



TOWN OF FAIRFAX

STAFF REPORT

April 25, 2017

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Michele Gardner, Town Clerk

SUBJECT: Discuss/consider three options for compliance with SB 415 to hold regular municipal elections in even-numbered years; and introduce, waive first reading and read by title only an Ordinance Changing the Regular Election from November of Odd-Numbered Years to the Statewide General Election in November of Even-Numbered Years and Amending Chapter 2.04 of the Fairfax Town Code Pertaining to Municipal Elections

RECOMMENDATION

Select one of the three options for compliance with SB 415 to hold regular municipal elections in even-numbered years.

1. **Option 1** moves the 2017 and 2019 elections to 2018 and 2020 by *increasing* each councilmember's term by 12 months.
2. **Option 2** moves the 2021 and 2023 elections to 2020 and 2022 by *decreasing* each councilmember's term by 12 months in 2017 and 2019.
3. **Option 3** keeps the 2017 election for three council seats but with 5-year terms, and moves the 2019 election to 2020 by *increasing* each incumbent officer's term by 12 months. (Note: requested by two councilmembers) and

For the selected option, Introduce, waive first reading, and read by title only the Ordinance Changing the Regular Election from November of Odd-Numbered Years to the Statewide General Election in November of Even-Numbered Years and Amending Chapter 2.04 of the Fairfax Town Code Pertaining to Municipal Elections.

DISCUSSION

The California Voter Participation Rights Act (also known as "SB 415") was signed into law last September by Governor Brown for the purpose of increasing voter turnout at local elections. It seeks to do so by requiring local governments to move their elections to coincide with regular statewide election dates, which are always in even-numbered years. For local governments that hold their regular elections in odd-numbered years, like Fairfax, the law provides that the local governing bodies may for this *one time* either increase or decrease the terms of elected officers by up to 12 months in order to switch to even-numbered years. The Act requires that the transition be fully implemented by November 8, 2022.

Fairfax currently holds staggered elections for its 5 councilmembers in odd-numbered years to elect 3 Councilmembers one year, and 2 Councilmembers two years later (along with the

Town Treasurer and Town Clerk). All offices have 4-year terms. In November of 2017, three councilmembers' terms expire; in November of 2019, two councilmembers' (as well as the Town Treasurer's and Town Clerk's) terms expire.

At its regular meeting on April 5, 2017, the Town Council received a report and discussed various options to implement the move of the Town's local elections from odd-numbered to even-numbered years, as required by SB 415. With one Council member absent, the remaining four council members were evenly split on two of the options presented. "Option 1" moves the 2017 and 2019 elections to 2018 and 2020 by *increasing* each councilmember's term by 12 months. "Option 2" moves the 2021 and 2023 elections to 2020 and 2022 by *decreasing* each councilmember's term by 12 months in 2017 and 2019. Staff was directed to bring back two ordinances to reflect each option.

Since the April meeting, two councilmembers have asked that a third option, that was brought up at the April meeting, be added for the Council's consideration tonight. "Option 3" keeps the 2017 election for three council seats but with 5-year terms, and moves the 2019 election to 2020 by *increasing* each incumbent officer's term by 12 months.

The chart below lays out the timeline for each option. The dark shaded elections are for those offices whose terms would expire in 2017; the light shaded elections are for those in 2019.

ELECTION TIMELINE OF EACH OPTION

Option	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Nov. 2022 Deadline</u>
1		Election 4-yr terms → 2022		Election * 4-yr Terms → 2024		Election 4-yr terms ←2018
2	Election 3-yr terms → 2020		Election 3-yr terms → 2022	Election 4-yr terms ←2017		Election * 4-yr terms ←2019
3	Election 5-yr terms → 2022			Election 4-yr terms → 2024		Election * 4-yr terms ←2017

