



Agenda Item No. 4.

Staff Report

Date: April 25, 2024

To: Mayor Brekhus and Council Members

From: Cyndie Martel, Town Clerk

Subject Adoption of Resolution No. 2406 Certifying the Results of the Presidential Primary Election Held in and for the Town of Ross, State of California, on March 5, 2024

Recommendation

It is recommended that the Town Council adopt Resolution No. 2406 certifying the results of the Presidential Primary Election held on March 5, 2024 which includes passage of Ordinance No. 723 amending Chapter 3.20 of the Ross Municipal Code to authorize the levy of a special tax to finance public safety services and authorizing an increase in the appropriations limit for the Town of Ross, which was submitted to the voters as Measure E, and the Town of Ross Council Member Election for three Town Council seats.

Background and discussion

The Town has received the Certificate of Election from the Marin County Registrar of Voters dated March 27, 2024, declaring the election results of the Presidential Primary Election held in Ross on March 5, 2024, for the Town of Ross Council Member Election for three Town Council seats and Measure E.

The attached Resolution No. 2406 provides the details of the election results and includes Exhibit A – Certificate of Election, and Exhibit B – Ordinance No. 723.

Attachments

- Resolution No. 2406

TOWN OF ROSS

RESOLUTION NO. 2406

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS CERTIFYING THE RESULTS OF THE PRESIDENTIAL PRIMARY ELECTION HELD IN AND FOR THE TOWN OF ROSS, STATE OF CALIFORNIA, ON MARCH 5, 2024

WHEREAS, a Presidential Primary Election was held and conducted in the Town of Ross on Tuesday, March 5, 2024 as required by law; and

WHEREAS, 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 Elections 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 Certificate of Election for this election from the Marin County Registrar of Voters dated March 27, 2024, 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 total number of ballots cast in the Town of Ross in said election was 903 which comprised 51.81% of the registered voters (1,743). The total votes for the Town Council Election was 1,710, and the total votes cast for Measure "E" was 874.

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:

C. William (Bill) Kircher	536	(30.80%)
Teri Dowling	515	(29.60%)
Mathew Salter	502	(28.85%)
Shadi Aboukhater	187	(10.75%)
Total votes:	1,710	(100%)

3. That as a result of the election, Teri Dowling, C. William (Bill) Kircher and Mathew Salter received the highest number of votes and were elected as Council members to serve a four-year term.

4. That Town of Ross Measure E was also voted on at the March 5, 2024 election, with the following results:

<u>Measure</u>	<u>Yes Votes</u>	<u>No Votes</u>
Town of Ross Measure E	683 (78.15%)	191 (21.85%)
Total votes:	874 (100%)	

5. That as a result of the election, Measure E “Yes” votes received more than the required two-thirds majority vote, and therefore passed.

6. That with the passage of Measure E, Ordinance No. 723 attached as “Exhibit B”, is hereby adopted by the voters of Ross, and pursuant to Elections Code Section 9217 and Section 6 of Ordinance No. 723, shall become valid and binding 10 days after the date that the Town Council certifies the election results.

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 special meeting held on the 25th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Brekhus, Mayor

ATTEST:

Cyndie Martel, Town Clerk

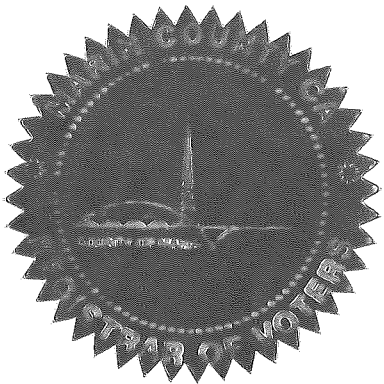
CERTIFICATE OF ELECTION

*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 at the Presidential Primary Election, held on March 5, 2024.*

*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 27th day of March, 2024.*



Lynda Roberts

Registrar of Voters, County of Marin

MARIN COUNTY ELECTIONS DEPARTMENT
PRESIDENTIAL PRIMARY ELECTION, March 5, 2024
Official Final Results

Town of Ross Town Council Member (Vote for 3)

Precincts Reported: 1 of 1 (100.00%)

	Total	
Times Cast	903 / 1,743	51.81%

Candidate	Total	
CHARLES WILLIAM "BILL" KIRCHER, JR	536	30.80%
TERI DOWLING	515	29.60%
MATHEW SALTER	502	28.85%
SHADI ABOUKHATER	187	10.75%
Total Votes	1,740	

