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**RESOLUTION NO #08-36**

**A RESOLUTION OF THE ALBANY CITY COUNCIL CALLING AND GIVING NOTICE OF HOLDING A GENERAL ELECTION TO BE HELD NOVEMBER 4, 2008 AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION AUTHORIZING THE CITY CLERK OR HER DULY AUTHORIZED OFFICERS TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION; AND FOR SUBMITTING TO THE VOTERS AMENDMENTS TO ALBANY CHARTER SECTIONS 2.01, 2.02, 5.01, 5.02, AND 5.03; AN AMENDMENT TO ALBANY CITY CHARTER SECTION 3.23; AN AMENDMENT TO ALBANY CITY CHARTER SECTION 4.03; AN AMENDMENT TO ALBANY CITY CHARTER SECTION 2.01 AND ENACTMENT OF A NEW SECTION 2.08 OF THE ALBANY CITY CHARTER; AND AN AMENDMENT TO ALBANY CITY CHARTER SECTION 2.04 TO THE QUALIFIED VOTERS OF THE CITY AND SETTING THE BALLOT LANGUAGE.**

**WHEREAS**, the Charter of the City of Albany provides that the City's General Municipal Election will be hold on each even year and shall be consolidated with the Statewide General Election and that the Statewide General Election shall be held in said City on Tuesday, November 4, 2008;

**WHEREAS**, pursuant to the Charter, it is necessary to elect: Three (3) persons to fill the office of City Council Member; two (2) persons to fill the office of Member of the Board of Education; and one (1) person to fill the office of City Treasurer.

**WHEREAS**, the City of Albany is a charter city and through its charter is empowered to exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants, including such powers which shall not be held to be exclusive or any limitation of this general grant of powers;

**WHEREAS**, the City Charter provides that the City of Albany shall have the power to establish standards, procedures, rules and regulations related to any public financing;

1           **WHEREAS**, the City Council desires to submit five ballot measures to the voters  
2 of the City of Albany for their approval and adoption at the special election to be held in  
3 the City on November 4, 2008;

4           **WHEREAS**, the five ballot measures are as follows:

- 5           a.       Amendment to Albany City Charter Sections 2.01, 2.02, 5.01,  
6                   5.02, and 5.03
- 7           b.       Amendment to Albany City Charter Section 3.23
- 8           c.       Amendment to Albany City Charter Section 4.03
- 9           d.       Amendment to Albany City Charter Section 2.01, and addition of  
10                   Albany City Charter Section 2.08
- 11           e.       Amendment to Albany City Charter Section 2.04

12           **WHEREAS**, it is desirable that the Albany County Department of Elections  
13 canvas the returns of the consolidated election and that the election be handled in all  
14 respects as if it were only one election;

15           **WHEREAS**, the Charter Review Committee has recommended changes to the  
16 Albany City Charter and changes to the City Charter have been discussed at duly noticed  
17 City Council meetings;

18           **WHEREAS**, November 4, 2008 is the date of the general statewide election;

19           **WHEREAS**, Election Code §9282 sets forth procedures for how arguments in  
20 favor or in opposition of any city measure shall be submitted;

21                   **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES**  
22 **HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

1           **Section 1**     The City's General Municipal Election is hereby called and  
2 ordered to be consolidated with the Statewide General Election to be held in said City of  
3 Albany, State of California, on Tuesday, November 4, 2004, in accordance with the  
4 provisions of the Charter and the Elections Code of the State of California, for the  
5 purpose of voting upon any ballot measures and electing the following officers of the  
6 City for the terms specified:

7           a.       Three (3) Council Members for the City Council of the City of Albany,  
8 each term commencing after the official canvass made by the Registrar of Voters and  
9 continuing for four (4) years thereafter and until a successor is elected and qualified.

10          b.       Two (2) Members of the Board of Education of the City of Albany, each  
11 term commencing after the official canvass made by the Registrar of Voters and  
12 continuing for four (4) years thereafter and until a successor is elected and qualified.

13          c.       One (1) City Treasurer of the City of Albany, the term commencing after  
14 the official canvass made by the Registrar of Voters and continuing for four (4) years  
15 thereafter and until a successor is elected and qualified.

