

**TOWN OF SAN ANSELMO
RESOLUTION NO. 4131**

**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 INITIATIVE ORDINANCE**

WHEREAS, on June 15, 2015 proponents of the Memorial Park Initiative ordinance submitted petition signatures to the Town Clerk and the Clerk immediately transferred the petition signatures to the County of Marin Registrar of Voters for signature verification pursuant to California Elections Code section 9115; and

WHEREAS, on June 24, 2015 the Registrar of Voters for the County of Marin provided the Town Clerk with a Certificate of Sufficient Petition Signatures regarding the Memorial Park Initiative, which certified that the Initiative received a total of 1,449 valid signatures or 17.7% of the Registered Voters in the Town of San Anselmo, the Initiative has qualified pursuant to California Elections Code Sections 9214 and 1405, for placement on the ballot in a special election or in the upcoming regular election; and

WHEREAS, on July 14, 2015, the Town Council accepted the Certificate of Sufficient Petition Signatures for the Memorial Park Initiative and determined not to adopt the Initiative, and, instead, decided to submit the Memorial Park Initiative to the voters at the next regular election; and

WHEREAS, California Elections Code Section 9215 authorizes the Town Council to submit to the electors of the Town of San Anselmo the Memorial Park Initiative 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 Initiative 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 Initiative 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 San Anselmo Memorial Park Initiative 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 San Anselmo General Plan to do the following: prohibit the use of Memorial Park as a flood detention basin; prevent any non-recreational uses that adversely affect or reduce Memorial Park's current recreational amenities; and require voter approval before the park can be sold or transferred by the Town?	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.

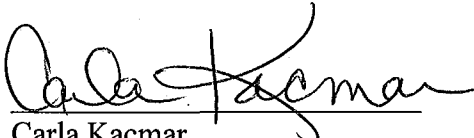
I, the undersigned hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Council of the Town of San Anselmo at a regular meeting thereof held on the 14th day of July 2015, by the following vote, to wit:

AYES: Wright, Kelly, Greene
NOES: None
ABSENT: Coleman, McInerney
ABSTAIN: None



John Wright, Mayor

ATTEST:



Carla Kacmar
For Barbara Chambers, Town Clerk

SAN ANSELMO MEMORIAL PARK INITIATIVE

Be it Ordained by the People of the Town of San Anselmo:

SECTION I. TITLE

This measure shall be known and may be cited as the "San Anselmo Memorial Park Initiative" (the "Initiative").

SECTION II. FINDINGS AND PURPOSES.

A. Purposes. The purpose of the Initiative is to preserve the rights of San Anselmo citizens to control the decision on how Memorial Park will be utilized in the future. To accomplish this objective, the Initiative amends the Town General Plan in three ways:

1. The Initiative amends the General Plan's Parks and Open Space land use designation section to add a policy that Memorial Park may not be utilized as a flood detention basin, nor may any uses – flood control or otherwise - be permitted that adversely affect the recreational amenities currently existing at the Park;
2. The Initiative amends the General Plan's Parks and Open Space land use designation section to prohibit the sale or transfer of the Memorial Park property unless approved by a majority of San Anselmo citizens as part of a general election.
3. The Initiative adds an Implementation Measure to the General Plan requiring the Town to adopt a zoning ordinance that covers "Parks" within the Town's jurisdiction, in a manner consistent with the General Plan.

B. Findings and Declarations: The people of the Town of San Anselmo hereby find and declare the following:

1. Memorial Park is an irreplaceable recreational resource for the citizens of San Anselmo, which is lacking in parks and recreational facilities on the limited flat land spaces existing in the Town. Memorial Park in its present form is the result of thousands of hours of volunteer work and resources donated by the citizens of San Anselmo, which has created a unique recreational experience for local citizens.
2. The current General Plan land use designation for Memorial Park is Parks and Open Space. The General Plan states that [a]reas designated as parks on the Planned Land Use Map are not intended to be developed with anything other than small structures

which accommodate the citizens of the community as it relates to recreation. Commercial structures will not be allowed in the parks. The parks will only be improved with facilities for which the park was intended (e.g., tennis courts, baseball diamonds, and open playfields).”