*This election completes the change to even-year elections for this option

COMPARISON OF OPTIONS

<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>
Move 2017 election to 2018 for 4-year terms Move 2019 election to 2020 for 4-year terms	Hold 2017 election for 3-year terms Hold 2019 election for 3-year terms	Hold 2017 election for 5-year terms Move 2019 election to 2020 for 4-year terms
Increases voter participation immediately, by holding the next election concurrently with a statewide election (2018)	Delays increasing voter participation until after two elections (2017 and 2019) to 2020	Delays increasing voter participation until after one election (2017) to 2020
Completes change to even year elections with the 2020 Election	Completes change to even year elections with the 2022 Election	Completes change to even year elections with the 2022 Election
Requires all officers' terms be increased by 12 months to a one-time 5-year term .	Requires all officers' terms be decreased by 12 months to a one-time 3-year term , and holding an additional election.	Requires all officers' terms be increased by 12 months to a one-time 5-year term .
Requires holding 3 elections by the Nov. 2022 deadline: 2018, 2020, 2022	Requires holding 4 elections by the Nov. 2022 deadline: 2017, 2019, 2020, and 2022	Requires holding 3 elections by the Nov. 2022 deadline: 2017, 2020, 2022
Cost per voter at 3 elections: \$1.75 to \$3 at all three	Cost per voter at 4 elections: \$4 to \$6 at first two \$1.75 to \$3 at second and third	Cost per voter at 3 elections: \$4 to \$6 at first one \$1.75 to \$3 at second and third

FISCAL IMPACT

Fairfax consolidates its local municipal elections with the County of Marin, at a cost of between \$1.75 and \$3.00 per registered voter. At the most recent election (November 2016) Fairfax had 5,626 registered voters. The exact cost per voter depends on several factors, including the number of public agencies sharing the costs (municipalities, school districts, special districts), and the number of measures and contests on the ballot.

The Marin County Registrar of Voters has projected an increased cost for the consolidated November 2017 and 2019 elections at least \$4.00 to \$6.00 per voter, due to the number of agencies changing their election date to even-numbered years to comply with SB 415. With fewer agencies to share the costs, the cost for each agency increases.

The Registrar has projected costs of even-year elections, beginning in November 2018, to be on the lower end of the \$1.75 to \$3.00 range, due to the increasing number of local agencies, in addition to the federal, state and county agencies, who will share the costs. The following chart illustrates the approximate cost per election for each of the three options before the Council tonight, as well as the total cost of each option for the transition period of 2017 through 2022, based on the Registrar's projections.

PROJECTED ELECTION COSTS

	2017	2018	2019	2020	2021	2022	Total Cost of Options
Option 1		Election \$9,800 to \$17,000		Election \$9,800 to \$17,000		Election \$9,800 to \$17,000	\$29,400 to \$51,000
Option 2	Election \$22,500 to 33,800		Election \$22,500 to 33,800	Election \$9,800 to \$17,000		Election \$9,800 to \$17,000	\$64,600 to \$101,600
Option 3	Election \$22,500 to 33,800			Election \$9,800 to \$17,000		Election \$9,800 to \$17,000	\$42,100 to \$67,800

Option 1 has the lowest fiscal impact, and is in line what the Town has budgeted for elections in the past. Option 2 has the greatest fiscal impact at roughly double the cost of Option 1. This is due to the higher costs of the 2017 and 2019 elections, as well as the necessary addition of a fourth election. Option 3, which could be seen as a hybrid of the first two options, has a fiscal impact that falls in the middle.

Process to change election dates

Municipal election dates must be adopted by the Town Council by ordinance and approved by the Board of Supervisors by resolution. Once the ordinance is approved, the election date change becomes operative and the Town Clerk mails a notice to all registered voters in the Town informing them of the change in election date and in the terms of office of the elected Town officeholders.

If introduced tonight, the second reading and adoption of the ordinance will be added to the May 3rd regular Council meeting agenda. The County Board of Supervisors could then consider the request to change the election date at their May 23rd meeting.

If the option the Council chooses requires holding the November 7, 2017 election, the call for the election and request for consolidation and election services from the County would need to be adopted by Council resolution in June, and filed with the County by July 5, 2017.

If the option the Council chooses does not require holding the November 7, 2017 election, then the Council would not need to take further action regarding the election for Town offices until next year.

