

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: June 21, 2010

Reviewed by: BP

**SUBJECT:** Calling for a General Municipal Election and Requesting Consolidation with Statewide General Election

**REPORT BY:** Jacqueline L. Bucholz, City Clerk  
Beth Pollard, City Administrator

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**STAFF RECOMMENDATION**

1. Adopt Resolution No. 2010-24 – A Resolution of the Albany City Council Calling and giving Notice of Holding a General Election to be Held November 2, 2010 and Requesting the Board of Supervisors of Alameda County to Consolidate Said Election with the Statewide General Election; Authorizing the City Clerk of Her Duly Authorized Officers to Carry Out all the Necessary Procedures for Said Election; and for Submitting to the Voters and Amendment to Section 3.01 of the Albany City Charter; Amendments to Albany Municipal Code Article 4-8, and Enactment of Articles 5-10 and 4-III to the Albany Municipal Code, All of Which are Set Forth Herein.

2. Assign Council subcommittees for each of the ballot measures to prepare written arguments in favor of the measures as identified in Resolution No. 2010-24. The Charter Review Committee has requested that members of its Committee join with the Council subcommittee on the ballot argument in favor of the measure to change to an appointed City Attorney.

**BACKGROUND**

Each even-numbered year, the City holds its General Municipal Election to be consolidated with the Statewide General Election that is held in November. The City has the following seats up for election: Two (2) City Council; Three (3) Board of Education and one (1) City Attorney.

**DISCUSSION**

The City is required to request the Board of Supervisors to consolidate the City's regular election with the general statewide election.

At the May 17, 2010, Council direct staff to return with ordinances and ballot language to present to the voters on the November 2, 2010 ballot, as follows:

1) A charter amendment to transition from an elected City Attorney to an appointed City Attorney. The ballot language reads as follows: *Do you approve of modifying the Albany City Charter, Section 3.01, as set forth in the voter pamphlet, to provide that the City Attorney be elected at the November 2, 2010 election to a one year term and that, in December 2011, the City Attorney be appointed by the City Council?*

2) To update the City Utility Users Tax. After comment at the Council meeting of June 7, 2010, staff amended the ordinance to exempt self-generated energy from imposition of a utility users tax and amended the ballot language to reflect this change and to clarify that video was being included in the application of the communications tax. The Public Utilities Commission definition of self-generated energy as referenced in the ordinance is attached to the staff report. The ballot language now reads: *Shall Ordinance No. 2010-03 as set forth in the Voter's Pamphlet be adopted to: Reduce the Communications portion of the Utility Users' Tax from 7% to 6.5%; include video in the definition of Communications; modernize the application, calculation, and collection of the Utility Users' Tax to reflect technological advances and changes in state and federal law; exempt self-generated energy, and prohibit any tax-rate increase without voter approval?*

3) Amendment of Measure N of 2000, Advanced Life Support. This measure authorizes an inflation increase in the Measure N tax rate, which is currently set at a flat \$18. The ballot language reads: *Shall the Albany Municipal Code, Chapter 4-8 entitled "Paramedic Advanced Life Support Fire Engines and Ambulance Special Tax" be amended, as set forth in the Voter Pamphlet, to provide that the City Council may increase the tax commencing in fiscal year 2011– 2012 in accordance with the Consumer Price Index for the greater San Francisco area?*

4) Establishing a business license tax for cannabis businesses. This measure establishes a category and tax rate in the City's business license ordinance for medical marijuana dispensaries, and any other cannabis businesses that may be allowed in the future. The tax rate is \$25 per \$1,000 gross receipts on for-profit businesses and \$25 per square foot on non-profit businesses. The ballot language reads: *Do you approve of modifying the Albany Municipal Code, Chapter V, as set forth in the Voter's Pamphlet, to set a business license tax to be paid by a cannabis business operating in the City of Albany?*

### **SUSTAINABILITY IMPACT**

N/A

### **FINANCIAL IMPACT**

The cost of the election, which in 2008 was approximately \$20,000.00

#### Attachments:

PUC Section 2827

Resolution No. 2010-24

