

RESOLUTION NO. 08-36

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2 **A RESOLUTION OF THE ALBANY CITY COUNCIL CALLING AND GIVING**
3 **NOTICE OF HOLDING A GENERAL ELECTION TO BE HELD NOVEMBER**
4 **4, 2008 AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA**
5 **COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE**
6 **GENERAL ELECTION; AUTHORIZING THE CITY CLERK OR HER DULY**
7 **AUTHORIZED OFFICERS TO CARRY OUT ALL THE NECESSARY**
8 **PROCEDURES FOR SAID ELECTION; AND FOR SUBMITTING TO THE**
9 **VOTERS AMENDMENTS TO ALBANY CITY CHARTER SECTIONS 2.01, 2.02,**
10 **5.01, 5.02, AND 5.03; AN AMENDMENT TO ALBANY CITY CHARTER**
11 **SECTION 3.23; AN AMENDMENT TO ALBANY CITY CHARTER SECTION**
12 **4.03; AN AMENDMENT TO ALBANY CITY CHARTER SECTION 2.01 AND**
13 **ENACTMENT OF A NEW SECTION 2.08 TO THE ALBANY CITY CHARTER;**
14 **AN AMENDMENT TO ALBANY CITY CHARTER SECTION 2.04; AN**
15 **AMENDMENT TO ALBANY MUNICIPAL CODE CHAPTER 4-5 ENTITLED**
16 **REAL PROPERTY TRANSFER TAX; AND AN AMENDMENT TO ALBANY**
17 **MUNICIPAL CODE CHAPTER 4-8 ENTITLED PARAMEDIC ADVANCED**
18 **LIFE SUPPORT FIRE ENGINES AND AMBULANCE SPECIAL TAX TO THE**
19 **QUALIFIED VOTERS OF THE CITY AND SETTING THE BALLOT**
20 **LANGUAGE.**

21 **WHEREAS**, the Charter of the City of Albany provides that the City's General
22 Municipal Election will be hold on each even year and shall be consolidated with the
23 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;

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

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

7 **WHEREAS**, the seven ballot measures are as follows:

- 8 a. Amendment to Albany City Charter Sections 2.01, 2.02, 5.01, 5.02,
9 and 5.03
- 10 b. Amendment to Albany City Charter Section 3.23
- 11 c. Amendment to Albany City Charter Section 4.03
- 12 d. Amendment to Albany City Charter Section 2.01, and addition of
13 Albany City Charter Section 2.08
- 14 e. Amendment to Albany City Charter Section 2.04
- 15 f. Amendment to Albany Municipal Code Chapter 4-5
- 16 g. Amendment to Albany Municipal Code Chapter 4-8

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

20 **WHEREAS**, the Charter Review Committee has reviewed changes to the Albany
21 City Charter and changes to the City Charter have been discussed at duly noticed City
22 Council meetings;

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

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

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

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

12 a. Three (3) Council Members for the City Council of the City of Albany,
13 each term commencing after the official canvass made by the Registrar of Voters and
14 continuing for four (4) years from the day of his or her induction.

15 b. Two (2) Members of the Board of Education of the City of Albany, each
16 term commencing after the official canvass made by the Registrar of Voters and
17 continuing for four (4) years from the day of his or her induction.

18 c. One (1) City Treasurer of the City of Albany, the term commencing after
19 the official canvass made by the Registrar of Voters and continuing for four (4) years
20 from the day of his or her induction.

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

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1 **Section 2** Pursuant to the Charter powers of the City of Albany and the laws
2 of the State of California related to charter cities, there is called and ordered to be held in
3 the City of Albany, California on November 4, 2008, an election for the purposes of
4 submitting to the voters seven measures that would (a) amend Sections 2.01, 2.02, 5.01,
5 5.02 and 5.03 of the Albany City Charter; (b) amend Section 3.23 of the Albany City
6 Charter; (c) amend Section 4.03 of the Albany City Charter; (d) amend Section 2.01 and
7 add Section 2.08 of the Albany City Charter; (e) amend Section 2.04 of the Albany City
8 Charter; (f) amend Chapter 4-5 of the Albany Municipal Code; and (g) amend Chapter 4-
9 8 of the Albany Municipal Code. Pursuant to Election Code §10400 et seq., the election
10 for these measures shall be consolidated with the statewide general election to be
11 conducted on November 4, 2008.

