

VIA HAND DELIVERY

Cyndie Martel, Town Clerk
Town of Ross
Town Hall, 31 Sir Francis Drake Blvd.
Ross, California 94957

Re: The Ross Fire Station and Public Safety Protection Initiative

Dear Ms. Martel:

For your immediate attention, enclosed please find the following documents relating to an initiative titled the Ross Fire Station and Public Safety Protection Initiative (the "Initiative"):

- Notice of Intent to Circulate Petition (Elections Code § 9202);
- Text of the Initiative (Elections Code § 9202);
- Certifications regarding use of signatures (Elections Code § 9608);
- Initiative proponents' authorization for Nielsen Merksamer Parrinello Gross & Leoni LLP and Laura Conrow to handle the filing of the Initiative petition, as well as any related actions and/or correspondence with elections officials relating to the Initiative (Elections Code § 9210); and
- A check in the amount of \$200 (Elections Code § 9202).

Pursuant to Elections Code section 9203(a), this letter shall serve as formal written request that a ballot title and summary of the measure be prepared by the Town Attorney.

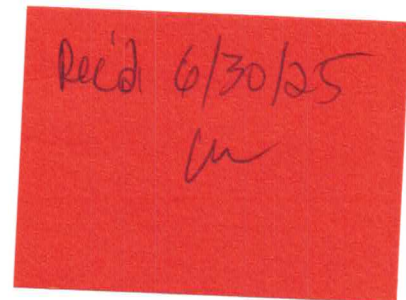
The names and addresses of the person proposing this measure (the "proponent") is: Robert Herbst, 7 Laurel Grove Avenue #573, Ross, CA 94957.

Please do not hesitate to contact me at (415) 505-1470 or rherbst@jhsproperties.net should you have any questions. Thank you for your assistance.

Very truly yours,



Robert Herbst



NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the person whose name appears hereon of his intention to circulate a petition within the Town of Ross for the purpose of qualifying and enacting the Ross Fire Station and Public Safety Protection Initiative. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The Ross Fire Station and Public Safety Protection Initiative (the "Initiative") seeks to protect the Town's history and the safety of its residents by enacting new policies to ensure that there continues to be a fire station within Town limits.

The Ross Fire Station, located at 33 Sir Francis Drake Boulevard, is an integral part of both the Town's history and the safety of its residents. It was originally built in 1927, with fire engine bays that were constructed and added in the 1990s. It has historically been staffed by the Ross Valley Fire Department with a fire captain and engineer/firefighter, an active fire engine, and a reserve fire engine.

In 2021 and 2022, the Ross Town Council made a series of decisions resulting in a plan to close the Ross Fire Station by July 1, 2025. Upon closure of the Fire Station, Ross will be serviced by fire stations in San Anselmo, Sleepy Hollow, and Fairfax. This will leave the Town and its residents without key fire emergency personnel based within Town limits, potentially increasing emergency response times. Closing the Ross Fire Station could therefore have detrimental consequences for Ross residents.

Accordingly, the people of the Town of Ross desire to enact a new policy to ensure that there is a fire station within Town limits capable of housing at least two active firefighters. This Initiative would also enact a related policy of prioritizing, to the greatest extent practicable, the rehabilitation and/or reconstruction of the existing structure at 33 Sir Francis Drake Boulevard, with the intent that the project be completed in a manner that qualifies for an exemption under generally applicable provisions of the California Environmental Quality Act (CEQA) related to historical resources. A new policy of rehabilitation and/or reconstruction, wherever practicable, will help to protect the Town's history and the safety of its residents, while at the same time reducing costs, waste, and environmental impacts associated with the demolition and replacement of the existing structure with new construction.



Robert Herbst

Dated this 30th day of June, 2025.

SIGNED STATEMENT OF PROPONENT
(Elec. Code § 9608)

I, Robert Herbst, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



(Signature of Proponent)

Dated this 30th day of June, 2025.

AUTHORIZATION TO HANDLE PETITION FILING
(Elec. Code § 9210)

I, Robert Herbst, as the proponent of the Ross Fire Station and Public Safety Protection Initiative (the "Initiative"), hereby authorize Nielsen Merksamer Parrinello Gross & Leoni LLP and Laura Conrow to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.



(Signature of Proponent)

Dated this 30th day of June, 2025.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

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

SECTION 1. Title.

This initiative measure shall be known and may be cited as the “Ross Fire Station and Public Safety Protection Initiative” (“Initiative”).

SECTION 2. Findings and Purpose.

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

1. The Ross Fire Station, located at 33 Sir Francis Drake Boulevard, was originally built in 1927, with fire engine bays that were constructed and added in the 1990s. The Ross Fire Station is an integral part of both the Town’s history and the safety of its residents.
2. The Ross Fire Station has been staffed by the Ross Valley Fire Department since 2012. Ross Valley Fire Department has housed at the Ross Fire Station a fire captain and engineer/firefighter, an active fire engine, and a reserve fire engine.
3. In 2021 and 2022, the Ross Town Council made a series of decisions resulting in a plan to close the Ross Fire Station by July 1, 2025.
4. Closing the Ross Fire Station could have detrimental consequences for Ross residents. Upon closure of the Fire Station, Ross will be serviced by fire stations in San Anselmo, Sleepy Hollow, and Fairfax. As such, closure of the Ross Fire Station will leave the Town and its residents without key fire emergency personnel based within Town limits, potentially increasing emergency response times.
5. Accordingly, the people of the Town of Ross desire to enact a new policy to ensure that there is a fire station within Town limits capable of housing at least two active firefighters.
6. To help achieve this objective, the people of the Town of Ross desire to enact a related new policy of prioritizing, to the greatest extent practicable, the rehabilitation and/or reconstruction of the existing structure at 33 Sir Francis Drake Boulevard, with the intent that the project be completed in a manner that qualifies for an exemption under generally applicable provisions of the California Environmental Quality Act (CEQA) related to historical resources. A new policy of rehabilitation and/or reconstruction, wherever practicable, will help to protect the Town’s history and the safety of its residents, while at the same time reducing costs, waste, and environmental impacts associated with the demolition and replacement of the existing structure with new construction.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

7. 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.

- B. Purpose. The people of the Town of Ross declare that our purpose and intent in enacting this Initiative is to make amendments to the Town's Municipal Code to expressly require the Town to provide for a fire station within Town limits capable of housing at least two active firefighters, and establishing policies prioritizing to the greatest extent practicable the rehabilitation and/or reconstruction of existing facilities.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

SECTION 3. Amendments to Title 14-Fire Prevention of the Ross Municipal Code

Title 14—Fire Prevention of the Ross Municipal Code is hereby amended as follows (new language to be inserted into the Municipal Code is shown as underlined text):

Chapter 14.15 Operation and Maintenance of Local Fire Station

Sections:

14.15.010 Fire Station Required Within Town Limits

14.15.020 Requirement to Utilize Existing Structure to the Extent Practicable

14.15.010 – Fire Station Required Within Town Limits.

The Town of Ross shall maintain an operational fire station within Town limits that complies with current public safety facility requirements and is capable of housing emergency personnel and equipment at or above 2024 staffing levels. For the purpose of this section, “2024 staffing levels” shall mean at least one active fire engine, one reserve engine, and at least two active firefighters.

14.15.020 – Requirement to Utilize Existing Structure to the Greatest Extent Practicable.

To the greatest extent practicable, the Town shall comply with § 14.15.010 by prioritizing the rehabilitation and/or reconstruction of the existing structure at 33 Sir Francis Drake Boulevard. Under no circumstances, however, shall this provision be interpreted to prevent the Town from complying with § 14.15.010 if utilizing the existing structure impacts the feasibility of the mandatory requirement to maintain an operational fire station that complies with current public safety facility requirements. Factors to be considered in determining whether utilization of the existing structure is practicable include cost, time to complete necessary rehabilitation and/or reconstruction, and whether the existing structure is physically capable of being rehabilitated and/or reconstructed to comply with current public safety facility requirements.

SECTION 4. Internal Consistency.

It is the intent of the people of the Town of Ross that the amendments contained in Section 3 of this Initiative be read and construed in full harmony with the rest of the Municipal Code of the Town of Ross. To the extent that any provisions of the Town of Ross Municipal Code, or any other ordinances or provisions of law of the Town, may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 5. Implementation of this Initiative.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

A. 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. 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, as required by state law, to implement this Initiative.

B. Upon the effective date of this Initiative, the provisions of Section 3 of this Initiative are hereby inserted into the Municipal Code. The Town may reorganize, renumber, and/or reformat the Municipal Code provisions included in Section 3 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

C. To ensure that the Town's Municipal Code remains an integrated, internally consistent, and compatible statement of policies for the Town, any provision that is adopted between the Filing Date and the effective date of the Municipal Code sections adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the provisions adopted by this Initiative, be amended as soon as possible.

SECTION 6. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or Town-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the subject matter of this Initiative, including but not limited to the requirement to maintain a fire station in the Town of Ross, in any manner whatsoever that would frustrate the purpose and intent of this Initiative (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 with respect to such requirements. If this Initiative is prevented from going into effect by a Conflicting Initiative 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. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional or inconsistent requirement(s) on the subject matter of this Initiative, then it is the voters' intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 7. Interpretation and Severability.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

A. This Initiative must be interpreted 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 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 8. Amendment.

The additions to the Municipal Code of the Town of Ross set forth in Section 3 of this Initiative may be amended or repealed only by a majority of the voters of the Town voting in a regular municipal election held in accordance with state law.

R A HERBST & S SHEKOU 2006 TR DTD
10/06/2006, ROBERT A HERBST, TTEE
SALLY SHEKOU, TTEE
400 SMITH RANCH RD STE F
SAN RAFAEL CA 94903-5561

2066

11-35/1210 CA
44329

6/30/25

Date

Pay to Town of Ross

\$ 200 ⁰⁰/₁₀₀

the order of TWO HUNDRED AND

⁰⁰/₁₀₀ Dollars



Photo
Safe
Deposit®
Details on back

U.S. TRUST

Bank of America, N.A.

ACH R/T 121000358

For Firehouse Initiative Filing Fee

RA Herbst

MP

⑆ 121000358⑆ 001329741575⑈ 2066

Harland Clarke

RECEIVED
Town of Ross

JUN 30 2025