3. The Town has failed to implement a zoning district that covers areas designated as parks on the Planned Land Use Map, as required by the General Plan. Instead, the Town has zoned all parks as ‘Public Facility District or “PF”. The PF designation is a general designation that generally applies to all major public lands in the Town, but does not contain the General Plan criteria applicable to park lands within the Town’s jurisdiction.
4. This measure would allow the preservation of Memorial Park in its current form, and would prohibit the Park from being used for non-recreational uses that interfere with the existing recreational uses enjoyed by San Anselmo citizens. The measure will ensure that major decisions about how Memorial Park will be used or owned in the future will be made by the citizens of the Town of San Anselmo. The measure would also require the Town to implement appropriate zoning for park lands in the Town, consistent with the General Plan criteria.

SECTION III. AMENDMENTS TO THE GENERAL PLAN

A. The City's General Plan is hereby amended as follows.

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

“Policy LU -E.3-1: Memorial Park may not be utilized as a flood detention basin, nor may any non-recreational uses be permitted that adversely affect or reduce the recreational amenities at the Park.”

“Policy LU -E.3-2: No public land parcel occupied by Memorial Park may be sold or transferred by the Town without approval by the citizens of San Anselmo as part of a general election.”

2. The Land Use Element, Section F, “Future Planning” is hereby amended to add the following implementation measure:

“5. Park Land Zoning Ordinance

The Town shall prepare a park lands zoning ordinance, which shall apply to all park lands so designated on the General Plan land use map. The ordinance will implement and be consistent with the General Plan land use criteria for Parks set forth in Section E.3 of the Land Use Element.”

SECTION IV. FINDINGS OF CONSISTENCY.

This measure is consistent with and would promote the objectives and policies of the Town's General Plan. Without limiting the foregoing, this finding of consistency is based on the following:

A. This measure is consistent with the objectives and policies of the General Plan in that it would preserve the recreational uses of Memorial Park in a manner consistent with Section E.3 of the General Plan's Land Use Element. Memorial Park is an irreplaceable recreational resource for the citizens of San Anselmo, which is lacking in parks and recreational facilities on the limited flat land spaces existing in the Town.

B. This measure is consistent with the objectives and policies of the General Plan, which require the Town to implement updated zoning ordinances that account for the different land use designations and criteria set forth in the General Plan. This measure will correct the current inconsistency between the General Plan land use designation for Memorial Park as "Parks and Open Space" and its existing zoning as 'Public Facilities' on the Town's zoning map.

SECTION V. CONFLICT WITH OTHER MEASURES.

This Initiative will be deemed to conflict with any other initiative appearing on the same ballot if the other initiative(s) address(es) any of the following subjects, whether it does so by specific application to Memorial Park, or as a more general enactment that could otherwise be applied in a manner that 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 Initiative and any other initiative are approved by the voters at the same election, and this Initiative receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and the other measure or measures shall be rendered void and without any legal effect. If this Initiative is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other conflicting initiative, this Initiative shall take effect to the extent permitted by law.

SECTION VI. EFFECTIVE DATE.

In accordance with the provisions of Elections Code section 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is declared by the Town Council.

SECTION VII. INTERPRETATION AND SEVERABILITY.

This measure shall be interpreted so as to be consistent with applicable federal and state laws, rules and regulations. If any section, subsection, sentence, clause, phrase or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, subsection, sentence, clause,

phrase or portion hereof would have been adopted or passed even if one or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional. If any portion of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This measure shall be broadly construed in order to achieve the purposes stated herein.

SECTION VIII. AMENDMENT OR REPEAL.

The provisions of this measure may be amended or repealed only by a majority of the voters of the Town voting in an election held in accordance with state law. This requirement shall apply only with respect to Memorial Park, and shall not affect the City's ability to amend any provisions of its General Plan or other planning documents that apply to land within the Town and outside of the Memorial Park site.

SECTION IX. COMPETING MEASURES.

This measure was circulated and qualified as a citizens' initiative. If the Town Council proposes an alternative measure for placement on the same ballot as this measure, that measure is hereby deemed to be inconsistent with this measure, and the measure receiving the greater number of affirmative votes shall supersede the other measure. No provision of the superseded measure shall be implemented or become effective.

SECTION X. IMPLEMENTATION.

A. Upon the effective date of this Initiative, the General Plan amendments contained in this Initiative are hereby inserted into the Town General Plan.

B. If this Initiative is approved, the Town shall immediately undertake to revise any elements or provisions of the General Plan and Municipal Code, including all exhibits and figures, and all other Town ordinances, policies and implementation programs or policies, in order to remove any inconsistencies which may exist between the purposes of this Initiative as set forth in Sections II and III above.