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

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

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

10 **Section 6** Pursuant to Election Code §9285, when the City Clerk has selected
11 the arguments for and against the measures (Alameda County will issue the appropriate
12 Measure letter at a later time), which shall be printed and distributed to the voters, the City
13 Clerk shall send copies of the arguments in favor of the measures, to the authors of the
14 arguments against the measures, and copies of the arguments against the measures to the
15 authors of the arguments in favor of the measures.

16 **Section 7** The City Clerk is hereby directed to cause notice of the measures to
17 be published in a newspaper of general circulation, or any other newspaper designated as
18 an official newspaper of the City of Albany in accordance with Elections Code §12111
19 and Government Code §6061.

20 **Section 8** That pursuant to the Elections Code of the State of California, the
21 Board of Supervisors of the County of Alameda is hereby requested to consolidate the
22 General Election to be held at said County on November 4, 2004, with the Regular
23 General Municipal Election so that the election precincts, polling places and voting

1 booths shall in every case, be the same, and so there may be one set of election offices
2 and officers at each said election precinct, and one form of ballot, and provide for
3 expenses thereof, all as provided in said Elections Code of the State of California.

4 **Section 9** That in all particulars not recited in this Resolution, said election
5 shall be held and conducted as provided by law for holding Municipal Elections in the
6 City of Albany.

7 **Section 10** That the Regular General Municipal Election, to be held in the City
8 of Albany, shall be canvassed by the Registrar of Voters of the County of Alameda, State
9 of California.

10 **Section 11** That the City of Albany shall pay to the Board of Supervisors of
11 Alameda County its prorata share of the expenses of said election as jointly determined
12 by the City of Albany and the Board of Supervisors of Alameda County in accordance
13 with said provisions of said Elections Code of the State of California.

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

17 **Section 13** That the City Clerk of the City of Albany is hereby authorized and
18 directed to file a copy of this Resolution immediately upon its adoption with the
19 appropriate County agencies.

20 **Section 14** The City Council of the City of Albany shall meet at its usual
21 meeting place to review the certified statement of results of the election within 28 days of
22 the election and shall thereafter declare the results.

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

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

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 _____
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8 section with language to be deleted shown in ~~strikeout~~ type and the language to be added
9 to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit "A".

10 **Section 16** The text of the proposed Albany Charter amendment to Sections
11 2.01, 2.02, 5.01, 5.02, and 5.03 to be submitted to voters is attached hereto as Exhibit
12 "A", and incorporated herein by reference.

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

14 **Section 17** The Alameda County Registrar of Voters is hereby requested to
15 include the following ballot measure in the voter pamphlet as set forth hereinafter, and
16 that the following ballot question on the ballot, to be numbered and designated by the
17 County of Alameda as a City Council proposed Charter measure to appear as follows:

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 _____
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Section 18 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 "B".

Section 19 The text of the proposed Albany Charter amendment to Section 3.23 to be submitted to voters is attached hereto as Exhibit "B", and incorporated herein by reference.

III. Amendment to Albany City Charter Section 4.03

Section 20 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 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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Section 21 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 "C".

Section 22 The text of the proposed Albany Charter amendment to Section 4.03 to be submitted to voters is attached hereto as Exhibit "C", and incorporated herein by reference.

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

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

6 Do you approve the modification of amending the Albany City Charter to 7 provide that council members shall receive \$300.00 per month as salary, as 8 is now authorized for general law cities of a similar size by Government 9 Code Section 36516(a)?	YES _____ NO _____
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10 **Section 24** The Voter Pamphlet shall include the ballot question wording to
11 the voters, the question as presented before the text, and the exact wording of the present
12 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
13 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit "D".

14 **Section 25** The text of the proposed Albany Charter amendment to Section
15 2.01 and addition of Section 2.08 to be submitted to voters is attached hereto as Exhibit
16 "D", and incorporated herein by reference.

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

18 **Section 26** The Alameda County Registrar of Voters is hereby requested to
19 include the following ballot measure in the voter pamphlet as set forth hereinafter, and
20 that the following ballot question on the ballot, to be numbered and designated by the
21 County of Alameda as a City Council proposed Charter measure to appear as follows:

22 Do you approve the modification of Section 2.04, MEETINGS, of the City 23 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 27 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".

