

ORDINANCE NO. 1135

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING SAN ANSELMO MUNICIPAL CODE SECTION 2-1.03 (COUNCIL
VACANCIES)

WHEREAS, at its meeting of May 14, 2019, the Town Council considered several options for filling the Council seat that will be vacated by Council member Kay Coleman; and

WHEREAS, the majority of the Town Council determined that the Town should follow the provisions of Government Code section 36512, which permits the Council to either appoint or call an election to fill a vacant seat; and

WHEREAS, the Town Code currently requires an election to be held to fill any Council vacancy; and

WHEREAS, the Town Council believes that it is in the public interest to amend the current provisions to allow the Council to follow state law without restrictions;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: The Town Council finds and determines that the adoption of this ordinance, which is intended to amend procedures for filling Town Council vacancies is not a “project” under the California Environmental Quality Act (CEQA), because it will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065; 14 Cal. Code Regs. §15378(a)). Moreover, even if adoption of the ordinance is considered a project, it is exempt pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

SECTION 2: San Anselmo Municipal Code Title 2 (Administration), Chapter 1 (Town Council) Section 2-1.03 (Council Vacancies) is amended to read as follows:

2-1.03 - Council vacancies.

(a) If a vacancy occurs on the Town Council, the Town Council shall fill the vacancy in accordance with California Government Code section 36512.

(b) Amendments to Government Code section 36512 are hereby automatically incorporated into this section.

SECTION 3: Severability. The Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted or published as required by State law.


THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on May 28, 2019, and was adopted at a regular meeting of the San Anselmo Town Council on June 11, 2019, by the following vote:

AYES: Brown, Coleman, Wright, Greene
NOES: None
ABSENT: Colbert
ABSTAIN: None



Matt Brown, Mayor

ATTEST:



Carla Kacmar, Town Clerk