



TOWN OF FAIRFAX

STAFF REPORT

August 19, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager 

SUBJECT: Adoption of a resolution appointing unopposed nominees to Town offices and cancelling the November 2015 Town election

RECOMMENDATION

Adopt a resolution providing for the appointment to the offices of this Town (i.e., two Councilmembers, Town Clerk, Town Treasurer) that were to be elected on Tuesday, November 3, 2015 and cancelling the Town election on that date.

DISCUSSION

The General Municipal Election is scheduled for November 3, 2015. Scheduled for the ballot at this election are the offices of the Town Clerk, Town Treasurer, and the Council seats of Vice-Mayor Renee Goddard and Councilmember Peter Lacques. There are no Town ballot measures qualified for the election.

As of the close of business on Friday, August 7, 2015, the deadline for filing nomination papers, only the incumbents for those offices had filed, with the exception of the Town Treasurer. Under State Elections Code, the nomination period for the Town Treasurer was automatically extended by five (5) days because the incumbent did not file nomination papers. One person, Janet Garvin, filed for the Town Treasurer seat prior to the August 12th deadline.

Elections Code Section 10229 provides that if by the nomination filing deadline, there are not a greater number of candidates than offices to be elected, and if there are also no qualified ballot measures, then the Town Clerk shall certify these facts to the Town Council and post a notice of the same. The Town Clerk has provided the required certification to the Council that there are not more candidates than the offices to be elected (see attached), and posted the notice.

As a result, Council may take one of three courses of actions:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible voter if no one has been nominated (not applicable here); or
3. Determine to hold the election if either no one or only one person has been nominated.

AGENDA ITEM # 1

However, the Council's decision must occur by the 75th day before the municipal election (August 20, 2015), otherwise if no person has been appointed to office pursuant to actions (1) or (2) above, the municipal election shall be held. Hence, the need for this special Council meeting.

Staff recommends the Council exercise its option to appoint the nominees to those offices and to cancel the Town's election. Although the Council could choose to hold the election despite the fact there will be no contests for the open offices, staff does not recommend this action, since it will result in the Town unnecessarily incurring significant election costs. The minor drawback for canceling the election is that voters would not be able to submit write-in ballots. If the Council appoints the nominees to the open offices, those appointees will serve in office exactly as if they had been elected, starting their new term in early December, 2015. The Council's action to cancel the Town's election will not affect any other elections, (e.g., Ross Valley School District), which will be held as scheduled on November 3, 2015.

FISCAL IMPACTS

If the Council chooses to hold the election, the Town will incur election costs to the County Registrar ranging from \$10,000 to \$15,000. The Town budgeted \$12,750 to cover the required election costs. The Council appointment of the nominees and cancellation of the election will result in significant savings to the Town.

ATTACHMENTS

Clerk Certification
Resolution

**TOWN CLERK'S CERTIFICATION THAT
THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED**

I, Michele Gardner, Town Clerk of the Town of Fairfax, do hereby certify, pursuant to Section 10229 of the Elections Code of the State of California, to the following facts relating to the General Municipal Election for the Town of Fairfax to be held on Tuesday, November 3, 2015:

As of the close of the extended nomination period on Wednesday, August 12, 2015, there are not more candidates than offices to be elected;

The persons nominated for the offices to be elected are:

Renee Goddard for Councilmember;
Peter F. Lacques for Councilmember;
Janet Garvin for Town Treasurer;
Michele Gardner for Town Clerk.

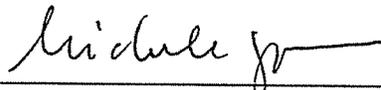
Section 10229 of the Elections Code allows one of the following courses of action to be taken by the Town Council:

1. Appoint to the office the person who has been nominated, or
2. Appoint to the office any eligible voter if no one has been nominated, or
3. Hold the election if either no one or only one person has been nominated.

The Town Council may meet to either make the appointments and cancel the election for the Town, or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for office.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the Town Council makes an appointment pursuant to Section 10229 of the Elections Code, the Town Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.



Town Clerk

RESOLUTION 15-43

**A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF FAIRFAX
PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS TOWN
THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2015, AND
CANCELLING THE MUNICIPAL ELECTION ON THAT DATE**

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, the Town Clerk has certified that as of the close of the extended nomination period on August 12, 2015, there were not more candidates than offices to be elected at the General Municipal Election the Town of Fairfax scheduled for November 3, 2015; and

WHEREAS, Section 10229 of the Elections Code allows one of the following courses of action to be taken by the Town Council:

1. Appoint to the office the person who has been nominated; or
2. Appoint to the office any eligible voter if no one has been nominated; or
3. Hold the election if either no one or only one person has been nominated;

and

WHEREAS, notice of the foregoing facts was posted in three public places in the Town of Fairfax, which places are designated for that purpose, to wit: the Town Hall Bulletin Board; the Fairfax Post Office Bulletin Board; and the Fairfax Women's Club Bulletin Board;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Fairfax as follows:

Section 1. Pursuant to Section 10229 of the Elections Code of the State of California, the following persons are hereby appointed to the offices to which they were nominated:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
Renee Goddard	Councilmember	Four Years 12/15 - 12/19
Peter F. Lacques	Councilmember	Four Years 12/15 - 12/19
Janet Garvin	Town Treasurer	Four Years 12/15 - 12/19
Michele Gardner	Town Clerk	Four Years 12/15 - 12/19

Section 2. The General Municipal Election for the Town of Fairfax scheduled to be held on Tuesday, November 3, 2015, is now cancelled.

Section 3. The persons hereby appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

The foregoing resolution was duly passed and adopted at a special meeting of the Town Council of the Town of Fairfax held in said Town on the 19th day of August 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

BARBARA COLER, Mayor

Attest: _____
Michele Gardner, Town Clerk