



# TOWN OF FAIRFAX

## STAFF REPORT

### December 3, 2014

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Consideration of process to appoint candidate to fill the remaining term of Councilmember Bragman including the acceptance of applications to be due January 5, 2015

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#### **Recommendation**

Authorize staff to begin accepting applications for the pending vacancy of Councilmember Bragman's seat with applications due January 5<sup>th</sup> and initial interviews to be scheduled for the January 14<sup>th</sup> Council meeting, and direct staff to make revisions to the selection process as appropriate.

#### **Discussion**

In April 2013, the Council adopted Ordinance No. 769, which requires that the Council, within 60 days, either call for an election to replace a vacant Councilmember seat or appoint someone to complete the remainder of the term. With Councilmember Bragman's election to the Marin Municipal Water District Board, we anticipate that his resignation will be effective December 8, 2014. Given his term expires in November 2015 and the cost of a special election, staff recommends the Council pursue the Council-adopted process to appoint a person to fill the remaining term of Councilmember Bragman.

The Council undertook this process to fill both Councilmembers O'Neil's and Hartwell's vacated seats in 2013. Attached are the selection process materials the Council adopted to fill vacancies:

- Process for interviews and selection
- Application
- Job description

Per the process, all the applicants make individual presentations to the Council with time allotted for questions. After all of the applicants' presentations and Q&A, the Council narrows the pool down to a specific number of finalists for a second round of interviews consisting of questions to the applicants. At the end of the second round, the Council may make their selection that evening or defer the decision to the next Council meeting. In 2013, the Council deferred making its decision to the next Council meeting. Staff recommends the selection process remain the same, as it seemed to work well.

In terms of timing, the 60-day period ends February 6, 2015 (from December 8<sup>th</sup>). The Council has two scheduled meetings during that time frame: January 14 and February 4, 2015. Given we don't know how many applications will be received by January 5<sup>th</sup>, the Council may want to tentatively schedule January 28<sup>th</sup> for a special Council meeting for interviews should the Council need additional time to consider candidates.

#### **Fiscal Impact**

None, but a special election would cost approximately \$40,000-\$50,000.

#### **Attachments**

Process for Interviews and Selection, Application, Job description, Town Code § 2.04.020 (Ord.769)

## TOWN OF FAIRFAX

### Council-Adopted Process for Interviews and Selection

1. When the applicants arrive, staff will randomly draw numbers to set the order of the presentations.
2. As a courtesy to the other applicants, Council will request that all applicants wait in the lobby or other waiting area while any one applicant is making his/her presentation.
3. Each applicant will have 10 minutes to make a presentation and to answer any questions from the Council. Applicants have been given the following three questions to cover in whatever level of detail they desire in their presentations:
  - Cite three top goals for the Council and your reasons for considering them high priority.
  - What program/budget areas would you advocate be increased, and how would you fund these increases?
  - Please give us more detail on what your vision is for the Town of Fairfax.

The questions are meant to provide some basis by which the Council can compare the presentations. Staff will set the timer for 10 minutes and presenters will be informed when 1 minute remains. No additional time will be permitted.

4. After the presentations are completed, all applicants will be invited back into the meeting room to hear the first step in the Council deliberations.
5. The first step will be for the Council to create a list of finalists by having each of the Council select his/her top two applicants. Staff will create a list of the finalists based on the Council vote.
6. One by one (in alphabetical order by last name), the finalists will then be interviewed by the Council.
7. Once again, the Council will ask that all of the finalists leave the meeting room and return to the lobby while any one finalist is being interviewed. The Council will ask questions of each of the finalists. Finalists will have 5 minutes to answer questions, if more than three (3) finalists are selected. If 3 or fewer finalists are selected, then each finalist will have 10 minutes to answer questions.
8. When all interviews have been completed, all finalists will be invited back into the meeting room to hear the final step in the deliberations.

9. Each Councilmember will then rank his/her choices, with Rank 1 earning 3 points Rank 2 earning 2 points, and Rank 3 earning 1 point. Staff will tally the points and report the results to the Council.
10. Town Council will, by motion, make their decision that night or defer it to another meeting.
11. If Council makes a decision, the newly appointed Councilmember will take his/her oath of office at the next Council meeting.