16          d.       All ballot measures or advisory measures or propositions, which may be  
17 lawfully submitted at said election.

18           **Section 2**     Pursuant to the Charter powers of the City of Albany and the laws  
19 of the State of California related to charter cities, there is called and ordered to be held in  
20 the City of Albany, California on November 4, 2008, an election for the purposes of  
21 submitting to the voters five measures that would (a) amend Sections 2.01, 2.02, 5.01,  
22 5.02 and 5.03 of the Albany City Charter; (b) amend Section 3.23 of the Albany City  
23 Charter; (c) amend Section 4.03 of the Albany City Charter; (d) amend Section 2.01 and

1 add Section 2.08 of the Albany City Charter; and (e) amend Section 2.04 of the Albany  
2 City Charter. Pursuant to Election Code §10400 et seq., the election for these measures  
3 shall be consolidated with the statewide general election to be conducted on November  
4 4, 2008.

5 **Section 3** Pursuant to the requirements of Elections Code §10403, the Board  
6 of Supervisors of the County of Alameda is hereby requested to consent and agree to the  
7 consolidation of said election.

8 **Section 4** The City Clerk is hereby directed to submit a certified copy of  
9 these ballot measures to the City Attorney, who shall prepare an impartial analysis of  
10 each measure in accordance with Election Code §9280. The analysis shall be submitted  
11 by the City Attorney to the Registrar of Voters, or other appropriate election official of  
12 Alameda County for printing by the date set by the City Clerk for the filing of arguments  
13 for and against the Measure. The analysis shall not exceed 500 words in length and shall  
14 otherwise comply in all substantial respects with the applicable provisions of the Election  
15 Code of the State of California.

16 **Section 5** Arguments for and against the measures may be filed in  
17 accordance with this resolution and applicable provisions of the law. The last date for the  
18 direct submission of direct arguments for and against these measures shall be submitted  
19 to the City Clerk's office by no later than 12:30 p.m. on Friday, August 15, 2008.  
20 Rebuttal arguments shall be submitted to the City Clerk's office by no later than 12:30  
21 p.m. on Friday, August 22, 2008. Any argument shall not exceed 300 words in length  
22 and shall not be signed by more than five persons. Any rebuttal shall not exceed 250  
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1 words in length and shall not be signed by more than five persons; those persons may be  
2 different persons who sign the direct arguments.

3           **Section 6**       The Mayor and Vice Mayor are hereby authorized to prepare a  
4 written argument in favor of these measures not to exceed 300 words each, on behalf of  
5 the Albany City Council. At the subcommittee's discretion, the arguments may also be  
6 signed by bonafide organizations or by individual voters.

7           **Section 7**       Pursuant to Election Code §9285, when the City Clerk has selected  
8 the arguments for and against the measures (Alameda County will issue the appropriate  
9 Measure letter at a later time), which shall be printed and distributed to the voters, the  
10 City Clerk shall send copies of the arguments in favor of the measures, to the authors of  
11 the arguments against the measures, and copies of the arguments against the measures to  
12 the authors of the arguments in favor of the measures.

13           **Section 8**       The City Clerk is hereby directed to cause notice of the measures  
14 to be published in a newspaper of general circulation, or any other newspaper designated  
15 as an official newspaper of the City of Albany in accordance with Elections Code §12111  
16 and Government Code §6061.

17           **Section 9**       That pursuant to the Elections Code of the State of California, the  
18 Board of Supervisors of the County of Alameda is hereby requested to consolidate the  
19 General Election to be held at said County on November 4, 2004, with the Regular  
20 General Municipal Election so that the election precincts, polling places and voting  
21 booths shall in every case, be the same, and so there may be one set of election offices  
22 and officers at each said election precinct, and one form of ballot, and provide for  
23 expenses thereof, all as provided in said Elections Code of the State of California.

1           **Section 10**     That in all particulars not recited in this Resolution, said election  
2 shall be held and conducted as provided by law for holding Municipal Elections in the  
3 City of Albany.

4           **Section 11**     That the Regular General Municipal Election, to be held in the  
5 City of Albany, shall be canvassed by the Registrar of Voters of the County of Alameda,  
6 State of California.

