

## Town of Corte Madera Special

**James H. Andrews**  
*Mayor*

**Eli Beckman**  
*Vice Mayor*

**Sloan Bailey**  
*Councilmember*

**David Kunhardt**  
*Councilmember*

**Bob Ravasio**  
*Councilmember*

### Town Council Meeting



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

**Todd Cusimano**  
*Town Manager*

**Teresa Stricker**  
*Town Attorney*

**Rebecca Vaughn**  
*Town Clerk*

**Town Hall**  
300 Tamalpais Drive  
Corte Madera, CA 94925  
[townofcortemadera.org](http://townofcortemadera.org)

**THURSDAY, DECEMBER 19, 2019, 6:00 PM**

### SPECIAL MEETING NOTICE AND AGENDA

1. **CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG**
2. **PRESENTATIONS: NONE**
3. **CONSENT CALENDAR: NONE**
4. **PUBLIC HEARINGS: NONE**
5. **BUSINESS ITEMS**
  - 5.A. Discussion and Possible Action to Either (1) Adopt Resolution No. 52/2019, Cancelling The Municipal Election To Be Held On March 3, 2020 Because Only One Person Was Nominated For Each Office To Be Elected, And Appointing The Nominated Individuals, Fred Casissa and Charles Lee, To Take Office As Members of the Town Council on April 7, 2020; or (2) Direct That An Election Be Held.

Recommendation: Review and discuss options as requested.

## 6. TOWN MANAGER AND COUNCIL REPORTS

- Town Manager Report
- Council Reports

## 7. ADJOURNMENT

**ORDER OF BUSINESS:** The Sanitary District No. 2 (SD2) meetings begin upon conclusion of the meeting of the Corte Madera Town Council. Agendas for SD2 are posted separately.

**REPORTS:** Town Council Staff Reports are usually available by 5:00 p.m., Friday prior to the Council Meeting, and may be obtained at the Corte Madera Town Hall, or by calling 415-927-5050. Copies of the reports relating to agenda items are available for review in the Town Clerk's Office, at the Corte Madera Library, Fire Station 13 (5600 Paradise Drive) and <https://www.townofcortemadera.org/681/Agendas-Minutes-and-Notices>. Materials related to an item on this agenda that have been submitted to the Town Council or staff after distribution of the agenda packet are available for public inspection in the Town Clerk's Office located at Town Hall, 300 Tamalpais Drive, Corte Madera, CA 94925, during normal business hours, 8 a.m. to 12 p.m. and 1 p.m. to 4 p.m.

**AMERICANS WITH DISABILITIES ACT:** If you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5085. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the Town may not be able to make the necessary arrangements by the time of the meeting.

**NOTIFICATION LIST:** To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <https://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: [rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org).



**CORTE MADERA TOWN COUNCIL  
STAFF REPORT**

**REPORT DATE:** December 12, 2019  
**MEETING DATE:** December 19, 2019

**TO:** Honorable Mayor and Members of the Town Council

**FROM:** Rebecca Vaughn, Town Clerk/Assistant Town Manager *RV*

**SUBJECT:** Discussion and Possible Action to Either (1) Adopt Resolution No. 52/2019, Cancelling The Municipal Election To Be Held On March 3, 2020 Because Only One Person Was Nominated For Each Office To Be Elected, And Appointing The Nominated Individuals, Fred Casissa and Charles Lee, To Take Office As Members of the Town Council on April 7, 2020; or (2) Direct That An Election Be Held



**RECOMMENDED ACTION:**

That the Town Council discuss and determine whether to (1) adopt Resolution No. 52/2019, which would cancel the municipal election to be held on March 3, 2020 because only one person was nominated for each office to be elected, and appoint the nominated individuals, Fred Casissa and Charles Lee, to take office as members of the Town Council on April 7, 2020; or (2) direct that an election be held.

**DISCUSSION:**

As of the close of the nomination period on Wednesday, December 11, 2019, at 5:00 p.m., the following two candidates have been nominated for each of the two Town Council member offices to be filled at the March 3, 2020 municipal election: Fred Casissa and Charles Lee. The nomination papers of both candidates were deemed to be complete and sufficient.

Under Section 10229 of the California Elections Code, in the event only one person has been nominated for each office to be filled at a municipal election, the Town Council may take one of the following actions: 1) appoint to the offices the persons who have been nominated, or 2) hold the election. Should the Council choose the first option, the Council would cancel the municipal election scheduled for March 3, 2020, and the Town Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made. Cancellation of the March 3, 2020 municipal election does not, however, impact the statewide primary election that will be held on that same date. The persons appointed, if any, shall qualify and take office on April 7, 2020, and serve exactly as if elected at a municipal election of the office.

The Town Clerk published a notice in the *Marin Independent Journal* on December 13, 2019, and posted the notice at three public posting places specifying the facts summarized above concerning the nominations and the proposed appointments. That notice is included as Attachment 1. Section 10229 provides that after the fifth day following the date of publication of such a notice, the Council may make the appointment or direct an election. If by the 75th day before the municipal election, which is December 19, 2019, no person has been appointed to office, the election must be held.

