

TOWN OF ROSS

RESOLUTION NO. 2151

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS CERTIFYING THE RESULTS OF THE MUNICIPAL ELECTION HELD IN AND FOR THE TOWN OF ROSS, STATE OF CALIFORNIA, ON MARCH 3, 2020

WHEREAS, a General Election was held and conducted in the Town of Ross on Tuesday, March 3, 2020, as required by law; and

WHEREAS, it appears that notice of said election was duly and legally given, that consolidated precincts were properly established, that election officers were appointed and election supplies furnished, and that in all respects said election was held and conducted, and the votes cast thereat received and canvassed, and the returns thereof made and returned in time, form and manner, as required by the Election Code of the State of California providing for and regulating of elections in cities; and

WHEREAS, the Town Council of the Town of Ross has received the Canvass of the Vote for this election from the Marin County Registrar of Voters and is attached as "Exhibit A".

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Ross does resolve, declare, determine and order as follows:

1. That the whole number of ballots cast in the Town of Ross in said election was 1,232 which comprised 75.21% of the registered voters (1,638);
2. That the total number of votes cast throughout the Town of Ross for the three vacant seats on the Town Council were as follows:

Elizabeth Brekhus	679	(25.63%)
P. Beach Kuhl	653	(24.65%)
Charles W. Kircher, Jr.	517	(19.52%)
Sina Shekou	422	(15.93%)
Mary McFadden	371	(14.01%)

3. That as a result of the election, Elizabeth Brekhus, P. Beach Kuhl, and Charles Kircher, Jr. received the highest number of votes and were elected as Council members to serve a four-year term.
4. That Town of Ross Measure "F" was also voted on at the March 3, 2020 election, with the following results:

<u>Measure</u>	<u>Yes Votes</u>	<u>No Votes</u>
Town of Ross Measure F	719 (60.12%)	477 (39.88%)

5. That as a result of the election, Measure F "Yes" votes received the majority vote, and therefore passed.

6. That with the passage of Measure F, Ordinance No. 705 attached as "Exhibit B", is hereby adopted by the voters of Ross.

7. That the Town Clerk is hereby directed to cause a certified copy of this resolution to be delivered to each candidate; that the Town Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the Town Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 16th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Brekhus, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT A

CERTIFICATE OF ELECTION

*I, LYNDA ROBERTS, the Registrar of Voters for the County of Marin,
of the State of California, do hereby certify the canvass and statement of the
votes cast in the Presidential Primary Election, held on March 3, 2020.*

*The results of said canvass are detailed in the Statement of Votes,
filed and retained with the Marin County Elections Department.*

The Official Final Results summary is provided herewith.

*IN WITNESS WHEREOF, I have set my hand and affixed my official seal
on this 2nd day of April, 2020.*



Lynda Roberts

County of Marin, Registrar of Voters

**MARIN COUNTY ELECTIONS DEPARTMENT
PRESIDENTIAL PRIMARY ELECTION, MARCH 3, 2020
Official Final Results**

Precincts Reported: 157 of 157 (100.00%)

Voters Cast: 115,923 of 166,200 (69.75%)

Town of Ross Town Council Member (Vote for 3)

Precincts Reported: 1 of 1 (100.00%)

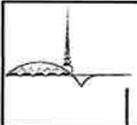
	Polls	Vote by Mail	Total	
Times Cast	329	903	1,232 / 1,638	75.21%
Candidate	Party	Polls	Vote by Mail	Total
ELIZABETH BREKHUS		181	498	679 25.63%
P. BEACH KUHL		166	487	653 24.65%
CHARLES W. KIRCHER, JR.		133	384	517 19.52%
SINA SHEKOU		112	310	422 15.93%
MARY MCFADDEN		106	265	371 14.01%
Total Votes	699	1,950	2,649	

Town Of Ross Measure F (Vote for 1)

Precincts Reported: 1 of 1 (100.00%)

	Polls	Vote by Mail	Total	
Times Cast	329	903	1,232 / 1,638	75.21%
Measure F	Polls	Vote by Mail	Total	
Yes	213	506	719	60.12%
No	105	372	477	39.88%
Total Votes	318	878	1,196	

Votes required to pass: Majority voter approval



Polling Place Listing by District

Presidential Primary Election - March 3, 2020

Sorted Voting Precinct ID

ID:	Polling Place Description	Sample Ballot Address	Map #	Access	Voting Precinct	Regis.
District: *507 - Town of Ross						
73	Ross School Green Room	9 Lagunitas Rd Ross, CA 94957		Yes	20714 C-20714	1,638

Total Polling Places for District *507: 1

EXHIBIT B

TOWN OF ROSS

ORDINANCE NO. 705

AN ORDINANCE OF THE TOWN OF ROSS, CALIFORNIA, AMENDING CHAPTER 18.16.030 (PERMITTED USE) OF THE ROSS MUNICIPAL CODE

The people of the Town of Ross do ordain as follows:

Section 1. Title.

This initiative measure shall be known as "A Citizen's Initiative Measure to Amend Section 18.16.030(b) of the Town's Zoning Code Related to Issuance of Use Permits for Public and Private Schools to Increase the Allowable Enrollment of Any School from Three Hundred and Twenty (320) to Four Hundred and Twenty (420) Students."

