

**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 OR HER DULY AUTHORIZED OFFICERS TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION; AND FOR SUBMITTING TO THE VOTERS AN 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 4-11 TO THE ALBANY MUNICIPAL CODE, ALL OF WHICH ARE SET FORTH HEREIN.**

**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 2, 2010;

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

**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;

**WHEREAS**, the City Council desires to submit four ballot measures to the voters of the City of Albany for their approval and adoption at the general election to be held in the City on November 2, 2010;

**WHEREAS**, the four ballot measures are as follows:

- (A) An amendment to Albany City Charter Section 3.01. OFFICERS AND EMPLOYEES.
- (B) An amendment to the Albany Municipal Code enacting Article 4-11. Utility Users' Tax.
- (C) An amendment to the Albany Municipal Code amending Article 4-8. Paramedic Advanced Life Support Fire Engines and Ambulance Special Tax.
- (D) An amendment Albany Municipal Code enacting Article 5-10. Cannabis businesses.

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

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

**WHEREAS**, November 2, 2010 is the date of the general statewide election;

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

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

**Section 1** The City's General Municipal Election is hereby called and ordered to be consolidated with the Statewide General Election to be held in said City of Albany, State of California, on Tuesday, November 2, 2010, in accordance with the provisions of the Charter and the Elections Code of the State of California, for the purpose of voting upon any ballot measures and electing the following officers of the City for the terms specified:

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

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

c. One (1) City Attorney of the City of Albany, the term commencing after the official canvass made by the Registrar of Voters and continuing for either one (1) year if Measure \_\_\_passes or four (4) years if Measure \_\_\_does not pass thereafter and until a successor is either appointed or elected and qualified.

d. All ballot measures or advisory measures or propositions as set forth in Exhibits 'A' through 'D', attached hereto and incorporated by reference as if set forth herein word for word, and which may be lawfully submitted at said election as set forth in this Resolution or a resolution later adopted by the City Council..

**Section 2** Pursuant to the Charter powers of the City of Albany and the laws of the State of California related to charter cities, there is called and ordered to be held in the City of Albany, California on November 2, 2010, an election for the purposes of

submitting to the voters four measures as set forth in Exhibits 'A' through 'D', incorporated herein by reference as if set forth herein word for word. Pursuant to the Election Code Section 10400 et seq., the election for these measures shall be consolidated with the statewide general election to be conducted on November 2, 2010.

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

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

**Section 5** Arguments for and against the measures may be filed in accordance with this resolution and applicable provisions of the law. The last date for the direct submission of direct arguments for and against these measures shall be submitted to the City Clerk's office by no later than 12:30 p.m. on Friday, August 13, 2010. Rebuttal arguments shall be submitted to the City Clerk's office by no later than 12:30 p.m. on Friday, August 20, 2010. Any argument shall not exceed 300 words in length and shall not be signed by more than five persons. Any rebuttal shall not exceed 250

words in length and shall not be signed by more than five persons; those persons may be different persons who sign the direct arguments.

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

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

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

**Section 9** That pursuant to the Elections Code of the State of California, the Board of Supervisors of the County of Alameda is hereby requested to consolidate the General Election to be held at said County on November 2, 2010, with the Regular General Municipal Election so that the election precincts, polling places and voting booths shall in every case, be the same, and so there may be one set of election offices and officers at each said election precinct, and one form of ballot, and provide for expenses thereof, all as provided in said Elections Code of the State of California.

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

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

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

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

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

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

**Section 16** The Alameda County Registrar of Voters is hereby requested to include the ballot measures, with the ballot questions, referred to herein and set forth in Exhibits 'A' through 'D' in the voter pamphlet, and to number and designate the ballot measures as is appropriate.

**Section 17** The Voter Pamphlet shall include the ballot questions' wording to the voters, the question as presented before the text, and the exact wording of the present Charter or Albany Municipal code sections 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 the Exhibits attached hereto.

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 \_\_\_\_\_, 2010 by the following vote:

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Joanne Wile  
Mayor