Marin Jurisdictions' SB 415 Transition Plans

The trend among the other Marin cities and towns, with the exception of San Anselmo, is to extend rather than shorten terms, as follows:

- Corte Madera and Mill Valley will move the November 2017 and 2019 elections to June 2018 and June 2020 and extend current terms.
- Larkspur (not available)
- Novato will hold elections in 2017 and 2019 for extended 5-year terms.
- San Anselmo will hold the 2017 and 2019 elections for 3-year terms. (Option 2 above)
- San Rafael will hold the 2017 election for extended 5-year terms (to expire in 2022), and move the November 2019 election to 2020 and extend the terms of current officers. (Option 3 above)
- Tiburon will move the November 2017 and 2019 elections to 2018 and extend all terms by one year (Option 1 above)
- Belvedere, Ross, and Sausalito already hold elections in even years.

- School Districts, Board of Education, and College Districts

The following have moved elections from 2017 to 2018 and extended terms by one year: Dixie School District, Kentfield School District, Lagunitas Elementary School District, Larkspur-Corte Madera School District, Marin Community College District, Marin County Board of Education, Mill Valley School District, Nicasio School District, Novato Unified School District, Reed Union School District, Ross School District, Ross Valley School District, San Rafael City Schools, and Shoreline Unified School District.

- Special Districts

The following have moved elections from 2017 to 2018 and extended terms by one year: Alto Sanitary District, Bel Marin Keys Community Service District, Bolinas Community Public Utility District, Homestead Valley Sanitary District, Inverness Public Utility District, Kentfield Fire Protection District, Las Gallinas Valley Sanitary District, Marinwood Community Services District, North Marin Water District, Novato Fire Protection District, Novato Sanitary District, Richardson Bay Sanitary District, Sanitary District No. 5, Sausalito-Marín City Sanitary District, Southern Marin Fire Protection District, Stinson Beach Fire Protection District, Tamalpais Community Services District, and Tiburon Fire Protection District.

Council Vacancies

Although it was not discussed at the April meeting, staff is recommending the Council reinstate the expired Council Vacancies section of the Municipal Elections chapter in the Town Code. Adopted in 2013, the ordinance set forth how the Council wished to fill vacancies on the Council. It included a sunset clause in the event the ordinance did not work as expected. However, it appears to have worked well in filling the three council vacancies since 2013. Therefore, staff recommends reinstating the ordinance without the sunset clause at this time. This change is included in all three attached ordinances.

ATTACHMENTS

1. Ordinance (Option 1)
2. Ordinance (Option 2)
3. Ordinance (Option 3)
4. Redline of Code changes

ORDINANCE NO. ___ [Option 1]

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
CHANGING THE REGULAR ELECTION FROM NOVEMBER OF ODD-NUMBERED
YEARS TO THE STATEWIDE GENERAL ELECTION IN NOVEMBER OF EVEN-
NUMBERED YEARS AND AMENDING CHAPTER 2.04 OF THE FAIRFAX TOWN
CODE PERTAINING TO MUNICIPAL ELECTIONS**

The Town Council of the Town of Fairfax does ordain as follows:

SECTION 1. FINDINGS. The Town Council of the Town of Fairfax hereby finds that:

A. The Town of Fairfax, California (the “Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

B. The California Voter Participation Rights Act (SB 415), effective January 1, 2018, provides that a public agency, including a city or town, cannot hold its regular election on any date other than a statewide election date if holding an election on a non-statewide election date results in a “significant decrease in voter turnout,” which is defined as at least 25 percent less than the average voter turnout within the public agency for the previous four statewide general elections; and

C. Currently, the Town holds its regular election on the first Tuesday after the first Monday in November of each odd-numbered year; and

D. The Town’s regular election date is not a statewide election date and voter turnout was on average approximately 43% lower in the last local election as compared to the past four statewide elections; and

E. State law allows a city or town to increase or decrease the term of current municipal officers on a one-time basis by up to 12 months until their successors are elected and qualified, in order to match their terms with a changed regular election date (Elections Code § 10403.5); and

F. It is the intent and desire of the Town Council of the Town of Fairfax to change its regular election to the statewide general election, held in November of even-numbered years, to increase voter turnout and to ensure compliance with SB 415; and

G. This will achieve consolidation with the statewide election dates no later than November 8, 2022.

SECTION 2. MUNICIPAL ELECTION DATES AMENDED. Section 2.04.010, Municipal Elections, of the Fairfax Municipal Code is hereby amended and restated as follows:

“§ 2.04.010 MUNICIPAL ELECTIONS.

(A) All general municipal elections shall be held on the first Tuesday after the first Monday in November of even-numbered years and shall be consolidated with the statewide general election held on that day.”

SECTION 3. COUNCIL VACANCIES. Section 2.04.020, Council Vacancies, of the Fairfax Municipal Code is hereby amended to delete subsection (C) and is adopted and restated as follows:

“§ 2.04.020 COUNCIL VACANCIES.

(A) If a vacancy occurs on the Town Council, the Town 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 Cal. Gov’t Code § 36512(b).

(B) If the Town Council fills the vacancy by appointment, the person appointed shall hold office only until the date on which the town holds a special election, which shall immediately be called to fill the remainder of the term as permitted under of Cal. Gov’t Code § 36512(c)(3). The special election may be held either on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the town not less than 114 days from the call of the special election, as provided Cal. Gov’t Code § 36512(c)(3).”

SECTION 4. EFFECT ON ELECTED TOWN OFFICERS. In order to transition the Town’s general municipal election date from the current odd-year schedule to the even-year statewide general election dates, the Town Council hereby orders and resolves that there shall be a one-time adjustment to the terms of the elected Town officers, as follows:

(A) The terms of those Town Councilmembers with terms expiring in November, 2017 shall be extended by 12 months, ending upon the certification of the November, 2018 election results.

(B) The terms of those Town Councilmembers, the Town Clerk and the Town Treasurer with terms expiring in November, 2019 shall be extended by 12 months, ending upon certification of the November, 2020 election results.

(C) Municipal officers elected to new terms in November, 2018, November, 2020 and in all future elections shall serve standard four-year terms.

(D) Resolutions Nos. 13-60, 15-44, 15-45 and 15-46 shall be deemed to be amended to extend the terms of the municipal officers as stated herein.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any

part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 6. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a project within the meaning of 14 CCR § 15378 or alternatively, because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (14 CCR § 15061(b)(3)). The Ordinance implements changes to the timing of municipal elections that have no potential for direct or indirect changes to the environment.

SECTION 7. This Ordinance shall be effective immediately (Government Code § 36937(a)) and shall become operative upon approval by the Marin County Board of Supervisors (Elections Code § 1301). Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building, located at 46 Park.

SECTION 8. The Town Clerk shall transmit certified copies of this Ordinance to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for the County of Marin.

SECTION 9. Pursuant to Elections Code Section 10403.5(e), within 30 days after the Ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters informing the voters of the change in election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected Town officeholders will be changed.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the ____ day of _____, 2017, and duly adopted at the next regular meeting of the Town Council on the ____ day of _____, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Reed, Mayor

ATTEST:

Michele Gardner, Town Clerk

ORDINANCE NO. __ [Option 2]

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
CHANGING THE REGULAR ELECTION FROM NOVEMBER OF ODD-NUMBERED
YEARS TO THE STATEWIDE GENERAL ELECTION IN NOVEMBER OF EVEN-
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CODE PERTAINING TO MUNICIPAL ELECTIONS**

The Town Council of the Town of Fairfax does ordain as follows:

SECTION 1. FINDINGS. The Town Council of the Town of Fairfax hereby finds that:

A. The Town of Fairfax, California (the “Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

B. The California Voter Participation Rights Act (SB 415), effective January 1, 2018, provides that a public agency, including a city or town, cannot hold its regular election on any date other than a statewide election date if holding an election on a non-statewide election date results in a “significant decrease in voter turnout,” which is defined as at least 25 percent less than the average voter turnout within the public agency for the previous four statewide general elections; and

C. Currently, the Town holds its regular election on the first Tuesday after the first Monday in November of each odd-numbered year; and

