

**TOWN OF SAN ANSELMO
RESOLUTION NO. 4138**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING
AND GIVING NOTICE OF AN ELECTION TO BE HELD ON NOVEMBER 3, 2015, AND
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO
~~CONSOLIDATE SAID ELECTION AND AUTHORIZE THE TOWN CLERK OR HER DULY~~
AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY
PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS THE MEMORIAL
PARK TOWN COUNCIL ORDINANCE**

WHEREAS, on August 5, 2015, the Town Council decided to submit the Memorial Park Town Council ordinance to the voters at the next regular election; and

WHEREAS, California Elections Code Section 9222 authorizes the Town Council to submit to the electors of the Town of San Anselmo the Memorial Park Town Council ordinance.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on November 3, 2015, for the submission to the voters of the Memorial Park Town Council ordinance; and

WHEREAS, it is desirable that the election be consolidated with other elections to be held on the same date and that within the Town, the precincts, polling places, and election officers of the elections to be the same; and

WHEREAS, it is desirable that the County Election Department of County of Marin canvass the returns of the Uniform District Election and that the election be handled in all respects as if there were only one election; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of San Anselmo, California, on Tuesday, November 3, 2015, a regular election to be consolidated with the General Election to be held on that date, for the purpose of voting on the Memorial Park Town Council ordinance.

Section 2. That pursuant to the requirements of Elections Code Section 10403, the Board of Supervisors of the County of Marin is hereby requested to consent and agree to the consolidation of said election.

Section 3. The text of the Memorial Park Town Council ordinance to be submitted to the voters is attached as Exhibit A and incorporated herein by reference.

Section 4. In accordance with Elections Code Section 13119, the question to be submitted to the voters of the Town of San Anselmo shall read as follows:

Shall an ordinance be adopted to amend the Town's General Plan to affirm continued use of Memorial Park as primarily a recreational facility and to permit accessory use of Memorial Park for flood control by way of a detention basin only if a majority of voters approves a specific plan detailing development of the park for flood control following environmental review?	Yes
	No

Section 5. Pursuant to Elections Code Section 9280, the Town Clerk shall transmit a copy of the measure to the Town Attorney who shall prepare an impartial analysis of the measure in accordance with said Section 9280. Arguments for and against said measure may be filed in accordance with applicable provisions of the law. Pursuant to Elections Code Section 9285, (the provisions of which are hereby adopted), when the clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The rebuttal arguments shall be filed with the Town Clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot.

Section 6. That the County Election Department is authorized to canvass the returns of said election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

Section 7. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

Section 8. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 9. That the polls for the election shall be open at 7:00 AM on the date of the election and shall remain open continuously from that time until 8:00 PM of the same day, when the polls shall be closed, except as provided in Elections Code Section 14401.

Section 10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 11. That notice of the time and place of holding the election is given and Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner as required by law.

Section 12. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Election Department of the County of Marin.


I, the undersigned hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Council of the Town of San Anselmo at a regular meeting thereof held on the 5th day of August 2015, by the following vote, to wit:

AYES: Wright, Kelly, Coleman, McInerney

NOES: Greene

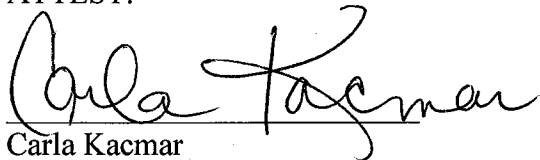
ABSENT: None

ABSTAIN: None



John Wright, Mayor

ATTEST:



Carla Kacmar

For Barbara Chambers, Town Clerk

EXHIBIT "A"

TOWN OF SAN ANSELMO ORDINANCE NO. ____
AN ORDINANCE OF THE PEOPLE OF THE TOWN OF SAN ANSELMO AMENDING
THE SAN ANSELMO GENERAL PLAN LAND USE ELEMENT TO LIMIT THE USE OF
MEMORIAL PARK TO RECREATIONAL USES UNLESS VOTERS APPROVE A
SPECIFIC PLAN AT A FUTURE ELECTION ALLOWING FOR FLOOD CONTROL AS A
SUBORDINATE ACCESSORY USE IN THE PARK (November 3, 2015 Ballot)

