

**ORDINANCE NO. 855**

**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: ACKERMAN, COLER, CUTRANO, GODDARD, HELLMAN  
NOES: None  
ABSENT None:  
ABSTAIN: None

  
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BRUCE ACKERMAN, Mayor

Attest:   
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Michele Gardner, Town Clerk