D. The Town’s regular election date is not a statewide election date and voter turnout was on average approximately 43% lower in the last local election as compared to the past four statewide elections; and

E. State law allows a city or town to increase or decrease the terms of current municipal officers on a one-time basis by up to 12 months until their successors are elected and qualified, in order to match their terms with a changed regular election date (Elections Code § 10403.5); and

F. It is the intent and desire of the Town Council of the Town of Fairfax to change its regular election to the statewide general election, held in November of even-numbered years, to increase voter turnout and to ensure compliance with SB 415; and

G. This will achieve consolidation with the statewide election dates no later than November 8, 2022.

SECTION 2. MUNICIPAL ELECTION DATES AMENDED. Section 2.04.010, Municipal Elections, of the Fairfax Municipal Code is hereby amended and restated as follows:

“§ 2.04.010 MUNICIPAL ELECTIONS.

(A) All general municipal elections shall be held on the first Tuesday after the first Monday in November of even-numbered years and shall be consolidated with the statewide general election held on that day.”

SECTION 3. COUNCIL VACANCIES. Section 2.04.020, Council Vacancies, of the Fairfax Municipal Code is hereby amended to delete subsection (C) and is adopted and restated as follows:

“§ 2.04.020 COUNCIL VACANCIES.

(A) If a vacancy occurs on the Town Council, the Town 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 Cal. Gov’t Code § 36512(b).

(B) If the Town Council fills the vacancy by appointment, the person appointed shall hold office only until the date on which the town holds a special election, which shall immediately be called to fill the remainder of the term as permitted under of Cal. Gov’t Code § 36512(c)(3). The special election may be held either on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the town not less than 114 days from the call of the special election, as provided Cal. Gov’t Code § 36512(c)(3).”

SECTION 4. EFFECT ON ELECTED TOWN OFFICERS. In order to transition the Town’s general municipal election date from the current odd-year schedule to the even-year statewide general election dates, the Town Council hereby orders and resolves that there shall be a one-time adjustment to the terms of the elected Town officers, as follows:

(A) The terms of those prospective Town Councilmembers to be elected in November, 2017 shall each be for three (3) year terms, ending upon the certification of the November, 2020 election results.

(B) The prospective terms of office for the Town Councilmembers, the Town Clerk and the Town Treasurer elected in November, 2019 shall each be for three (3) year terms, ending upon the certification of the November, 2022 election results.

(C) Municipal officers elected to new terms in November, 2020, November, 2022 and in all future elections shall serve standard four-year terms.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact

that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 6. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a project within the meaning of 14 CCR § 15378 or alternatively, because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (14 CCR § 15061(b)(3)). The Ordinance implements changes to the timing of municipal elections that have no potential for direct or indirect changes to the environment.

SECTION 7. This Ordinance shall be effective immediately (Government Code § 36937(a)) and shall become operative upon approval by the Marin County Board of Supervisors (Elections Code § 1301). Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building, located at 46 Park.

SECTION 8. The Town Clerk shall transmit certified copies of this Ordinance to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for the County of Marin.

SECTION 9. Pursuant to Elections Code Section 10403.5(e), within 30 days after the Ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters informing the voters of the change in election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected Town officeholders will be changed.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the ___ day of _____, 2017, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____, 2017, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Reed, Mayor

ATTEST:

Michele Gardner, Town Clerk

ORDINANCE NO. __ [Option 3]

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
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A. The Town of Fairfax, California (the “Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

B. The California Voter Participation Rights Act (SB 415), effective January 1, 2018, provides that a public agency, including a city or town, cannot hold its regular election on any date other than a statewide election date if holding an election on a non-statewide election date results in a “significant decrease in voter turnout,” which is defined as at least 25 percent less than the average voter turnout within the public agency for the previous four statewide general elections; and

C. Currently, the Town holds its regular election on the first Tuesday after the first Monday in November of each odd-numbered year; and

D. The Town’s regular election date is not a statewide election date and voter turnout was on average approximately 43% lower in the last local election as compared to the past four statewide elections; and

E. State law allows a city or town to increase or decrease the term of current municipal officers on a one-time basis by up to 12 months until their successors are elected and qualified, in order to match their terms with a changed regular election date (Elections Code § 10403.5); and