7           **Section 12**     That the City of Albany shall pay to the Board of Supervisors of  
8 Alameda County its prorata share of the expenses of said election as jointly determined  
9 by the City of Albany and the Board of Supervisors of Alameda County in accordance  
10 with said provisions of said Elections Code of the State of California.

11           **Section 13**     That the City Clerk of the City of Albany is hereby authorized  
12 instructed and directed to provide the Alameda County Registrar of Voters with all  
13 pertinent information and material as required.

14           **Section 14**     That the City Clerk of the City of Albany is hereby authorized and  
15 directed to file a copy of this Resolution immediately upon its adoption with the  
16 appropriate County agencies.

17           **Section 15**     The City Council of the City of Albany shall meet at its usual  
18 meeting place to review the certified statement of results of the election within 28 days of  
19 the election and shall thereafter declare the results.

20 **I.     Amendment to Albany City Charter Sections 2.01, 2.02, 5.01, 5.02, and 5.03**

21           **Section 16**     The Alameda County Registrar of Voters is hereby requested to  
22 include the following ballot measure in the voter pamphlet as set forth hereinafter, and  
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1 that the following ballot question on the ballot, to be numbered and designated by the  
2 County of Alameda as a City Council proposed Charter measure to appear as follows:

3 Do you approve the modifications of Sections 2.01, 2.02, 5.01, 5.02, and 4 5.03 of the City Charter, as is fully set forth in the voter pamphlet, to 5 provide for the electors of the City to directly elect the mayor beginning at the general election in 2012 and to provide for term limits for the mayoral position?	YES _____ NO _____
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6 section with language to be deleted shown in ~~strikeout~~ type and the language to be added  
7 to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “A”.

8 **Section 17** The text of the proposed Albany Charter amendment to Sections  
9 2.01, 2.02, 5.01, 5.02, and 5.03 to be submitted to voters is attached hereto as Exhibit  
10 “A”, and incorporated herein by reference.

11 **II. Amendment to Albany City Charter Section 3.23**

12 **Section 18** The Alameda County Registrar of Voters is hereby requested to  
13 include the following ballot measure in the voter pamphlet as set forth hereinafter, and  
14 that the following ballot question on the ballot, to be numbered and designated by the  
15 County of Alameda as a City Council proposed Charter measure to appear as follows:

16 Do you approve the modification of Section 3.23 of the City Charter, as is 17 fully set forth in the voter pamphlet, to provide that members of 18 commissions, boards, committees, task forces, or other similar bodies, appointed by the City Council, shall serve for an interim term of up to 45 19 days after certification of an election, or until they are reappointed or replaced?	YES _____ NO _____
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20 **Section 19** The Voter Pamphlet shall include the ballot question wording to  
21 the voters, the question as presented before the text, and the exact wording of the present  
22 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to  
23 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “B”.

1           **Section 20**    The text of the proposed Albany Charter amendment to Section  
2 3.23 to be submitted to voters is attached hereto as Exhibit “B”, and incorporated herein  
3 by reference.

4 **III.    Amendment to Albany City Charter Section 4.03**

5           **Section 21**    The Alameda County Registrar of Voters is hereby requested to  
6 include the following ballot measure in the voter pamphlet as set forth hereinafter, and  
7 that the following ballot question on the ballot, to be numbered and designated by the  
8 County of Alameda as a City Council proposed Charter measure to appear as follows:

Do you approve the modification of Section 4.03 of the City Charter, as is fully set forth in the voter pamphlet, to provide that the City Council shall by ordinance set threshold limits for the requirements for formal competitive bidding and shall establish such other procedures as are necessary for undertaking the completion of any public projects?	YES _____ NO _____
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12           **Section 22**    The Voter Pamphlet shall include the ballot question wording to  
13 the voters, the question as presented before the text, and the exact wording of the present  
14 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to  
15 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “C”.

16           **Section 23**    The text of the proposed Albany Charter amendment to Section  
17 4.03 to be submitted to voters is attached hereto as Exhibit “C”, and incorporated herein  
18 by reference.

