

TOWN OF FAIRFAX MEASURE D	
D MEASURE D: Shall the office of Town Clerk be appointive?	YES
	NO

**TOWN ATTORNEY’S IMPARTIAL ANALYSIS
OF MEASURE D**

Currently, the Town Clerk is an elected public official who must be a registered voter in the Town of Fairfax and is elected for four year terms. State law permits the office to become an appointive office if the Town Council submits a measure to the voters and the voters approve that change. Where the office is appointive, under state law the person appointed does not need to be a registered voter or resident of the Town.

The Town Council voted on August 6 to place Measure D on the ballot. Measure D asks the voters to determine whether the office of Town Clerk shall be appointive as of November 4, 2008. It provides further that the Town Manager shall appoint the Town Clerk. The person appointed would not need to be a registered voter of the Town and would serve at the pleasure of the Town Manager rather than for a fixed term.

A “yes” vote supports this change to an appointed Town Clerk and a “no” vote opposes the change and would retain the Town Clerk as an elected public official of the Town. Measure D will be adopted if approved by a simple majority of the votes cast.

s/JIM R. KARPIAK
Town Attorney

ARGUMENT IN FAVOR OF MEASURE D

The Fairfax Town Council, at the request of the current Town Clerk, has decided to change the Town Clerk from an elected to an appointed position by putting the issue to a vote of the people as allowed by Government Code;

Nine out of the 11 cities/towns in Marin have already made the change and have appointed clerks;

Although any citizen over the age of 18 may seek election to the position, a certain amount of expertise unique to the Clerk's position is necessary to perform the job. In recent years the position has become more complex and requires ongoing training due to the constant changes to the open meeting laws, election laws, the public records act, and other controlling legislation. These duties can be performed just as well by an appointed clerk as by an elected clerk. In fact, it would be possible for a citizen to be elected as town clerk with none of the skills necessary to perform the required tasks.

Please vote "Yes" to make the Town Clerk an appointed position.

s/JUDY ANDERSON

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

Fairfax, one of Marin's last "old towns", is changing. We are concerned with the direction. Important vacancies should be filled by the Town Council, not an appointed manager.

The Town Clerk also administers elections, laws and reporting and Fairfax needs an independent Town Clerk who knows the laws and follows them, an unbiased independent clerk.

A 6 hour notice to review and file the No side's rebuttal did not even meet the requirements of the law for us to respond so former Vice-Mayor Niccolo Caldararo was not able to get home from work to sign. Valeri Hood was not home.

Fairfax residents need independent review/oversight of Town operations that an elected position should afford.

Examples of lack of improper oversight:

Ross Valley Fire Authority. A few years ago Fairfax was promised its yearly fire department costs would be reduced \$150,000 and a new fire engine would be added to the Ross Valley Fire Authority's fleet if Fairfax approved an expanded fire merger adding Sleepy Hollow as a full member. Generally governmental agencies' revenues are determined by using assessed value. If that was done Fairfax fire department costs would have been reduced by over \$160,000 but a political decision was made and Fairfax's fire costs have gone up over \$100,000 and San Anselmo's fire costs have gone down \$50,000 this year. No new engine either.

The Center Blvd Project change orders to correct mistakes added \$400,000+ to the \$1,000,000+ project. Where was our independent oversight?

Keep the Clerk elected, vote No.

s/BONNIE LEONARD

s/GRAHAM IRWIN

s/FRANK EGGER

ARGUMENT AGAINST MEASURE D

VOTE NO. Fairfax residents should not vote to turn over their right to elect a Town Clerk to an appointed Town Manager, who does not even have to live in Fairfax. The Fairfax Town Council gave 5 days notice, allowing very little time for public comment, and then voted 4-1 to approve a ballot measure to ask the voters of Fairfax to make the clerk position appointed rather than elected and give the manager the authority to appoint. The Fairfax Clerk position has been elected since 1931, 77 years.

The Clerk is the keeper of the official town records, council meeting minutes, oversees elections, handles all campaign reporting for town council elections and local ballot measures and is the Clerk of the Town Council and should remain independent.

Fairfax changed from a Town Administrator to a Town Manager form of government a few years back and as a result, we see an erosion of town council control over town business. Transparency, some saying too much, was mistaken for politics and the town manager was given full authority over hiring and firing plus all other decisions. The Town council members are restricted by code from interacting with department heads. As a result, councilmembers no longer have information they need when making decisions.

What is the result of turning over full authority of running the town to the manager? Have services improved? Have costs been reduced? Staff turnover remains high and giving the town manager one more appointment of a town official will do nothing to make the town function more efficiently or effectively. A community can't have too much democracy.

The Town Clerk, as an independently elected official, should provide important oversight to Town business. With 7,500 town residents, surely we can find someone qualified. Please protect your rights, VOTE NO on Measure D.

s/NICCOLO CALDARARO

s/VALERI D. HOOD

s/FRANK EGGER

s/BONNIE LEONARD

s/GRAHAM IRWIN

**NO REBUTTAL TO ARGUMENT AGAINST
MEASURE D WAS SUBMITTED.**