The People of the Town of San Anselmo Do Ordain as Follows:

Section 1. FINDINGS. The People of the Town of San Anselmo do hereby find as follows:

- A. The purpose of this Ordinance is to amend the Town of San Anselmo General Plan to specify that Memorial Park shall be used first and foremost for recreation, now and in the future.
- B. The Ordinance further provides that Memorial Park could also be used for flood control purposes only if the majority of voters approve a specific plan allowing for such uses at a future election.
- C. The Ordinance proposes to: amend the General Plan Land Use Element to provide for Memorial Park's continued use as a recreational facility, but to allow for future consideration of a specific plan providing for flood control as a subordinate accessory use in the park.
- D. Before a specific plan could be brought forward for a vote, the Town would have to complete environmental review under the California Environmental Quality Act ("CEQA"), which is a public process allowing for input from community members.
- E. The Ordinance is intended to serve as a counter measure to the Memorial Park Initiative, which will prohibit Memorial Park from being used for flood control and therefore prevents the Town from examining alternatives that could provide for both recreational improvements and flood control facilities in the park.
- F. Adoption of this Ordinance is exempt from CEQA under section 15305 of the CEQA Guidelines, because the proposed General Plan amendment is a minor alteration in a land use limitation, which does not result in any changes in land use or density. Additionally, there is no reasonable possibility that adoption of this Ordinance could have a significant effect on the environment.

SECTION 2. GENERAL PLAN AMENDMENT.

A. The Land Use Element of the Town of San Anselmo General Plan is amended to read as follows:

1. Section E.3 of the Land Use Element "Parks and Open Space" is hereby amended to add the following Policy:

“Policy LU-E.3-1: Memorial Park will be utilized primarily for recreational facilities, including ball fields and a playground. Notwithstanding Policy LU-E.3 (Parks and Open Space), Memorial Park may also contain flood control by way of a detention basin as a subordinate accessory use only if the majority of voters approve a specific plan developed in accordance with California Government Code section 65451, allowing for a facility that includes both recreational and flood control uses within the park.”

Section 4. ENVIRONMENTAL ANALYSIS

Adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) under section 15305 of the CEQA Guidelines, because the proposed General Plan amendment is a minor alteration in a land use limitation, which does not result in any changes in land use or density. In addition, there is no reasonable possibility that adoption of this Ordinance could have a significant effect on the environment. The General Plan amendment contained in this Ordinance specifies that Memorial Park will continue to be utilized primarily for recreational facilities, which is consistent with current General Plan policies applicable to the park. This Ordinance does not allow for additional uses, unless the majority of voters at a future election approve a specific plan allowing for recreational and flood control uses within the park. If the Town undertakes the specific planning process to allow for flood control as a subordinate accessory use in the park, a separate CEQA analysis would be required for the specific plan before it could be placed on the ballot at a future election.

Section 5. SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this ordinance are severable. The people hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 6. CONFLICT WITH OTHER MEASURES.

This Ordinance is intended to conflict with the San Anselmo Memorial Park Initiative. In addition, this Ordinance will be deemed to conflict with any other initiative appearing on the same ballot if the other initiative addresses any of the following subjects: planning and zoning controls and development standards applicable to any part of Memorial Park, as set forth in the Town’s General Plan, Municipal Code, Zoning Maps or in any other applicable Town law, policy or regulation.

In the event that this Ordinance and an initiative, including the San Anselmo Memorial Park Initiative, are approved by the majority of voters at the same

election, and this Ordinance receives a greater number of affirmative votes than any other such measure or measures, this Ordinance shall become effective and control in its entirety and the other measure or measures shall be rendered null and void and without any legal effect.

Section 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after the certification by the Town Council of the election returns indicating passage of the Ordinance by a majority of the voters casting votes in the election.

Section 8. APPROVAL

This Ordinance was approved for placement on the November 3, 2015 ballot by a _____ vote of all members of the Town Council. The Ordinance was adopted by the voters of the Town of San Anselmo at the Regular Election held on November 3, 2015 by the following vote tally:

YES:

NO: