

Fairfax Town Council Minutes
Special Meeting
Via teleconference due to COVID-19
Wednesday, **March 17, 2021**

Mayor Ackerman called the Special meeting to order at **7:30 p.m.**

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Chance Cutrano
Renee Goddard
Stephanie Hellman

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Finance Director Michael Vivrette
Ben Berto, Planning Director

Approval of Agenda and Affidavit of Posting

M/S, Coler/Hellman, Motion to approve the affidavit of posting and the agenda moving the Consent Calendar to the beginning of the agenda and moving item #2 before item #1.

AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

Town Manager Report

There was no report.

Consent Calendar

4. Authorize Mayor to send letter supporting SB612 (Portantino) to reduce the Power Charge Indifference Adjustment (PCIA) exit fee for MCE customers- Town Manager
5. Authorize the Racial Equity and Social Justice (RESJ) Committee to develop its own application, interview, selection, and appointment process for filling vacancies on the RESJ- Town Manager
6. Adopt a Resolution Recognizing and Declaring March 31st annually as Transgender Day of Visibility- Town Manager

Mayor Ackerman opened the meeting to public comments.

Libby known by Mary, Suzanne Ford, Fel Agrelius, Veronica Geretz, and Jody Timms spoke in support of Item #6.

M/S, Coler/Cutrano, Motion to approve the Consent Calendar with the removal of item #5 for discussion at the beginning of the regular agenda.

AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

Regular Agenda

5. Authorize the Racial Equity and Social Justice (RESJ) Committee to develop its own application, interview, selection, and appointment process for filling vacancies on the RESJ

Town Manager Toy presented the staff report.

In response to a question about the voting rights of youth members, staff clarified that members need to be of legal voting age (18 years of age) to vote on the committee.

Mayor Ackerman opened the meeting to public comments.

Veronica Geretz expressed a concern about youth equity regarding voting.

John Romaidis opposed the RESJ developing its own process.

Joe McGarry expressed a concern about youth equity regarding voting.

Mark Bell questioned the presence of racism in Fairfax.

Jane Richardson opposed the RESJ developing its own process.

Naomi Alessandra supported the RESJ developing its own process.

Richard Applebaum supported the RESJ developing its own process.

Beth Verdekal supported the RESJ developing its own process.

Lisel Blash, member of the RESJ, supported the RESJ developing its own process.

Mimi Newton noted the application for RESJ was different from the one for other committees.

Chris supported the RESJ developing its own process.

Jesse Lumb supported the RESJ developing process.

Hunter Franks supported the RESJ developing its own process.

In response to a question from the Council, Town Attorney Coleson stated the Council may set the rules and the guidelines for the interview process however they wish, but the selection and appointment of a members of a Council subcommittee governed by the Brown Act can only be made by the Council.

RESJ, as an advisory committee to the Council, is free to make suggestions about the application form and process including interview questions. The committee could recommend to the Council the applicants that they favor. The Council would not be prohibited in doing more interviews.

Councilmember Hellman made a motion to authorize the Racial Equity and Social Justice Committee to design its own candidate application, interview and selection process to put forth candidates to the Town Council for final interview and appointment. The Council would have the choice to appoint the top three or interview all of the candidates or the top candidates.

Councilmember Hellman withdrew her motion after further discussion by the Council.

It was the consensus of the Council to send the matter back to the RESJ for input on the application form and the recommendation process.

1. Receive presentation on new state housing laws, an overview of the Housing Element, and Key Housing Element (HE) requirements including Regional Housing Needs Allocations (RHNA)

M/S, Coler/Cutrano, Motion to continue item #1 to the April 7th meeting.

AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

The Council took a seven-minute break at 9:30 p.m.

2. Discuss/consider interview and selection process for Police Chief and provide direction to staff

Town Manager Toy presented the staff report.

Mayor Ackerman opened the meeting to public comments.

Joe McGarry, Richard Applebaum, and Jesse Lund supported a broad recruitment.

Patrece Bryan, Deborah Benson, Mimi Newton, Nancy Culver, John Romaidis, Frank Egger, Michael Ardito, Jane Richardson, Mark Bell, and Michael McIntosh supported appointing Interim Chief Tabaranza as the permanent Chief of Police.

Barbara Petty supported the appointment of Interim Chief Tabaranza or doing an internal interview process.

The Council discussed an internal selection process with an interview process as follows:

- 1) Create a questionnaire asking for the qualities people would like to see in a Police Chief, for interview questions they would like asked, and for ideas for public safety/alternatives.
- 2) Staff would review and consider the interview questions.
- 3) Form a Community Panel to conduct an interview, composed of seven members (one Volunteer Board member, one Racial Equity and Social Justice Committee (RESJ) member, one Police Practices and Public Safety Alternatives subcommittee (PPPSA) member, one Chamber representative, one business representative, and two at-large members).
- 4) Town Council and Town Manager will conduct an interview.

M/S, Coler/Hellman, Motion to conduct an internal selection process and direct staff to follow the public process as discussed and with adjustments by staff, as necessary.

AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

The Mayor reviewed the agenda.

M/S, Coler/Goddard, Motion to hear Item #3.

AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

3. Discuss/consider 2021-21 Mid-Year Budget Review Report and direct staff, as appropriate

Town Manager Toy presented the staff report and answered questions from the Council.

Mayor Ackerman opened the meeting to public comments.

Beth Verdekal had a question about uses of federal Covid relief money.

Michael McIntosh had a question about the Utility User Tax.

M/S, Coler/Goddard, Motion to adjourn the meeting at 11:48 p.m. in memory of Eugene Silvio Ardito.

Respectfully submitted,
Toni DeFrancis, Recording Secretary