TOWN OF FAIRFAX  
APPLICATION TO SERVE AS A MEMBER OF THE  
FAIRFAX TOWN COUNCIL (Due at Town Hall by 5:00 PM, January 5, 2014)

NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

RESIDENT OF THE TOWN OF FAIRFAX FOR \_\_\_\_\_ YEARS

PRESENT OCCUPATION: \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

HOME & BUSINESS PHONE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

EDUCATION: \_\_\_\_\_

PARTICIPATION IN THE FOLLOWING CIVIC AND COMMUNITY ACTIVITIES/ORGANIZATIONS:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHAT IS YOUR VISION FOR THE TOWN OF FAIRFAX?

\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

NOTE: Applicant must be at least 18 years of age and a Registered Voter of the Town of Fairfax

# TOWN OF FAIRFAX

## TOWN COUNCIL MEMBER

### JOB DESCRIPTION

#### Definition

The government of a General Law town is vested in the Town Council of five members elected by the town electorate at a general municipal election. The Town Council serves the needs and desires of the people and fosters and maintains the Town of Fairfax as a great place to live consistent with the Town's vision and mission statements.

The primary mission of the Town Council as the governing body of the Town is to set policy and adopt and provide for the execution of ordinances, rules and regulations as may be necessary or appropriate to protect health, life or property, or to promote the comfort, convenience, security, good order, better government, or the general welfare of the Town and its citizens. Refer to Town Code Title 2 for a description of the responsibility and authority of the Town Council and Section 22842 of the Elections Code for eligibility and residency requirements.

Town Council authority, duties and responsibilities are in Town Code Section 2.08. Nothing in this job specification is intended to conflict with or supersede any provision of Section 2.08 or the California Government Code.

#### Duties

Council duties include:

Provide quality programs and municipal services for residents of the community;

Hold regularly scheduled public meetings, within the corporate limits of the Town at a place designated by ordinance, to consider and act upon those specific items of business that have been appropriately noticed and agendaized;

Attend special meetings and work sessions, within the limitations of the Ralph Brown Act, for in-depth review and discussion of major projects or policies;

Debate openly on matters before the Council, hear public testimony and act in good faith;

Enact local laws by Ordinance and formulate policies consistent with the intent of the Municipal Code, General Plan and any other relevant legal requirements;

Vote and decide issues legally, fairly and without favor;

Annually establish the compensation of all appointive officers and employees by resolution or ordinance;

Adopt the budget for Town operations and capital improvements and set all fees, fines and penalties;  
Appoint members to advisory boards, commissions and committees and delegate certain authority to boards, commissions and committees as provided by the Fairfax Municipal Code.;

Determine long range goals and objectives of the Town as embodied in the Strategic Plan;

Appoint the Town Manager to develop a style and system of leadership that will ensure the effective provision of services, while supporting the delivery of Council goals and objectives;

Respond to questions from the media and citizens regarding their interpretation of policy and programs of Town government.

Represents the Town on various Boards, Commissions, and Committees as assigned.

Attends community events or meetings as warranted.

### Mayor

In addition to all the duties and responsibilities outlined above for Council Members, the Mayor also:

Acts as official representative of the Town for ceremonial purposes;

Acts as the presiding officer at the meetings of the Town Council;

Preserves strict order and decorum at all regular and special meetings of the Council, stating each question that comes before the Council and after allowing each Council Member the opportunity to speak first, summarizes the discussion prior to the vote of final action and announces the decisions of the Council;

Controls public debate so that repetitive or irrelevant remarks are not made, provides everyone the opportunity to speak and expedites the business at hand;

Has the authority to sign on behalf of the Town Council, all resolutions, ordinances and other approved documents, adopted by a majority vote of the Town in his/her presence;

Performs all the functions and has the powers and rights of a duly elected Council Member, retaining the same voting rights as other elected Council Members and voting on all questions, with the Mayor's vote being called last;

Performs such other duties consistent with the office as prescribed by state law;

Directs inquiries and requests for administrative or staff action to the Town Manager for disposition.

### Vice Mayor

Serves in the absence of the Mayor or when the Mayor is unable to perform his/her duties, continuing to serve until the Mayor returns and is able to act. The Vice Mayor has all the rights and privileges usually afforded the Mayor in his/her absence.

### Mayor/Vice Mayor

At a meeting where the Town Council reorganizes the position of Mayor and Vice Mayor, usually in late November or early December of each year the Town Council shall select one of its members as Mayor and one of its members as Vice Mayor. The Mayor and Vice Mayor serve at the pleasure of the majority of the Town Council.

**§ 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)

Excerpt from Fairfax Town Code