



TOWN OF FAIRFAX

STAFF REPORT

July 7, 2021

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Second reading and adoption of an ordinance amending Municipal Code Chapter 2.12: "Town Manager" to remove the requirement that the Town Manager be a resident of Marin County

RECOMMENDATION

Waive second reading, read by title only and adopt "An Ordinance of the Town Council of the Town of Fairfax removing Subsection (B) from Section 2.12.030, 'Residency Requirement'."

DISCUSSION

The Town Council introduced this ordinance at their June 16, 2021, meeting. Tonight is the second reading and adoption. If adopted, the ordinance will go into effect in thirty days.

The current Municipal Code Chapter 2.12: "Town Manager", Section 2.12.030 Residency Requirement (B) states that "The Town Manager shall be required to be a resident of the County of Marin." With the pending departure of the current Town Manager to take a position in another community, this provision may have the unintended consequence of limiting the applicant pool for-the-soon to be vacant Town Manager position. The primary reason is home prices and the high cost of living in Marin County. There are other Town/City Managers in Marin that do not live in Marin County. Eliminating the residency requirement will provide the most flexibility to the Town Council in recruiting for and making an appointment to that position.

FISCAL IMPACT

None

ATTACHMENT

Ordinance

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
FAIRFAX REMOVING SUBSECTION (B) FROM SECTION 2.12.030,
“RESIDENCY REQUIREMENT”**

WHEREAS, the Town desires to remove the Municipal Code requirement that the Town Manager be a resident of the County of Marin in order to maximize the applicant pool for the Town Manager position and provide the most flexibility to the Town Council in making an appointment to that position,

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES
ORDAIN AS FOLLOWS:**

Section 1. The above recital is true and correct and is hereby incorporated into this Ordinance.

Section 2. Subsection (B) of Section 2.12.030, entitled “Residency Requirement”, is hereby removed from the Fairfax Municipal Code, which shall now read as follows:

“§ 2.12.030 RESIDENCY REQUIREMENT.

Residency in the town of Fairfax, at the time of appointment of the Town Manager, shall not be required as a condition of appointment or service.”

Section 3. CEQA. The Town Council hereby determines that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance removes an existing requirement that the Town Manager reside in Marin County, and does not propose nor authorize any action or specific project that would have the potential to cause a significant adverse effect on the environment.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

Section 5. Effective Date and Posting. This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club.

The foregoing Ordinance was introduced at a meeting of the Town Council on the 16th day of June 2021, and duly adopted at the next regular meeting of the Town Council on the 7th day of July 2021, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

BRUCE ACKERMAN, Mayor

Attest: _____
Michele Gardner, Town Clerk