The Town Council has budgeted \$15,000 for Fiscal Year 2019-20 to cover supplies, services, and personnel costs to conduct of the March 3, 2020 municipal election. The primary purpose for holding a municipal election where only one person has been nominated for each office would be to allow for the possibility that a write-in candidate or candidates may win the election and have the opportunity to serve on the Town Council. The County of Marin Elections Department has informed staff that there has been one instance of a write-in candidate winning an election in Marin County, which occurred during a recall election for a school district board member in the 1980s. The Elections Department does not maintain a record of write-in candidates who have won municipal elections statewide, but noted that it is a very rare occurrence.

During the filing period, November 12 through December 11, 2019, staff received several inquiries about the election, the nomination process, and the duties required of Councilmembers. Staff believes that the election has been well-publicized, with announcements on the Town's website, through the website's opt-in News Flash notifications, in the weekly newsletters, and on NextDoor. Given that outreach, staff believes that it is unlikely that there is an individual in the community who is motivated to run as a write-in candidate.

#### **FISCAL IMPACT:**

The cost to the Town to hold a municipal election at the March 3, 2020 Statewide Primary Election is estimated by the Marin County Department of Elections to be between \$1.75-\$3.00 per registered voter. As of December 12, 2019, the Town of Corte Madera has 6,772 registered voters, making the estimated cost to the Town of holding a March 3, 2020 municipal election to range between \$11,851 and \$20,316.

\$15,000 was budgeted for the March 3, 2020 election in the FY 2019-20 budget. Cancellation of the election would result in a cost savings within the range noted above.

#### **ENVIRONMENTAL IMPACT:**

This activity is not defined as a project under CEQA (Section 15378 CEQA Guidelines).

#### **OPTIONS:**

1. Adopt Resolution No. 52/2019, cancelling the municipal election to be held on March 3, 2020 because only one person was nominated for each of the two offices to be elected, and appointing the two nominated individuals to take office as members of the Town Council on April 7, 2020.
2. Decline to adopt Resolution No. 52/2019 and direct that an election be held.

**ATTACHMENTS:**

1. Notice
2. Draft Resolution No. 52/2019

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

# ATTACHMENT 1

## Notice

TOWN OF CORTE MADERA PUBLIC NOTICE  
CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE  
ELECTED

I, Rebecca Vaughn, Town Clerk of the Town of Corte Madera, do hereby certify that pursuant to Section 10229 of Elections Code of the State of California (“Section 10229”), to the following facts related to the General Municipal Election to be held on Tuesday, March 3, 2020:

1. As of the close of the nomination period on December 11, 2019, there were not more candidates than the two offices to be elected.
2. The persons so nominated are:

Fred Casissa  
Charles Lee

3. Where there are not more candidates than the number of offices to be elected, Section 10229 allows one of the following courses of action to be taken by the Town Council at a regular or special meeting:
  1. Appoint to the offices the persons who have been nominated.
  2. Hold the election.
4. On December 19, 2019 at 6:00 p.m., the Town Council will hold a special meeting to either make the appointments or direct that an election be held. The persons appointed, if any, shall qualify and take office on April 7, 2020, and serve exactly as if elected at a municipal election of the office.
5. If, by the 75<sup>th</sup> day before the municipal election, the Town Council has not made appointments to the offices pursuant to Section 10229 above, the election shall be held.
6. If the Town Council makes appointments pursuant to Section 10229 of the Elections Code, the Town Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointments are made.

This notice will be published on December 13, 2019, in a newspaper of general circulation in the town pursuant to Section 6061 of the Government Code of the State of California.

Rebecca Vaughn, Town Clerk/Assistant Town Manager, Town of Corte Madera 300 Tamalpais Drive Corte Madera, CA, 94925 (415) 927-5085 rvaughn@tcmmail.org  
Dated: December 12, 2019

ATTACHMENT 2

Draft Resolution No. 52/2019



**RESOLUTION NO. 52/2019**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS TOWN THAT WERE TO BE ELECTED ON TUESDAY, MARCH 3, 2020**

**WHEREAS**, Pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on December 11, 2019, there are not more candidates than offices to be elected and that §10229 of the Elections Code allows one of the following courses of action to be taken by the Town Council at a regular or special meeting:

- 3. Appoint to the offices the persons who have been nominated.
- 4. Hold the election

**WHEREAS**, a notice was published on December 13, 2019, in a newspaper of general circulation pursuant to law; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Corte Madera does resolve, declare and order as follows:

SECTION 1. That pursuant to §10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are being appointed to the offices to which they were nominated:

<u>Name</u>	<u>Office</u>
Fred Casissa	Councilmember
Charles Lee	Councilmember

SECTION 2. The election scheduled for Tuesday, March 3, 2020, is canceled.

SECTION 3. The persons appointed are qualified and shall take office on April 7, 2020, and serve exactly as if elected at a municipal election for that office.

SECTION 4. That the Town Clerk shall certify to the passage and adoption of the resolution and enter it into the book of original resolutions.

\* \* \* \* \*

**IT IS HEREBY CERTIFIED** that the foregoing is a full, true and complete copy of a resolution duly introduced and adopted by the Town Council of the Town of Corte Madera at a special meeting thereof held on the 19<sup>th</sup> day of December, 2019, by the following vote, to wit:

AYES:            Councilmembers:

NOES: Councilmembers:  
ABSENT: Councilmembers:  
ABSTAIN: Councilmembers:

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James H. Andrews, Mayor

ATTEST:

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Rebecca Vaughn, Town Clerk