternative to incarceration);
San Anselmo Solid Waste and Recycling Advisory Committee, San Anselmo 1992 to 1994.

WHY DO YOU WANT TO BE CONSIDERED FOR THE POSITION OF TOWN COUNCIL MEMBER?

See attached.

WHAT ARE THE THREE MAIN ISSUES FACING THE TOWN OF FAIRFAX?

See attached.

WHAT IS YOUR VISION FOR THE TOWN OF FAIRFAX?

See attached.

DATE:

January 5, 2014

SIGNATURE:

Peter Lacques

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WHY DO YOU WANT TO BE CONSIDERED FOR THE POSITION OF TOWN COUNCIL MEMBER?

I care deeply about our community and the challenges we are facing. Ultimately serving on the Council is about making decisions for the whole community, by considering the needs of the community and the divergent views of the community. I think that wherever and whenever possible, it best to try to build consensus for decisions. Where consensus is not possible, it is crucial make sure all points of view are heard and considered. While much of my work as an attorney is to be an advocate, much of my work also involves collaboration with clients and opposing parties to reach amicable settlements. Ultimately, Democracy is a collaborative and sometimes messy process, but I enjoy the collaborative process, too.

I place a high value on mutual respect, and the right for everyone to be heard and the importance of refraining from personal attacks. I am very encouraged by the increasing civility that our Council has cultivated over the last several years and pledge to uphold that culture.

I don't bring any agenda with me. But what I think I do bring is an ability to hold differing points of view when weighing a decision and an ability to make decisions based on the merits of the decision, and not personal feelings or for political purposes. I think I also bring an ability to bring people together and to avoid needlessly polarizing issues.

I think my skills as an attorney are also very valuable for serving on the Council. I have a keen understanding of Constitutional Law and statutory interpretation, as well as word-smithing skills that would be very valuable in weighing legal issues and drafting ordinances, and reviewing contracts, MOU's or inter-agency agreements. I have extensive practice experience in the areas of employment law, civil rights, tort law, contracts, real estate, and land use and a working knowledge of CEQA, CERCLA and other environmental statutes.

WHAT ARE THE THREE MAIN ISSUES FACING THE TOWN OF FAIRFAX?

1. Maintaining core town services in light of difficult fiscal environments.

This is a never ending challenge. Fortunately recent tax measures were passed to keep the town funded. This is also encouraging because it shows our citizens value and appreciate local services and are willing to pay a little extra to maintain our town's services. To further safeguard our fiscal resources, it is critical to scrutinize all public contracts and ensure careful bidding processes are followed. It is also important to look for cost-saving measure and efficiencies which don't

compromise quality of services.

2. **To maintain our unique environmental quality of life** – both in the natural sphere and the human-constructed sphere. We are blessed to live one of the most livable small towns in America, set in one of the most beautiful natural environments in America. Fairfax is consistently voted best town to live in the Pacific Sun. Eight years on the planning commission has taught me that quality of life is the aggregate affect of hundreds of small decisions over time.

One of the biggest quality of life issues affecting Fairfax is transportation and traffic. It is crucial to advocate for better public transportation to serve us and surrounding community, while providing the infrastructure to support public transit and making planning decisions that are sensitive to traffic impacts. We also should continue to create a more pedestrian and bicycle friendly town. I would like to seek out funding from TAM/MTC to continue to upgrade bike lanes and more amenities for bikes such as bike racks and improved sidewalks and pedestrian infrastructure.

3. **Revitalize Downtown** - Town Center element suggests a number of intriguing improvements. The extension of Elsie/Bank street to S.F.D. Blvd, merits a close look, including a careful traffic impact study to ensure other neighborhoods or corridors are not negatively impacted. Taking car traffic off Broadway and Bolinas may result in a more vibrant downtown, and better traffic flow in and out of town. At the same time this can create a more-pedestrian oriented destination which in turn can improve local businesses. Let me stress however, this requires careful thorough planning and traffic studies to more fully assess the benefits and downsides before proceeding. At the same time we need to address long overdue improvements to the Parkade and especially public transit infrastructure could also enhance downtown. I think as downtown becomes more vibrant, parking is going to become a much bigger issue.

WHAT IS YOUR VISION FOR THE TOWN OF FAIRFAX?

There is a vital need to create more real affordable housing; there is a tension with meeting the bureaucratic goals of HDC and /or ABAG and the up-zoning changes they tend to promote vs. actually building affordable housing that low-income or even moderate-income people can actually afford. Ultimately, I think what will get it done in Fairfax (which has far fewer opportunity locations than larger towns and cities) will be non-profit and/or publicly subsidized projects. Additionally, second unit amnesty and permits are especially important for Fairfax to meet our community needs. I think there has been some counterproductive polarizing of

affordable housing issues that has obscured the subtler nuances of this complex challenge.

I would like to see an emphasis on Disaster preparedness and developing a robust local response to the catastrophes that we can almost count on. We have been lucky in that there has not been a major fire in this area since the 1920's. Unfortunately, the fuel load gets worse each year and the box canyons that comprise Fairfax could become conflagrations under the right conditions. We need to develop a neighborhood by neighborhood evacuation routes and instructions and share these with our residents. Climate change, now underway, will make the conditions for floods or fire more severe. And in the event of a large scale earthquake, we might find ourselves cut-off from outside agencies (or they may be too overwhelmed to assist).

The Town has taken some great steps toward increasing participatory democracy such as televising meetings on the web and improving the general tone of the council meetings. I'd like to see that trend continue, and more of our citizens engaged.

I would like to see the Pavilion utilized more as a community resource and improved and upgraded.

I would like to see more open space acquisitions; a large part of our quality of life in Fairfax our abundant open space.

As other outlets to express democratic ideals are becoming more constrained, being outspoken on public issues which reflect the community's values is vital, whether it's speaking out against the Patriot Act, fracking, or encouraging Divestiture from Fossil Fuels. And ultimately, these larger issues affect us here, directly and indirectly.

In sum, my vision for Fairfax is to maintain our strong community values, environmental ethos, quality of life and small town charm while intelligently adapting to challenges in the future.

Thank you for considering me for the position of Town Council.