Section 28 The text of the proposed Albany Charter amendment to Section 2.04 to be submitted to voters is attached hereto as Exhibit "E", and incorporated herein by reference.

VI. Amendment to Albany Municipal Code Chapter 4-5

Section 29 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 measure to appear as follows:

Shall the Albany Municipal Code, Chapter 4-5 entitled "Real Property Transfer Tax" be amended in Section 4-5.2 to provide for an increase in the tax rate from \$11.50 per \$1,000.00 to \$14.50 per \$1,000.00 of the value of consideration?	YES _____ NO _____
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Section 30 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 "F".

1 **Section 31** The text of the proposed Albany Municipal Code amendment to
2 Chapter 4-5 to be submitted to voters is attached hereto as Exhibit "F", and incorporated
3 herein by reference.

4 **VII. Amendment to Albany Municipal Code Chapter 4-8**

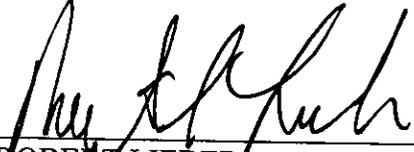
5 **Section 32** The Alameda County Registrar of Voters is hereby requested to
6 include the following ballot measure in the voter pamphlet as set forth hereinafter, and
7 that the following ballot question on the ballot, to be numbered and designated by the
8 County of Alameda as a City Council proposed measure to appear as follows:

9 Shall the Albany Municipal Code, Chapter 4-8 entitled "Paramedic 10 Advanced Life Support Fire Engines and Ambulance Special Tax" be 11 amended to provide that the City Council may increase the tax 12 commencing in fiscal year 2010 – 2011 and on an annual basis thereafter by 4%?	YES _____ NO _____
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13 **Section 33** The Voter Pamphlet shall include the ballot question wording to
14 the voters, the question as presented before the text, and the exact wording of the present
15 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
16 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit "G".

17 **Section 34** The text of the proposed Albany Municipal Code amendment to
18 Chapter 4-7 to be submitted to voters is attached hereto as Exhibit "G", and incorporated
19 herein by reference.
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1 The undersigned hereby certifies that the foregoing is a full, true, and complete
2 copy of the Resolution duly passed and adopted by the City Council of the City of Albany
3 at a regular meeting thereof on the 21st day of July, 2008 by the following vote:

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6 ROBERT LIEBER
7 MAYOR

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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 office
23 until an intervening period of two (2) years has elapsed, but may seek election and serve

1 as Mayor without being ineligible until an intervening period of two (2) years has elapsed.

2 For the purposes hereof, any person who serves as a ~~Councilmember~~ council member for
3 two (2) years or more of an unexpired term, or two (2) years or more of an elected term,
4 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. In no event shall any person be
10 eligible to serve for more than sixteen consecutive years (16) in any combination of
11 Mayor or council member terms.

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

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

16 SECTION 5.01. ELECTIONS.

17 General Municipal Elections shall be held in the City to coincide with the State
18 General Election.

19 The candidate receiving the highest number of votes for the office of the Mayor of
20 the City shall be elected to such office, provided that such candidate receives a least fifty
21 percent (50%) plus one of the votes cast for the position of Mayor. In the event that no
22 candidate for Mayor of the City receives at least fifty percent (50%) plus one of the votes
23 cast for Mayor, the City Council shall provide for a run-off vote to determine the person

1 electd. The City Council shall adopt an ordinance establishing a run-off system. The run-
2 off system may include mailed ballots, an instant run-off voting system when such
3 technology is available to the City, or a special run-off election. The ordinance setting for
4 the run-off system may be amended from time to time for any reason, but no amendment
5 to the ordinance may take effect less than one hundred three (103) days prior to any
6 municipal election.

