

**RESOLUTION NO. 3644**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD NOVEMBER 4, 2003 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 QUESTION RELATING TO THE TOWN'S AWARD OF A FIVE-YEAR FRANCHISE FOR REFUSE, RECYCLING AND GREEN WASTE COLLECTION SERVICES.**

**Whereas**, a referendum petition was filed with the Town Clerk protesting Town Council action on August 27, 2002, approving a Franchise Agreement for Solid Waste, Recycling, and Green Waste Services with Marin Sanitary Service; and

**Whereas**, Michael J. Smith, Marin County Clerk, submitted a Certificate of Sufficient Petition Signatures regarding the referendum petition; and

**Whereas**, on October 8, 2002, the Town Council decided to submit the item to the voters and set an election date of November 4, 2003; and

**Whereas**, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on November 4, 2003 for the submission to the voters of the question relating to the franchise for refuse services; and

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

**Whereas**, it is desirable that the county election department of County of Marin canvass the returns of the Consolidated Schools, Districts and Municipal Election and that the election be handled in all respects as if there were only one election; and

**Whereas**, the Town Council desires to submit to the voters at the election a question relating to the award of a franchise agreement for refuse services.

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

Section 1. That 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 4, 2003.

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

Section 3. That the Town Council, pursuant to its rights and authority, does order submitted to the voters at the election the following question:

Shall the motion of the San Anselmo Town Council awarding a five-year franchise agreement to Marin Sanitary Service for Solid Waste, Recycling, and Green Waste Services be adopted?	Yes	
	No	

Section 4. 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 Section 9285 of the Elections Code of the State of California, (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 which 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 5. 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 6. 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 7. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 8. That the polls for the election shall be open at 7:00 a.m. of the election and shall remain open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

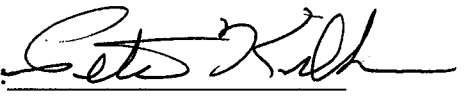
Section 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 10. 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 time, form, and manner as required by law.

Section 11. 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 8th day of July, 2003, by the following vote:

AYES: Breen, Chignell, Kilkus, Kroot, Thornton  
NOES: (None)  
ABSENT: (None)  
ABSTAIN: (None)

Approved:   
Mayor

ATTEST:   
Town Clerk