

STIPULATION BETWEEN TOWN OF ROSS AND PROPONENT OF THE ROSS FIRE STATION AND PUBLIC SAFETY PROTECTION INITIATIVE

This Stipulation is entered into as of October 14, 2025 (“**Effective Date**”), by and through counsel for (i) the Town of Ross, a municipal corporation (“**Town**”) and (ii) Robert Herbst, the proponent of the Ross Fire Station and Public Safety Protection Initiative (“**Initiative Proponent**”). The Town and Initiative Proponent are each referred to individually as a “**Party**” and collectively as the “**Parties**.”

RECITALS

A. On June 30, 2025, Initiative Proponent submitted a Notice of Intent to circulate a ballot measure, entitled “Ross Fire Station and Public Safety Initiative” (“**Initiative**”) to the Town Clerk.

B. Pursuant to Elections Code section 9210, the Initiative Proponent authorized Nielsen Merksamer LLP to handle any and all actions and/or correspondence with the Town regarding the Initiative.

C. The next regular election at which the Town’s electorate might vote on the Initiative is November 3, 2026.

D. On July 15, 2025, the Town Clerk provided a Ballot Title and Summary to the Initiative Proponent.

E. Thereafter, the Initiative Proponent collected signatures for the Initiative Petition.

F. The deadline for Initiative Proponent to submit the Initiative Petition for signature verification was on or about January 12, 2026. The Initiative Proponent submitted the Initiative Petition to the Town for signature verification on October 2, 2025. Pursuant to Elections Code sections 9211 and 9114, the deadline to verify the Initiative Petition’s sufficiency is within 30 days of October 2, 2025 (excluding Saturdays, Sundays and holidays), which is by November 17, 2025.

G. On October 6, 2025, the Town Council authorized the Town Manager to execute an agreement for consultants to prepare an Elections Code section 9212 report to evaluate potential impacts of the Initiative.

H. The Initiative Proponent and Town prefer that the Town conduct a special meeting at which the items on the meeting agenda would be discussion of the Elections Code section 9212 report and proposals and/or studies solicited by Initiative Proponent and/or advocates of the Initiative regarding subjects related to the Initiative, e.g., potential rehabilitation of the Town’s fire station and construction of a new Town civic center, including capital, maintenance and/or operational costs, with or without a fire station.

TERMS

WHEREFORE, the Parties hereby stipulate, by and through counsel, as follows:

1. The Town will make best efforts to schedule a meeting of the Town Council during the week of December 15-19, 2025, or, alternatively, January 2026, at which all five Councilmembers are available for the following related items: consideration of the Elections Code section 9212 report and proposals and/or studies solicited by Initiative Proponent and/or supporters of the Initiative regarding subjects related to the Initiative, e.g., potential rehabilitation of the Town's fire station and construction of a new Town civic center, including capital, maintenance and/or operational costs, with or without a fire station.

2. The Town will inform Initiative Proponent of the Town Council meeting date as soon as reasonably feasible, and at least fourteen (14) calendar days in advance of the meeting. Notwithstanding the foregoing sentence, in the event the Initiative Proponent is not, for any reason, available on a date initially identified by the Town for a meeting during the week of December 15-19, 2025, the meeting shall be held in January 2026, at a date when all five Councilmembers and the Initiative Proponent are both available.

3. The Initiative Proponent will deliver or cause to be delivered to the Town the written materials that he and/or not more than four Initiative advocates ("**Initiative Advocates**," whom the Initiative Proponent will designate at the meeting) that they will present to the Town, at least one day prior to the Town's publication of its meeting agenda, so that the Town can publish those materials with the meeting agenda. The Town intends to publish the agenda sooner than required by the Brown Act, e.g., the Friday prior to a Thursday meeting, or at least three days prior to a special meeting held on a day other than a Thursday. The Town and the Initiative Proponent will meet and confer regarding the date of the agenda publication and the specific, corresponding timing for such delivery of materials and agenda publication per this Stipulation. The Town will publish the Elections Code section 9212 report and any other written materials the Town intends to present at the meeting with its publication of the meeting agenda, along with the materials delivered by the Initiative Proponent as referenced above.

4. The Initiative Proponent (together with the associated Initiative Advocates) and the Town will *each* have 45 minutes at the Town Council meeting to orally present their respective materials and information referenced in the foregoing paragraph; either Party may elect to use less time than permitted hereunder, but that shall not affect the other Party's time. The Initiative Proponent and associated Initiative Advocates will also have an opportunity to pose questions to Town staff and consultants regarding the Elections Code section 9212 report. Nothing in this paragraph shall control or in any way restrict members of the public from speaking on this agenda item during the public comment period.

5. The Initiative Proponent and Town hereby toll, as of the Effective Date through and including Monday, February 2, 2026, the time for the Town to verify the sufficiency of the signatures on the Initiative Petition, including to deliver the Initiative Petition to the County of Marin Elections Official for signature verification pursuant to Elections Code 9114. Either Party may terminate this tolling period by delivering email notice as follows: (i) by the Town to Initiative Proponent by email to Sean Welch and Hilary Gibson at swelch@nmgovlaw.com and


hgibson@nmgovlaw.com, and (ii) by Proponent to the Town by email to Ben Stock, Kevin Siegel, and Mariam Sleiman at bstock@townofrossca.gov, bstock@bwslaw.com, ksiegel@bwslaw.com, and msleiman@bwslaw.com, effective seven (7) calendar days following the delivery of such email notice.

6. The Initiative Proponent hereby waives and releases the Town, including the Town Council and the Town's officials, employees, and agents, from meeting the deadline set forth in Recital F, except as modified by this Stipulation. In addition, the Initiative Proponent waives and releases the Town, including the Town Council and the Town's officials, employees, and agents, from meeting any obligation under Elections Code section 9215, e.g., to submit the Initiative to the voters, unless and until the Initiative Petition is verified pursuant to Recital F and Elections Code sections 9211 and 9114. Notwithstanding the foregoing, unless this Stipulation is amended in writing, the Parties agree that the Town shall process the Initiative Petition pursuant to the requirements of the Elections Code starting on February 3, 2026 (unless an earlier date is required due to the exercise by either Party of the termination provision set forth in Paragraph 5, above).

7. The undersigned warrant that they are fully authorized to execute this Stipulation on behalf of their respective clients.


8. This Stipulation may be executed in one or more identical counterparts and all such counterparts together shall constitute a single instrument for the purpose of the effectiveness of this Agreement. Photocopies or facsimiles shall constitute good evidence of such execution.

Nielsen Merksamer LLP

By:  Digitally signed by Sean P. Welch
Date: 2025.10.23 13:34:40 -07'00'

Sean Welch, attorney for Robert Herbst

Town of Ross

By: 

Benjamin L. Stock, Town Attorney