19 **IV.    Amendment to Albany City Charter Section 2.01 and addition of Section 2.08**

20           **Section 24**    The Alameda County Registrar of Voters is hereby requested to  
21 include the following ballot measure in the voter pamphlet as set forth hereinafter, and  
22 that the following ballot question on the ballot, to be numbered and designated by the  
23 County of Alameda as a City Council proposed Charter measure to appear as follows:

Do you approve the modification of amending the Albany City Charter to provide that council members shall receive \$300.00 per month as salary, as is now authorized for general law cities of a similar size by Government Code Section 36516?	YES _____  NO _____
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**Section 25** The Voter Pamphlet shall include the ballot question wording to the voters, the question as presented before the text, and the exact wording of the present Charter section with language to be deleted shown in ~~strikeout~~ type and the language to be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “D”.

**Section 26** The text of the proposed Albany Charter amendment to Section 2.01 and addition of Section 2.08 to be submitted to voters is attached hereto as Exhibit “D”, and incorporated herein by reference.

**V. Amendment to Albany City Charter Section 2.04**

**Section 27** The Alameda County Registrar of Voters is hereby requested to include the following ballot measure in the voter pamphlet as set forth hereinafter, and that the following ballot question on the ballot, to be numbered and designated by the County of Alameda as a City Council proposed Charter measure to appear as follows:

Do you approve the modification of Section 2.04, MEETINGS, of the City Charter, as is set forth in the voter pamphlet, to provide that the City Council, by resolution or ordinance, shall set the time when City Council meetings are held?	YES _____  NO _____
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**Section 28** The Voter Pamphlet shall include the ballot question wording to the voters, the question as presented before the text, and the exact wording of the present Charter section with language to be deleted shown in ~~strikeout~~ type and the language to be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “E”.

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**Section 29** The text of the proposed Albany Charter amendment to Section 2.04 to be submitted to voters is attached hereto as Exhibit “D”, and incorporated herein by reference.

The undersigned hereby certifies that the foregoing is a full, true, and complete copy of the Resolution duly passed and adopted by the City Council of the City of Albany at a regular meeting thereof on the \_\_\_\_ day of \_\_\_\_\_, 2008 by the following vote:

\_\_\_\_\_  
ROBERT LIEBER  
MAYOR

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**EXHIBIT "A"**

**PROPOSED MODIFICATIONS TO SECTIONS 2.01 THROUGH 2.02  
OF THE CITY CHARTER**

Do you approve the modifications of Sections 2.01, 2.02, 5.01, 5.02, and 5.03 of the City Charter, as is fully set forth in the voter pamphlet, to provide for the electors of the City to directly elect the mayor beginning at the general election in 2012 and to provide for term limits for the mayoral position?	YES _____
	NO _____

The people of the City of Albany modify Sections 2.01 through 2.02 of the City Charter to read as follows:

**SECTION 2.01. LEGISLATIVE DEPARTMENT. THE COUNCIL.**

The Council is the legislative body of said City and shall consist of the mayor and four (4) council members all to be ~~five (5) persons~~ elected at large, ~~which body shall be known as the Council.~~ All members of the Council, including the Mayor, shall have the right to vote on all matters coming before the Council.

The members of the Council shall be elected by the qualified voters of said City at a general Municipal Election to be held therein every even-numbered year as hereinafter provided. At the meeting when the election results of a general Municipal election are presented to the Council as being duly canvassed and certified by the county, the qualified persons shall then be inducted into office. A person elected to the City Council shall hold office for a period of four (4) years from the day of his or her ~~their~~ induction and until ~~their~~ successors are elected and qualified. ~~A person elected, unless otherwise removed from office, is entitled to serve a four-year term from the date of induction.~~

1           Effective upon the election of the Mayor in 2012, ~~t~~The Council as thus newly  
2 constituted shall then elect one of its members as Vice Mayor ~~its presiding officer, who~~  
3 ~~shall have the title of Mayor. The Council shall also designate one of its members as~~  
4 ~~Vice Mayor.~~ The Vice-Mayor shall perform the duties of the Mayor during his or her  
5 absence or disability. ~~The officials so chosen~~ Vice Mayor shall hold ~~their respective~~  
6 offices subject to the pleasure of the Council.