7 If at any general municipal election, one (1) or more council member, whose term
8 of office will not expire as of the election, and who would be required to vacate the office
9 of council member if elected to the office Mayor, files as a candidate for the office of
10 Mayor, the following procedure will be used to fill the contingent vacancy in the office of
11 council member that would arise if the sitting council member were elected Mayor: To
12 the extent legally possible, and unless otherwise modified by ordinance, the ballot for the
13 office of council member, the official election materials and voter information pamphlet
14 shall notify the voters that they may cast ballots for not more than three (3) candidates for
15 the office of council member, that at least two (2) Council offices shall be filed by
16 election, and that if a council member whose term of office will not expire as of the
17 election is elected to the office of Mayor, the vacancy in the office of that council member
18 shall be filled by the candidate for council member receiving the third highest number of
19 votes at the same municipal election.

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

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

5 SECTION 5.02. VACANCIES.
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7 A vacancy in any elective office, other than that of an elective member of the
8 Board of Education, from whatever cause arising, shall be filled by appointment by the
9 Council; such appointee to hold office until the next general municipal election, when a
10 successor shall be chosen by the electors for the unexpired term; provided, that if the
11 Council fails to agree or for any other reason does not fill such vacancy within thirty (30)
12 days after the same occurs, then such vacancy shall be filled by the Mayor and further
13 provided if the vacancy to be filled is that of the Mayor, then the City Clerk shall call a
14 special election at once to fill the vacancy of the unexpired term of the Mayor; provided,
15 however, that if for any reason the seats of a majority of the Council shall become vacant,
16 then the City Clerk shall call a special election at once to fill the vacancies for the
17 unexpired terms, and the same shall be conducted substantially in the manner provided
18 for general municipal elections.

19 If any officer of the City shall remove from the City or absent himself or herself
20 therefrom for more than sixty days consecutively without the permission of the Council,
21 or shall fail to qualify, or shall resign, his office shall thereupon become vacant.
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1 This section shall be effective and implemented for and as of the November, 2012
2 election.

3 SECTION 5.03. PROVIDING FOR ELECTION OF MAYOR OFFICERS
4 MADE ELECTIVE BY THIS CHARTER.

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

1 Council members. The City Council may establish a committee, commission, board, task
2 force, or other advisory body with a time frame of less than two years. In such case, the
3 term of the appointees shall coincide with the time frame established by the City Council.

4 Procedures and policies for appointment, renewal, terms and qualifications of
5 appointees, not inconsistent with this Charter, may be established by ordinance or
6 resolution of the Council.

7 b. The City Council shall establish by ordinance or resolution a policy, to be
8 applied equally to all appointees, for automatic removal due to excessive absenteeism,
9 conviction for a felony, or for failure to maintain a residence in Albany unless Council
10 specifically provides for non-resident members.

11 c. Any other removal shall be only for cause and then only by a majority vote
12 of the City Council. Appointees shall be notified of such cause, in writing, at least
13 twenty-one (21) days prior to the vote of the City Council.
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1 ~~When the expenditure required for a public project exceeds the applicable limit~~
2 ~~under the general laws of the State of California, or such lower limit as established by~~
3 ~~ordinance of the City Council, it shall be contracted for and let to the lowest responsible~~
4 ~~bidder after notice.~~

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

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

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

19 After rejecting bids, the Council may pass a resolution by a four-fifths vote of its
20 members declaring that the project can be performed more economically by day labor, or
21 the materials or supplies furnished at a lower price in the open market. Upon adoption of
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1 the resolution, it may have the project done in this manner stated without further
2 complying with this section.

3 If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic,
4 or other disaster, or if it is necessary to do emergency work to prepare for a national or
5 local defense, the Council may pass a resolution by a four-fifths vote of its members
6 declaring that the public interest and necessity demand the immediate expenditure of
7 public money to safeguard life, health, or property. Upon adoption of the resolution, it
8 may expend any sum required in the emergency without complying with this section.

