

TOWN OF FAIRFAX

STAFF REPORT

December 4, 2019

TO: Mayor and Town Council

FROM: Hannah Politzer, Deputy Town Clerk *HP*

SUBJECT: Adopt a resolution reciting the fact of the General Election held on November 5, 2019, declaring the result and such other matters as provided by law

RECOMMENDATION

Adopt the resolution.

DISCUSSION

On November 5, 2019 a general election was held in the Town for the offices of two Town Council members, one Town Treasurer, one Town Clerk and a Measure renewing the special municipal tax service. Out of 5,678 registered voters, 2,592 voted, which is a 45.65% turnout.

State law requires the Council adopt a resolution to recite the fact of the election and declare the results, which are attached to the resolution as Exhibit "A." The results include the Marin County Registrar of Voter's certification and a statement of the votes cast. The ordinance which certifies the passage of Measure "F" by the voters is attached to the resolution as Exhibit "B."

FISCAL IMPACT

The current estimated cost of this consolidated election is \$7.00 per registered Fairfax voter, which is roughly \$39,750. The Town's last two elections, in 2013 and 2017, cost \$8,000 and \$22,000, respectively.

ATTACHMENT

Resolution

RESOLUTION 19-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX, RECITING THE FACT OF THE GENERAL ELECTION HELD ON NOVEMBER 5, 2019, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, A General Election was held and conducted in the Town of Fairfax, California, on Tuesday, November 5, 2019, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution 19-12 and 19-13 of the Town Council of the Town of Fairfax, adopted June 5, 2019, the Marin County Election Department canvassed the returns of the election and has certified those results to this Town Council which results are received, attached and a part hereof as "Exhibit A."

NOW, THEREFORE, the Town Council of the Town of Fairfax, California, does resolve, declare, determine, and order as follows:

SECTION 1. That the whole number of ballots cast in the precincts was 2592 for Town Councilmember, 2592 for Town Clerk, 2592 for Town Treasurer, and 2592 for Measure "F", including Absentee and Provisional Ballots;

SECTION 2. That the names of the candidates voted upon at the election and the total number of votes each received were as follows:

Town Council Member:

RENÉE L. GODDARD	1627	38.91%
STEPHANIE HELLMAN	1292	30.90%
CINDY SWIFT	1262	30.18%

Town Clerk:

MICHELE GARDNER	1995	100.00%
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Town Treasurer:

JANET GARVIN	1942	100.00%
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SECTION 3. That the number of votes given at each precinct and the number of votes given in the Town for each candidate and for and against Measure "F" were as listed in Exhibit "A" attached.

SECTION 4. That as a result of the election, the Town Council does declare and determine that Renee L. Goddard and Stephanie Hellman received the highest number of votes and were elected as Councilmembers, Michele Gardner received the highest number of

votes and was elected as Town Clerk, and Janet Garvin received the highest number of votes and was elected as Town Treasurer.

SECTION 5. That Measure "F" approving an eleven-year extension of Fairfax's special municipal services tax, was also voted on at the November 5, 2019 election, with the total number of "Yes" votes as 2052 or 80.69%, and the total number of "No" votes as 491 or 19.31%.

SECTION 6. That as a result of the election, the "Yes" votes on Measure "F" received more than the requisite two-thirds vote required and therefore Measure "F" was passed.

SECTION 7. That the Deputy Town Clerk shall enter on the records of the Town Council of the Town, a statement of the result of the election, showing: (1) the whole number of ballots cast in the Town; (2) the offices and the measure voted upon; (3) the number of votes given at each precinct for each candidate and for and against Measure "F"; (4) the total number of votes given for each candidate and for and against Measure "F"; and (5) certification of the passage of Measure "F" by the voters in Ordinance No. __ attached as "Exhibit B."

SECTION 8. That the Deputy Town Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the Deputy Town Clerk and authenticated; that the Deputy Town Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the Town Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which he or she has been elected.

SECTION 9. That the Deputy Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

The foregoing Resolution was duly introduced and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 4th day of December 2019, by the following vote, to wit:

AYES:
NOES:
ABSENT:

BARBARA COLER, Mayor

Attest: _____
Hannah Politzer, Deputy Town Clerk

Attached: Exhibit A- Candidate Election Results
Exhibit B- Ordinance No.839 Measure "F"

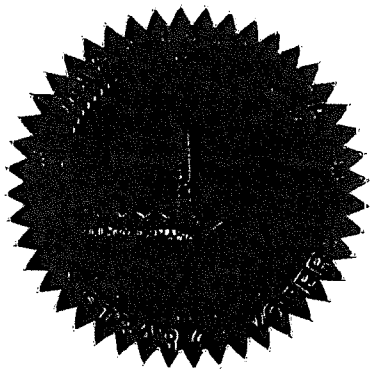
CERTIFICATE OF ELECTION

*I, LYNDA ROBERTS, the Registrar of Voters for the County of Marin,
of the State of California, do hereby certify the canvass and
statement of the votes cast in the Local Elections held on November 5, 2019.*

*The results of said canvass are detailed in the Statement of Votes,
filed and retained with the Marin County Elections Department.*

The Official Final Results summary is provided herewith.