7           Each member of the Council shall receive a compensation of Five Dollars (\$5.00)  
8 for each meeting attended, provided, however, that a councilmember shall not receive  
9 more than Twenty-Five Dollars (\$25.00) in any one month, except as otherwise provided  
10 by Section 46 of this Charter. Members of the Council shall not be eligible to any other  
11 office or employment with the City, other than as in this Charter expressly provides.

12           No person not an elector of the City shall be eligible to hold office as a member of  
13 the City Council, and no person shall be eligible for nomination for such office without  
14 having been a resident of the city for thirty (30) days immediately preceding nomination.  
15 (Amended, ratified, April 13, 1976; November 5, 1996)

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17           This section shall be effective and implemented for and as of the November, 2012  
18 election.

19           SECTION 2.02.           LIMITATION ON TERMS.

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21           Any person who shall have served two (2) successive terms as a council member  
22 ~~member of the Council~~ shall be ineligible to serve again as a council member ~~in the~~  
23 ~~office~~ until an intervening period of two (2) years has elapsed, but may seek election and

1 serve as Mayor without being ineligible until an intervening period of two (2) years has  
2 elapsed. For the purposes hereof, any person who serves as a ~~Councilmember~~ council  
3 member for two (2) years or more of an unexpired term, or two (2) years or more of an  
4 elected term, shall be considered to have served a term.

5 Any person who shall have served two (2) successive terms as Mayor shall be  
6 ineligible to serve again in the office of Mayor or as a council member until an  
7 intervening period of two (2) years has elapsed. For the purposes hereof, any person who  
8 serves as Mayor for two (2) years or more of an unexpired term, or two years or more of  
9 an elected term, shall be considered to have served a term.

10 Nothing in this section shall preclude a council member who has served two  
11 successive terms in that position to seek election for the office of Mayor.

12 This section shall be effective and implemented for and as of the November, 2012  
13 election ~~May, 1981.~~

14 SECTION 5.01. ELECTIONS.

15 General Municipal Elections shall be held in the City to coincide with the State  
16 General Election.

17 If at any general municipal election, one (1) or more council member, whose term  
18 of office will not expire as of the election, and who would be required to vacate the office  
19 of council member if elected to the office Mayor, files as a candidate for the office of  
20 Mayor, the following procedure will be used to fill the contingent vacancy in the office of  
21 council member that would arise if the sitting council member were elected Mayor: To  
22 the extent legally possible, and unless otherwise modified by ordinance, the ballot for the  
23 office of council member, the official election materials and voter information pamphlet

1 shall notify the voters that they may cast ballots for not more than three (3) candidates for  
2 the office of council member, that at least two (2) Council offices shall be filed by  
3 election, and that if a council member whose term of office will not expire as of the  
4 election is elected to the office of Mayor, the vacancy in the office of that council  
5 member shall be filled by the candidate for council member receiving the third highest  
6 number of votes at the same municipal election.

7           Except to the extent otherwise provided by ordinance hereinafter enacted, all  
8 elections shall be in accordance with the provisions of the Elections Code of the State of  
9 California, as the same now exists or hereafter be amended, for the holding of elections in  
10 cities so far as the same are not in conflict with this Charter.

11           This section shall be effective and implemented for and as of the November, 2012  
12 election.

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14           SECTION 5.02.       VACANCIES.

15           A vacancy in any elective office, other than that of an elective member of the  
16 Board of Education, from whatever cause arising, shall be filled by appointment by the  
17 Council; such appointee to hold office until the next general municipal election, when a  
18 successor shall be chosen by the electors for the unexpired term; provided, that if the  
19 Council fails to agree or for any other reason does not fill such vacancy within thirty (30)  
20 days after the same occurs, then such vacancy shall be filled by the Mayor and further  
21 provided if the vacancy to be filled is that of the Mayor, then the City Clerk shall call a  
22 special election at once to fill the vacancy of the unexpired term of the Mayor; provided,  
23 however, that if for any reason the seats of a majority of the Council shall become vacant,

1 then the City Clerk shall call a special election at once to fill the vacancies for the  
2 unexpired terms, and the same shall be conducted substantially in the manner provided  
3 for general municipal elections.

4 If any officer of the City shall remove from the City or absent himself therefrom  
5 for more than sixty days consecutively without the permission of the Council, or shall fail  
6 to qualify, or shall resign, his office shall thereupon become vacant.

