



# TOWN OF FAIRFAX

## STAFF REPORT

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, <sup>CT</sup> Town Manager

**DATE:** June 5, 2013

**SUBJECT:** Discussion/consideration of the options to fill the vacancy caused by the resignation of former Town Clerk Judith Anderson

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### RECOMMENDATION

Direct staff, as appropriate

### DISCUSSION

Town Clerk Judy Anderson tendered her resignation effective June 1<sup>st</sup>, when she will move out of the Town's jurisdiction (see attached resignation email). This resignation has created a vacancy for the elected position of Town Clerk. The California Election Code requires that the Council, within 60 days of the resignation, either call for a special election to replace Ms. Anderson or appoint someone to complete the remainder of her term to November 2015, at which point the seat would be up for election. The 60 day deadline by which to act is July 30. The recently enacted ordinance regarding Council vacancies only applies to Councilmember seats.

If the Council decides to appoint someone, they have two options:

- The Council can create a selection process similar to the one used to appoint new Councilmembers to fill vacant seats.
- The Council can appoint someone directly without a selection process.
- In either case, the only requirement is that the appointee be a Fairfax resident.

If the Council decides to call for a special election, this special election would be held on the next regularly established election date which is November 5, 2013. That seat (with a term set to expire in two years) would then be included on the regular election ballot.

For as long as anyone can remember, the Town Clerk has also been a Town employee who had other responsibilities for the Town. Due to the technical nature of the Town Clerk position (see attached job description), it has been helpful to have a Town employee also be the elected Town Clerk. The Town currently has a Deputy Town Clerk who, in essence, fulfills the day to day responsibilities of the Town Clerk. From a staff perspective, we would recommend the Town Council appoint the Deputy Town Clerk as the Town Clerk until the term expires. This would ensure the Town Clerk is knowledgeable of the duties associated with the position.

### FISCAL IMPACT

None, if the Council appoints a replacement. If the Council calls for an election, any extra cost of placing the item on the ballot is negligible as it is the regular general election date.

AGENDA ITEM # 23

## **TOWN CLERK DESCRIPTION OF DUTIES**

The Town Clerk is an elected position, and duties are governed by State Law, and include such matters as conducting elections, recording, publication, filing, indexing, and safekeeping of Town Council proceedings; recording and certifying all ordinances and resolutions; coordinating preparation of the Town Council Agenda; updating codification of the Town Code; serves as custodian of the official Town records and the filing and safekeeping of all official municipal documents; prepares legal notices for publication and posting; provides information and research assistance to the public and Town staff and serves as filing officer for economic interest and campaign disclosure statements.

The Town Clerk receives no salary for his/her services.