Section 2. Findings and Purpose.

A. Findings. The people of the Town of Ross ("Town") find and declare the following:

1. The Town of Ross has many attributes, including high-quality schools.
2. The Town is also fortunate to have elected officials, Town staff, and civic leaders who are well-equipped to review proposals that must be made to the Town—including conditional use permit applications to expand student enrollment in certain private schools.
3. In 1978, in order to provide clear guidelines for the Town Council and staff when presented with use permit applications by schools located in an "R-1" residential district, the voters of the Town of Ross adopted a ballot measure to cap student enrollment for schools located in R-1 residential districts at 320 students, which is currently reflected in the Town's Municipal Code.
4. This Initiative seeks to help ensure that the Town maintains the highest quality local school options for families in Ross, while continuing to benefit from the longstanding relationships it enjoys with these legacy educational institutions, which are essential to the continued vitality of this community.
5. This Initiative, therefore, amends the student enrollment cap for schools in an R-1 district to allow up to 420 students, as a conditional use that must be reviewed and approved by Town officials through the Town's established processes. This Initiative does not automatically increase the enrollment cap of any existing schools in an R-1 district, and any future increase up to the 420 student limit would still require approval by Town officials of an amendment to the school's use permit. Moreover, under the Town's established processes, an amendment to a use permit would require—at minimum—a public hearing and an opportunity for residents to be heard, and the Town Council, based on its discretion, could either approve or deny any requested enrollment increase by making required findings.

6. Implementation of this Initiative will protect the public health, safety, and welfare, and the quality of life for the People of the Town of Ross, as set forth above.

- B. Purpose. The purpose of this Initiative is to allow schools located within the Town's R-1 residential districts to incrementally grow their student body enrollment to a reasonable level, as determined by Ross voters and with shared future planning through the Town's established processes, to build a more vibrant and sustainable community.

Section 3. Amendments to the Town's Municipal Code.

The voters hereby amend Section 18.16.030 ("Permitted Use") of Chapter 18.16 ("SINGLE FAMILY RESIDENCE (R-1) DISTRICT") of Title 18 ("Zoning") of the Town of Ross Municipal Code as follows (new language to be inserted into the Municipal Code is shown as underlined text and language to be deleted is shown in ~~striketrough text~~; language shown in regular type reflects the existing Municipal Code text and is provided for informational/reference purposes only):

18.16.030 Permitted use.

(a) Uses permitted without use permits are: single family residences and accessory uses including residential second units considered ministerially without discretionary review, transitional housing, supportive housing, private garages, greenhouses, terraces, arbors, barbecue pits and shelters, tool sheds, swimming pools, private stables (on sites of at least one acre), tennis courts (daytime use), screening walls, fences, driveways, walkways, and home occupations, subject to the requirements of Section 18.12.180.

(b) Uses permitted but requiring use permits are: public and private schools and accessory residences for school faculty and staff, parks, churches and religious institutions, nonprofit social and recreational clubs, residential care facilities, guesthouses and caretaker units, home businesses, public buildings, private stables (on sites of less than one acre), and nighttime use and lighting of tennis courts; provided, that no use permit nor variance shall be issued for any public or private school whose total full-time and part-time public enrollment, together with the total enrollment of any affiliate school or coordinate program regularly using the same premises, exceeds ~~three-four~~ hundred twenty (420) students.

Section 4. Implementation of this Initiative.

A. Upon the effective date of this Initiative, the provisions of Section 3 are hereby inserted into the Town of Ross Municipal Code.

B. Upon the effective date of this Initiative, the Town is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all Town maps, figures, and any other documents maintained by the Town so they conform to the legislative policies set forth in this Initiative. This Initiative is considered adopted and effective upon the earliest date legally

possible after the Elections Official certifies the vote on the Initiative by the voters of the Town of Ross.

Section 5. Effect of Other Measures on the Same Ballot.

To ensure that the intent of this Initiative is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with, any and all voter initiatives or Town-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate allowable land uses with respect to school enrollment in any manner whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 6. Interpretation and Severability.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the Town of Ross indicate our strong desire that: (i) the Town Council use its best efforts to sustain and re-enact that portion, and (ii) the Town Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the Town and others in a manner that facilitates the purpose set forth in this Initiative.

Section 7. Amendment or Repeal.

The provisions of this Initiative and the amendments to the Town of Ross Municipal Code that it adopts can be amended or repealed only by a majority of the voters of the Town of Ross voting in an election held in accordance with applicable law. The text of existing provisions of the Town of Ross Municipal Code that are quoted in this Initiative but not modified herein are not subject to this Section.

Section 8. This ordinance, which was approved by a majority of voters of the Town of Ross voting on the ordinance on March 3, 2020 becomes effective on April 26, 2020, which date is ten (10) days following the date the Town Council of the Town of Ross declared the results of the March 3, 2020 election.

Section 9. The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

I hereby certify that the foregoing ordinance was ADOPTED by the people of the Town of Ross voting on the 3rd day of March 2020.

By:

Elizabeth Brekhus, Mayor

ATTEST:

Linda Lopez, Town Clerk