7  
8 This section shall be effective and implemented for and as of the November, 2012  
9 election.

10 SECTION 5.03. PROVIDING FOR ELECTION OF MAYOR OFFICERS  
11 MADE ELECTIVE BY THIS CHARTER.

12 ~~Within thirty (30) days after this Charter takes effect, the City Council shall call~~  
13 ~~an election, to be held within thirty (30) days thereafter, for the election of a City~~  
14 ~~Attorney, a City Judge, and a Chief of Police who shall hold office until the third~~  
15 ~~Monday in April, 1930, and until their successors are elected or appointed and qualify.~~  
16 The first election of the Mayor shall be held at the State General election that coincides  
17 with the election for the President of the United States that occurs in November, 2012.

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22 **EXHIBIT "B"**  
23 **PROPOSED MODIFICATIONS TO SECTION 3.23 OF THE CITY CHARTER**

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Do you approve the modification of Section 3.23 of the City Charter, as is fully set forth in the voter pamphlet, to provide that members of commissions, boards, committees, task forces, or other similar bodies, appointed by the City Council, shall serve for an interim term of up to 45 days after certification of an election, or until they are reappointed or replaced?	YES _____
	NO _____

The people of the City of Albany modify Section 2.01 of the City Charter to read as follows:

Section 3.23 APPOINTEE PROCEDURES.

a. Except as otherwise provided in this Charter, all members of commissions, boards, committees, task forces, or any other similar bodies, who are appointed by the Mayor or by individual Council members, shall serve for a term lasting until the next general municipal election, ~~unless re-appointed~~ except that appointees shall serve for an interim term of up to 45 days after certification of the election until reappointed or replaced, whichever is sooner. This requirement includes those ratified by the City Council as a whole. In the case of appointments made by the Council as a whole, and where the Mayor or individual Council members do not make nominations, the terms shall extend until the next general municipal election, unless otherwise established by ordinance or resolution. In the event a Council member ceases to serve a full term for any reason, the appointees of that Council member may be replaced or re-appointed by the successor Council member and the new appointee shall serve until the next general municipal election. The City Council may establish by ordinance or resolution provisions for the orderly transition between terms of appointees after the election or appointment of Council members. The City Council may establish a committee, commission, board, task



1 **PROPOSED MODIFICATIONS TO SECTION 4.03 OF THE CITY CHARTER**

Do you approve the modification of Section 4.03 of the City Charter, as is fully set forth in the voter pamphlet, to provide that the City Council shall by ordinance set threshold limits for the requirements for formal competitive bidding and shall establish such other procedures as are necessary for undertaking the completion of any public projects?	YES _____
	NO _____

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6 The people of the City of Albany modify Section 4.03 of the City Charter to read  
7 as follows:

8 Section 4.03 CONTRACT WORK

9 As used in this section, 'public project' means:

- 10  
11 (a) A project for the erection, improvement, and repair of public buildings and  
12 works.
- 13 (b) Work in or about streams, bays, waterfronts, embankments, or other work  
14 for protection against overflow.
- 15 (c) Street or sewer work, except maintenance or repair.
- 16  
17 (d) Furnishing supplies or materials for any such project, including  
18 maintenance or repair of streets or sewers.

19 The City Council shall by ordinance set threshold limits for the requirements for  
20 formal competitive bidding and shall establish such other procedures as are necessary for  
21 undertaking the completion of any public projects.

22 ~~When the expenditure required for a public project exceeds the applicable limit~~  
23 ~~under the general laws of the State of California, or such lower limit as established by~~

1 ~~ordinance of the City Council, it shall be contracted for and let to the lowest responsible~~  
2 ~~bidder after notice.~~

3 It shall be unlawful to split or separate into smaller work orders or projects any  
4 public work project for the purpose of evading the provisions of this section requiring  
5 public work to be done by contract after competitive bidding.

6 The notice inviting bids shall set a date for the opening of bids. The first  
7 publication or posting of the notice shall be at least ten (10) days before the date of the  
8 opening of bids. Notice shall be published at least twice, not less than five (5) days apart,  
9 in a newspaper of general circulation published in the City, or if there is none, it shall be  
10 posted in at least three (3) public places in the City that have been designated by  
11 ordinance as the places for posting public notices. The notice shall distinctly state the  
12 project to be done.

