

Resolution 2010-24 Exhibit C-2

Proposed Modification to Chapter 4-8 of the Albany municipal code to add section 4-8.11 and modify 4-8.10

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 That Section 4-8.10 of the Albany Municipal Code is hereby amended to read as follows:

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~~ 2011/2012 and each year thereafter.

4-8.11 Reduction in Tax and Limited Authority to Increase.

a. Subject to paragraph b, the tax rates imposed by Chapter 4-8 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 such reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget. Such reduction or elimination shall be effective for the fiscal year following such vote.

b. Commencing in fiscal year 2011 – 2012 and each year thereafter, the City

Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as verified by the Consumer Price Index established by the United States Bureau of Labor Statistics (All Urban Consumer-San Francisco Bay Area), has increased. The increase of the tax imposed hereby shall not exceed such verified index.(on an annual basis by four (4%) percent of the tax rates imposed by the City of Albany during the immediately preceding fiscal year.

Section Two

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

Section Three

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

Section Four **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 each of the four fiscal years from 2011-2012 through 2014-2015.

Section Three.

Severability.

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

Section Four.

Effective Date.

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

Section Five. **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 each of the four fiscal years from 2011-2012 through 2014-2015.