F. It is the intent and desire of the Town Council of the Town of Fairfax to change its regular election to the statewide general election, held in November of even-numbered years, to increase voter turnout and to ensure compliance with SB 415; and

G. This will achieve consolidation with the statewide election dates with the November 8, 2022 election.

SECTION 2. MUNICIPAL ELECTION DATES AMENDED. Section 2.04.010, Municipal Elections, of the Fairfax Municipal Code is hereby amended and restated as follows:

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“§ 2.04.020 COUNCIL VACANCIES.

(A) If a vacancy occurs on the Town Council, the Town 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 Cal. Gov’t Code § 36512(b).

(B) If the Town Council fills the vacancy by appointment, the person appointed shall hold office only until the date on which the town holds a special election, which shall immediately be called to fill the remainder of the term as permitted under of Cal. Gov’t Code § 36512(c)(3). The special election may be held either on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the town not less than 114 days from the call of the special election, as provided Cal. Gov’t Code § 36512(c)(3).”

SECTION 4. EFFECT ON ELECTED TOWN OFFICERS. In order to transition the Town’s general municipal election date from the current odd-year schedule to the even-year statewide general election dates, the Town Council hereby orders and resolves that there shall be a one-time adjustment to the terms of the elected Town officers, as follows:

(A) The terms of those three prospective Town Councilmembers to be elected in November, 2017 shall each be five (5) year terms, ending upon certification of the November 8, 2022 election results.

(B) The terms of those two Town Councilmembers, the Town Clerk and the Town Treasurer with terms expiring in November, 2019 shall be extended by 12 months, ending upon certification of the November, 2020 election results.

(C) Municipal officers elected to new terms in November, 2020, November, 2022 and in all future elections shall serve standard four-year terms.

(D) Resolutions Nos. 15-44, 15-45 and 15-46 shall be deemed to be amended to extend the terms of the municipal officers as stated herein.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision,

paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 6. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a project within the meaning of 14 CCR § 15378 or alternatively, because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (14 CCR § 15061(b)(3)). The Ordinance implements changes to the timing of municipal elections that have no potential for direct or indirect changes to the environment.

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SECTION 8. The Town Clerk shall transmit certified copies of this Ordinance to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for the County of Marin.

SECTION 9. Pursuant to Elections Code Section 10403.5(e), within 30 days after the Ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters informing the voters of the change in election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected Town officeholders will be changed.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the ___ day of _____, 2017, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Reed, Mayor

ATTEST:

Michele Gardner, Town Clerk

CHAPTER 2.04: MUNICIPAL ELECTIONS

Section

2.04.010 Municipal elections

2.04.020 Council vacancies

§ 2.04.010 MUNICIPAL ELECTIONS.

(A) All general municipal elections shall be held on the ~~same day as school district elections, as set forth in Cal. Elections Code § 2602~~ first Tuesday after the first Monday in November of even-numbered years and shall be consolidated with the ~~school district~~ statewide general election held on that day.

~~(B) When a municipal election is held in the town and the election is consolidated with another election, the provisions contained in Cal. Elections Code §§ 23300 *et seq.* shall govern the consolidation, and, if the County Clerk is requested to conduct the municipal election, Cal. Elections Code § 22003 shall be applicable to that election.~~

~~(Prior Code, § 2.02.010) (Ord. 620, passed 1993)~~

§ 2.04.020 COUNCIL VACANCIES.

(A) If a vacancy occurs on the Town Council, the Town 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 Cal. Gov't Code § 36512(b).

(B) If the Town Council fills the vacancy by appointment, the person appointed shall hold office only until the date on which the town holds a special election, which shall immediately be called to fill the remainder of the term as permitted under of Cal. Gov't Code § 36512(c)(3). The special election may be held either on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the town not less than 114 days from the call of the special election, as provided Cal. Gov't Code § 36512(c)(3).

~~(C) This section shall sunset on January 1, 2016 and thereafter shall have no force and effect. (Ord. 769, passed 4-3-2013)~~