13 In its discretion, the Council may reject any bids presented and readvertise. If two  
14 (2) or more bids are the same and the lowest, the Council may accept the one it chooses.  
15 If no bids are received the Council may have the project done without further complying  
16 with this section.

17 After rejecting bids, the Council may pass a resolution by a four-fifths vote of its  
18 members declaring that the project can be performed more economically by day labor, or  
19 the materials or supplies furnished at a lower price in the open market. Upon adoption of  
20 the resolution, it may have the project done in this manner stated without further  
21 complying with this section.  
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1           If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic,  
2 or other disaster, or if it is necessary to do emergency work to prepare for a national or  
3 local defense, the Council may pass a resolution by a four-fifths vote of its members  
4 declaring that the public interest and necessity demand the immediate expenditure of  
5 public money to safeguard life, health, or property. Upon adoption of the resolution, it  
6 may expend any sum required in the emergency without complying with this section.

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**EXHIBIT "D"**

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**PROPOSED MODIFICATIONS TO SECTION 2.01 AND  
ADDITION OF SECTION 2.08**

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<p>1 Do you approve the modification of amending the Albany City Charter to  2 provide that council members shall receive \$300.00 per month as salary, as  3 is now authorized for general law cities of a similar size by Government  4 Code Section 36516?</p>	<p>YES _____</p>
	<p>NO _____</p>

5           **Section 1**       The people of the City of Albany hereby enact and add new  
6 Section 2.08 to read as set forth below and modify Section 2.01 by making deletions as  
7 set forth below effective December 15, 2010:

8 SECTION 2.08.       COUNCIL COMPENSATION.   Effective December 15, 2010,  
9 each member of the City Council shall receive the amount of \$300.00 per month in salary  
10 as authorized for general law cities by Government Code Section 36516, or as the same  
11 may be amended from time to time.

12 SECTION 2.01.       LEGISLATIVE DEPARTMENT.   THE COUNCIL.   The  
13 legislative body of said City shall consist of five (5) persons elected at large, which body  
14 shall be known as the Council.

15           The members of the Council shall be elected by the qualified voters of said City at  
16 a general Municipal Election to be held therein every even-numbered year as hereinafter  
17 provided. At the meeting when the election results of a general Municipal election are  
18 presented to the Council as being duly canvassed and certified by the county, the  
19 qualified persons shall then be inducted into office. A person elected to the City Council  
20 shall hold office for a period of four (4) years from the day of their induction and until  
21 their successors are elected and qualified. A person elected, unless otherwise removed  
22 from office, is entitled to serve a four-year term from the date of induction.

23           The Council as thus newly constituted shall then elect one of its members as its  
presiding officer, who shall have the title of Mayor. The Council shall also designate one  
of its members as Vice-Mayor. The Vice-Mayor shall perform the duties of the Mayor  
during his or her absence or disability. The officials so chosen shall hold their respective  
offices subject to the pleasure of the Council.



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2 The people of the City of Albany modify Section 2.04 of the City Charter to read  
3 as follows:

4 SECTION 2.04. MEETINGS. The regular meetings of the Council shall be  
5 held on the first and third Mondays of each month, at a time set by resolution or  
6 ordinance passed by the City Council~~eight o'clock p.m.~~, except in case Monday is a  
7 holiday, in which event the Council may select another day for the meeting during that  
8 week. But any regular meeting may be adjourned to a date certain, which adjourned  
9 meeting shall be a regular meeting for all purposes. Special meetings may be called in a  
10 manner consistent with the laws of the State of California.

11  
12 All meetings of the Council shall be convened in the Council Chambers of the  
13 City Hall but may thereafter be adjourned to such other location as may be selected by  
14 the Council. All meetings of the Council shall be open to the public. If, by reason of  
15 fire, flood or other emergency, it shall be unsafe to meet at the City Hall, the meetings  
16 may be held for the duration of the emergency at such place as is designated by the  
17 Mayor, or, if the Mayor should fail to act, by four (4) members of the Council.

18 (Amended, ratified, August 7, 1952; April 21, 1981; June 7, 1994; November 5, 1996)