

## RESOLUTION 20-36

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX EXTENDING THE TERMS OF CERTAIN RIGHT-OF-WAY USE AGREEMENTS FOR TEMPORARY OUTDOOR USES TO MAY 31, 2021

**WHEREAS**, on June 3, 2020 the Town Council adopted Resolution 20-19 "A Resolution Of The Town Council Of The Town Of Fairfax Authorizing The Town Manager To Enter Into Certain Right-Of-Way Use Agreements For Temporary Outdoor Use And To Close Streets For Outdoor Events;" and

**WHEREAS**, the Town Council proclaimed the existence of a local emergency related to COVID-19 on March 17, 2020 and such local emergency still exists; and

**WHEREAS**, the conditions and concerns that led the Town Council to adopt Resolution 20-xx still exists; and

**WHEREAS**, the Town Council wishes to modify and extend the expiration terms of the Right-Of-Way Use Agreements For Temporary Outdoor Uses authorized by Resolution 20-19;

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

1. Findings. The Town Council finds that the aforementioned recitals are true and correct and are herein incorporated into this Resolution.
2. Terms. The initial term of the Right-of-Way Agreement for Temporary Outdoor Uses shall be no longer than 120 days, but may be renewed in periods lasting up to 90-days at the sole discretion of the Town Manager or his or her designee. All Right-of-Way Agreements shall expire by May 31, 2021.
3. CEQA Exemption. The Town Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this resolution, and the prohibitions established hereby, may have a significant effect on the environment, because the resolution only provides for the temporary uses of developed space. It is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations. The Town Council further finds that the uses authorized by this Resolution are minor public alterations in the condition of land which do not involve removal of healthy, mature, scenic trees. Therefore, the resolution is exempt from California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15304(e) of the California Code of Regulations.
4. Severability. If any provision of this Resolution or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Resolution that can be given effect without the invalid provision or


application, and to this extent, the provisions of this Resolution are severable. The Town Council declares that it would have adopted this Resolution irrespective of the invalidity of any portion thereof.

5. Conflicts. This Resolution takes precedent over any conflicts with Resolution 20-19.

6. Effective Period. This Resolution shall take effect immediately upon adoption and shall remain valid until rescinded by the Town Council.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Fairfax on the 4th day of November 2020, by the following vote:

AYES: ACKERMAN, COLER, GODDARD, HELLMAN, REED  
NOES: None  
ABSENT: None

  
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RENEE GODDARD, Mayor

ATTEST:   
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Michele Gardner, Town Clerk