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1 **EXHIBIT "D"**

2 **PROPOSED MODIFICATIONS TO SECTION 2.01 AND ADDITION OF**
3 **SECTION 2.08 TO THE ALBANY CITY CHARTER**

4 Do you approve the modification of amending the Albany City Charter to 5 provide that council members shall receive \$300.00 per month as salary, as 6 is now authorized for general law cities of a similar size by Government Code Section 36516(a)?	YES _____
	NO _____

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

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

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

17 The members of the Council shall be elected by the qualified voters of said City at
18 a general Municipal Election to be held therein every even-numbered year as hereinafter
19 provided. At the meeting when the election results of a general Municipal election are
20 presented to the Council as being duly canvassed and certified by the county, the qualified
21 persons shall then be inducted into office. A person elected to the City Council shall hold
22 office for a period of four (4) years from the day of their induction and until their
23 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 The Council as thus newly constituted shall then elect one of its members as its
2 presiding officer, who shall have the title of Mayor. The Council shall also designate one
3 of its members as Vice-Mayor. The Vice-Mayor shall perform the duties of the Mayor
4 during his or her absence or disability. The officials so chosen shall hold their respective
5 offices subject to the pleasure of the Council.

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

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

15 **Section 2** Effective Date and Implementation: If the voters adopt Section
16 2.08 at the November 4, 2008 election, then the wording to be deleted from Section 2.01,
17 as set forth above, shall be deleted when Section 2.08 becomes operative in 2010.
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1 **EXHIBIT "F"**

2 **PROPOSED MODIFICATION TO CHAPTER 4-5 OF THE ALBANY**
3 **MUNICIPAL CODE TO AMEND SECTION 4-5.2**

4 Shall the Albany Municipal Code, Chapter 4-5 entitled "Real Property
5 Transfer Tax" be amended in Section 4-5.2 to provide for an increase in the
6 tax rate from \$11.50 per \$1,000.00 to \$14.50 per \$1,000.00 of the value of
7 consideration?

YES _____
NO _____

8 The people of the City of Albany hereby ordain and adopt the following
9 amendment to Section 4-5.2 of Chapter 4-5 "Real Property Transfer Tax" of the Albany
10 Municipal Code to read as follows:

11 **Section One**

12 **4-5.2 Imposition of Tax - Except as Otherwise Exempted.**

13 There is hereby imposed a tax levied at the rate of ~~one hundred fifteen hundredths~~
14 ~~(115/100)~~ one hundred forty five hundredths (145/100) of one (1%) percent of the value
15 of consideration, effective ~~January 1, 2003~~ January 1, 2009 on the following:

16 a. All transfers by deeds, instruments, writings, or any other document by
17 which any lands, tenements, or other interest in real property are sold, assigned,
18 conveyed, transferred, exchanged or title otherwise changed within the City of Albany; or

19 b. Any transaction or change in title whereby the form of title to real property
20 is granted, assigned, changed, transferred or otherwise conveyed to or vested in a
21 person(s), purchaser(s), or transferee(s) in a different percentage of ownership on title that
22 had been set forth on the prior deed or document evidencing title.
23

1 c. Any transaction or transfer of greater than five (5%) percent interest,
2 ownership, or control of stock or shares in a corporation, interest in partnerships, or
3 interest in other legal entities that is transferred or conveyed through the purchase or
4 transfer of corporate stock, partnerships interest, shares or interest in limited liability
5 companies, or ownership interest in other legal entities. Such purchase or transfer of such
6 stock, shares, or other interest shall be considered and shall constitute, for the purposes of
7 imposing a tax, a change of ownership of property owned by the corporation, limited
8 liability company, partnership or other legal entity.

9 **Section Two**

10
11 The provisions of this resolution shall not apply to any person, or to any property
12 as to whom or which it is beyond the power of the City of Albany to impose the tax
13 herein provided. If any provision, sentence, clause, section or part of this ordinance is
14 found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or
15 invalidity shall effect only such provision, sentence, clause, section or party of this
16 resolution and shall not effect or impair any of the remaining provisions or preexisting
17 provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to
18 be the intention of the City of Albany, that this resolution would have been adopted had
19 such unconstitutional, illegal, or invalid provision, sentence, clause, section or part
20 thereof not been included.
21
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23

1 **Section Three**

2 This amendment to the resolution shall become effective upon passage by the
3 voters. All transactions occurring after January 1, 2009 shall comply with the tax rate
4 established in Section One.

5
6 **Section Four** **Increase Appropriations Limit**

7 Pursuant to California Constitution Article XIII B, the appropriation limit for the
8 City of Albany is hereby increased by the aggregate sum authorized to be levied by this
9 special tax for each of the four fiscal years from 2009-2010 through 2013-2014.