*IN WITNESS WHEREOF, I have set my hand and affixed my official seal
on this 21st day of November, 2019.*



Lynda Roberts

County of Marin, Registrar of Voters

EXHIBIT A

MARIN COUNTY REGISTRAR OF VOTERS LOCAL ELECTIONS - NOVEMBER 5, 2019 Official Final Results

Precincts Reported: 37 of 37 (100.00%)

Registered Voters: 17,648 of 43,486 (40.58%)

Ballots Cast: 17,648

Town of Fairfax Town Council Member (Vote for 2)

Precincts Reported: 5 of 5 (100.00%)

	Total	
Times Cast	2,592 / 5,678	45.65%
Candidate	Total	
RENEE L. GODDARD	1,627	38.91%
STEPHANIE HELLMAN	1,292	30.90%
CINDY SWIFT	1,262	30.18%
Total Votes	4,181	
	Total	

Town of Fairfax Town Clerk (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

	Total	
Times Cast	2,592 / 5,678	45.65%
Candidate	Total	
MICHELE GARDNER	1,995	100.00%
Total Votes	1,995	
	Total	

Town of Fairfax Treasurer (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

	Total	
Times Cast	2,592 / 5,678	45.65%
Candidate	Total	
JANET GARVIN	1,942	100.00%
Total Votes	1,942	
	Total	

City of Novato Council District 1 (Vote for 1)

Precincts Reported: 8 of 8 (100.00%)

	Total	
Times Cast	2,700 / 7,299	36.99%
Candidate	Total	
SUSAN WERNICK	1,511	56.40%
JIM PETRAY	1,168	43.60%
Total Votes	2,679	
	Total	

City of Novato Council District 3 (Vote for 1)

Precincts Reported: 7 of 7 (100.00%)

	Total	
Times Cast	2,135 / 6,527	32.71%
Candidate	Total	
ERIC LUCAN	1,656	78.30%
KEVIN MORRISON	459	21.70%
Total Votes	2,115	
	Total	

City of Novato Council District 5 (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

	Total	
Times Cast	1,993 / 5,176	38.50%
Candidate	Total	
AMY PEELE	1,029	51.89%
MARIE K. HOCH	857	43.22%
MELISSA GALLIANI	97	4.89%
Total Votes	1,983	
	Total	

Town of San Anselmo Town Council Member (Vote for 2)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	4,448 / 9,041	49.20%
Candidate	Total	
STEVE BURDO	2,522	35.61%
FORD GREENE	2,031	28.68%
KIM PIPKIN	1,963	27.72%
TOM KING	566	7.99%
Total Votes	7,082	
	Total	

Town of San Anselmo Town Clerk (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	4,448 / 9,041	49.20%
Candidate	Total	
CARLA KACMAR	3,133	100.00%
Total Votes	3,133	
	Total	

Town of San Anselmo Town Treasurer (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	4,448 / 9,041	49.20%
Candidate	Total	
ELIZABETH DAHLGREN	3,095	100.00%
Total Votes	3,095	
	Total	

MEASURE E - REED UNION SCHOOL DISTRICT (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	3,780 / 9,765	38.71%
Candidate	Total	
YES	2,825	74.83%
NO	950	25.17%
Total Votes	3,775	
	Total	

MEASURE F - TOWN OF FAIRFAX (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

	Total	
Times Cast	2,592 / 5,678	45.65%
Candidate	Total	
YES	2,052	80.69%
NO	491	19.31%
Total Votes	2,543	
	Total	

MEASURE M - TOWN OF SAN ANSELMO (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

	Total	
Times Cast	4,448 / 9,041	49.20%
Candidate	Total	
NO	2,686	60.81%
YES	1,731	39.19%
Total Votes	4,417	
	Total	

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF FAIRFAX, CALIFORNIA,
AMENDING CHAPTER 3.20 OF THE FAIRFAX MUNICIPAL CODE AUTHORIZING THE
LEVY OF A SPECIAL TAX TO FINANCE MUNICIPAL SERVICES

THE PEOPLE OF THE TOWN OF FAIRFAX, CALIFORNIA DO HEREBY ORDAIN AS
FOLLOWS:

Section 1: Section 3.20.020 of Chapter 3.20 of the Fairfax Municipal Code is hereby amended to read as follows:

§ 3.20.020 SPECIAL SERVICES TAX IMPOSED; RATE.

A special municipal services tax not exceeding the maximum amounts set forth in this section is imposed on all improved real property within the boundaries of the town:

(A) A special municipal services tax is levied and imposed upon improved residential property at a rate of \$195 in the first year and increasing \$5 annually to a maximum of \$250 per dwelling unit. As used herein the term "dwelling unit" means any building or portion thereof used and/or designed as a separate dwelling accommodation, with cooking, living and sleeping facilities.

(B) A special municipal services tax is levied and imposed upon improved business property at a rate of \$195 in the first year and increasing \$5 annually to a maximum of \$250 for each business occupancy. As used herein, the term "business occupancy" means any portion of a building or structure or other improved real property which is occupied or designed to be occupied by a separate business establishment required to be licensed as such pursuant to Title 5 of this code.

Section 2: Section 3.20.080 of Chapter 3.20 of the Fairfax Municipal Code is hereby amended to read as follows:

§ 3.20.080 TERMINATION OF PROVISIONS.

This chapter shall be null and void as of 12:00 midnight, June 30, 2031, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, § 3.20.060, relating to collection and enforcement of liens or obligations for the special tax previously levied hereunder, shall continue in effect until such time as the collection and enforcement procedures have been completed.

Section 3: The appropriations limit of the Town of Fairfax established under Article XIII B, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this ordinance. Any future increases in the appropriations limit shall be approved by a majority vote of the voters voting thereon.

Section 4: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity

or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Town Council, and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 5: This ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at an election to be held on November 5, 2019.

Section 6: The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the Town of Fairfax voting on the 5th day of November 2019.

By:

BARBARA COLER, Mayor

ATTEST:

Michele Gardner, Town Clerk