Measure E Town of Ross (Vote for 1)

Precincts Reported: 1 of 1 (100.00%)

	Total	
Times Cast	903 / 1,743	51.81%

Candidate	Total	
Yes	683	78.15%
No	191	21.85%
Total Votes	874	

TOWN OF ROSS

ORDINANCE NO. 723

**AN ORDINANCE OF THE TOWN OF ROSS, CALIFORNIA,
AMENDING CHAPTER 3.20 OF THE ROSS MUNICIPAL CODE TO AUTHORIZE THE
LEVY OF A SPECIAL TAX TO FINANCE PUBLIC SAFETY SERVICES AND
AUTHORIZING AN INCREASE IN THE APPROPRIATIONS LIMIT FOR THE TOWN OF ROSS**

THE PEOPLE OF THE TOWN OF ROSS, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3.20.020 of the Ross Municipal Code is hereby amended and restated in its entirety to read as follows:

Section 3.20.020 Special Tax Imposed.

A special tax for the purpose specified in Section 3.20.010 of this chapter shall be imposed on all improved parcels of real property in the Town of Ross for each fiscal year, commencing July 1, 2025 and through June 30, 2035. The maximum amount of the special tax for each fiscal year shall be as follows:

a. Single Family Residential Uses: \$1,201.50 per dwelling unit on a parcel. For the purposes of this chapter, a dwelling unit means a building designed for or occupied by one family, including a dwelling unit under construction. A residential second unit duly registered with the Town of Ross, or any structure accessory to the primary dwelling, which is used for occupancy by family members, occasional guests, or servants, is not a dwelling unit for the purposes of this chapter.

b. Multi-Family, Commercial or Other Non-Residential Uses: \$1,201.50 per parcel.

Commencing July 1, 2025 and through June 30, 2035, the maximum amount of the special tax shall increase in an amount equal to the percentage by which the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Area published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor to that index, increased in the twelve months prior to March of the calendar year in which the adjustment is made.

The records of the Marin County Assessor as of March 15th of each year shall determine the use and improvement of each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year.

For the purposes of this chapter, the term "parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized assessment roll of Marin County.

Section 2. Section 3.20.040 of the Ross Municipal Code is hereby amended and restated in its entirety to read as follows:

3.20.040 Special Fund, Use of Tax Proceeds, Annual Report.

The proceeds of the special tax imposed by this chapter shall be placed in a special fund to be used solely for the purpose of providing public safety services. The chief fiscal officer of the Town shall annually file with the Town Council a report regarding the amount of special tax revenues collected and expended and the status of any project authorized to be funded with the special parcel tax revenues, as required by California Government Code Section 50075.3, as such law is amended from time to time.

Section 3. Section 3.20.080 of the Ross Municipal Code is hereby amended and restated in its entirety to read as follows:

3.20.080 Termination of Provisions.

This chapter shall be null and void as of twelve o'clock midnight, June 30, 2035, and shall have no force and effect whatsoever after said time and date. Notwithstanding the previous sentence, section 3.20.050, relating to the collection and enforcement of liens or obligations for the special tax previously levied hereunder, shall continue in effect until such time as the collection and enforcement procedures have been completed.

Section 4. The appropriations limit of the Town of Ross established under Article XIII B, Section 6 of the California Constitution shall be increased by the proceeds received from the special tax imposed by this ordinance. Any future increases in the appropriations limit shall be approved by a majority vote of the voters voting thereon.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The Town Council, and the electorate, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

Section 6. This Ordinance shall be adopted and become effective only if approved by two-thirds of the voters voting thereon, at the Presidential Primary election to be held on March 5, 2024 and if approved by the voters will become valid and binding 10 days after the date that the Town Council certifies the election results in accordance with Elections Code Section 9217.

Section 7. The Mayor is hereby authorized to sign this Ordinance and the Town Clerk will attest and certify to the adoption of this ordinance by signing where indicated below.

Section 8. Pursuant to California Environmental Quality Act (“CEQA”) Guidelines Sections 15060(c)(3) and 15378(b)(4), this Ordinance does not constitute a “project” for purposes of CEQA because it involves the creation of a government funding mechanism which does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

I hereby certify that the foregoing ordinance was PASSED, APPROVED AND ADOPTED by the people of the Town of Ross voting on the 5th day of March, 2024.

ATTEST:

Town Clerk

Mayor