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EXHIBIT "G"

PROPOSED MODIFICATION TO CHAPTER 4-8 OF THE ALBANY MUNICIPAL CODE TO ADD SECTION 4-8.11 AND MODIFY 4-8.10

Shall the Albany Municipal Code, Chapter 4-8 entitled "Paramedic Advanced Life Support Fire Engines and Ambulance Special Tax" be amended to provide that the City Council may increase the tax commencing in fiscal year 2010 – 2011 and on an annual basis thereafter by 4%?	YES _____
	NO _____

The people of the City of Albany hereby ordain and adopt the following amendment to Section 4-8.10 and enact Section 4-8.11 to Chapter 4-8 entitled "Paramedic Advanced Life Support Fire Engines and Ambulance Special Tax" of the Albany Municipal Code to read as follows:

Section One

4-8.10 Increase Appropriations Limit.

Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Albany is hereby increased by the aggregate sum authorized to be levied by this special tax for fiscal year ~~2001/02~~ 2010/2011 and each year thereafter.

4-7.11 Reduction in Tax and Limited Authority to Increase.

a. Subject to paragraph b, the tax rates imposed by this resolution are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by this resolution may be reduced or eliminated by the City Council on or before July 1st in any year in which the City Council determines that after

1 such reduction or elimination there will be sufficient revenues available to balance the
2 City Council's Adopted Policy Budget. Such reduction or elimination shall be effective
3 for the fiscal year following such vote.

4 b. Commencing in fiscal year 2010 - 2011, the City Council may increase the
5 tax imposed hereby on an annual basis by four (4%) percent of the tax rates imposed by
6 the City of Albany during the immediately preceding fiscal year.

7
8 **Section Two**

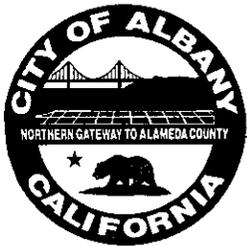
9 The provisions of this resolution shall not apply to any person, or to any property
10 as to whom or which it is beyond the power of the City of Albany to impose the tax
11 herein provided. If any provision, sentence, clause, section or part of this ordinance is
12 found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or
13 invalidity shall effect only such provision, sentence, clause, section or party of this
14 resolution and shall not effect or impair any of the remaining provisions or preexisting
15 provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to
16 be the intention of the City of Albany, that this resolution would have been adopted had
17 such unconstitutional, illegal, or invalid provision, sentence, clause, section or part
18 thereof not been included.

19 **Section Three**

20
21 This amendment to the resolution shall become effective upon passage by the
22 voters. All transactions occurring after January 1, 2009 shall comply with the tax rate
23 established in Section One.

1 **Section Four** **Increase Appropriations Limit**

2 Pursuant to California Constitution Article XIII B, the appropriation limit for the
3 City of Albany is hereby increased by the aggregate sum authorized to be levied by this
4 special tax for each of the four fiscal years from 2009-2010 through 2013-2014.
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City of Albany

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CITY ATTORNEY
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CITY CLERK
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FAX (510) 528-5797

CITY COUNCIL
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Childcare Program
PH. (510) 524-0135
• Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
• Teen Center
PH. (510) 525-0576

RESOLUTION NO. 08--36

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

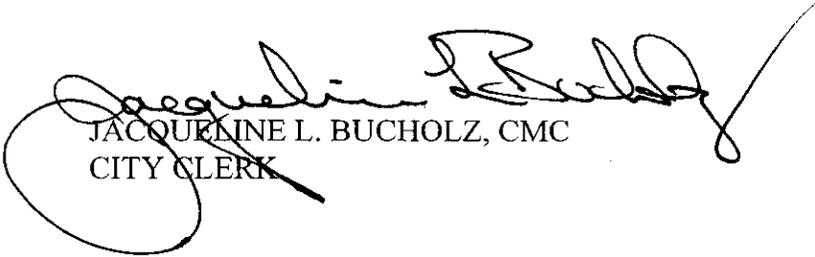
this 21st day of July, 20 08, by the following votes:

AYES: Council Members Atkinson, Wile & Mayor Lieber

NOES: Council Members Javandel & Okawachi

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 22nd
day of July, 20 08.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,
and providing a safe, healthy environment now and in the future.*



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