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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 CITY 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 TO THE ALBANY CITY CHARTER; AN AMENDMENT TO ALBANY CITY CHARTER SECTION 2.04; AN AMENDMENT TO ALBANY MUNICIPAL CODE CHAPTER 4-5 ENTITLED REAL PROPERTY TRANSFER TAX; AND AN AMENDMENT TO ALBANY MUNICIPAL CODE CHAPTER 4-8 ENTITLED PARAMEDIC ADVANCED LIFE SUPPORT FIRE ENGINES AND AMBULANCE SPECIAL TAX 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;

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,
9 5.02, 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;

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

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

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

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

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

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

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

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

22 **Section 2** Pursuant to the Charter powers of the City of Albany and the laws
23 of the State of California related to charter cities, there is called and ordered to be held in

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

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

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

21 **Section 5** Arguments for and against the measures may be filed in
22 accordance with this resolution and applicable provisions of the law. The last date for the
23 direct submission of direct arguments for and against these measures shall be submitted

1 to the City Clerk's office by no later than 12:30 p.m. on Friday, August 15, 2008.
2 Rebuttal arguments shall be submitted to the City Clerk's office by no later than 12:30
3 p.m. on Friday, August 22, 2008. Any argument shall not exceed 300 words in length
4 and shall not be signed by more than five persons. Any rebuttal shall not exceed 250
5 words in length and shall not be signed by more than five persons; those persons may be
6 different persons who sign the direct arguments.

7 **Section 6** 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 7** 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 8** 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 9** 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 10** 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 11** 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 12** 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 13** 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 14** 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 15** 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
23

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 16** 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 17** 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:

18 Do you approve the modification of Section 3.23 of the City Charter, as is 19 fully set forth in the voter pamphlet, to provide that members of 20 commissions, boards, committees, task forces, or other similar bodies, appointed by the City Council, shall serve for an interim term of up to 45 21 days after certification of an election, or until they are reappointed or replaced?	YES _____ NO _____
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22 **Section 18** The Voter Pamphlet shall include the ballot question wording to
23 the voters, the question as presented before the text, and the exact wording of the present

1 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
2 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “B”.

3 **Section 19** The text of the proposed Albany Charter amendment to Section
4 3.23 to be submitted to voters is attached hereto as Exhibit “B”, and incorporated herein
5 by reference.

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

7 **Section 20** The Alameda County Registrar of Voters is hereby requested to
8 include the following ballot measure in the voter pamphlet as set forth hereinafter, and
9 that the following ballot question on the ballot, to be numbered and designated by the
10 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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14 **Section 21** The Voter Pamphlet shall include the ballot question wording to
15 the voters, the question as presented before the text, and the exact wording of the present
16 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
17 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “C”.

18 **Section 22** The text of the proposed Albany Charter amendment to Section
19 4.03 to be submitted to voters is attached hereto as Exhibit “C”, and incorporated herein
20 by reference.

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

22 **Section 23** The Alameda County Registrar of Voters is hereby requested to
23 include the following ballot measure in the voter pamphlet as set forth hereinafter, and

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 modification of amending the Albany City Charter to 4 provide that council members shall receive \$300.00 per month as salary, as 5 is now authorized for general law cities of a similar size by Government 6 Code Section 36516(a)?	YES _____ NO _____
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7 **Section 24** The Voter Pamphlet shall include the ballot question wording to
8 the voters, the question as presented before the text, and the exact wording of the present
9 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
10 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “D”.

11 **Section 25** The text of the proposed Albany Charter amendment to Section
12 2.01 and addition of Section 2.08 to be submitted to voters is attached hereto as Exhibit
13 “D”, and incorporated herein by reference.

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

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

19 Do you approve the modification of Section 2.04, MEETINGS, of the City 20 Charter, as is set forth in the voter pamphlet, to provide that the City 21 Council, by resolution or ordinance, shall set the time when City Council 22 meetings are held?	YES _____ NO _____
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23 **Section 27** The Voter Pamphlet shall include the ballot question wording to
24 the voters, the question as presented before the text, and the exact wording of the present

1 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
2 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “E”.

3 **Section 28** The text of the proposed Albany Charter amendment to Section
4 2.04 to be submitted to voters is attached hereto as Exhibit “E”, and incorporated herein
5 by reference.

6 **VI. Amendment to Albany Municipal Code Chapter 4-5**

7 **Section 29** The Alameda County Registrar of Voters is hereby requested to
8 include the following ballot measure in the voter pamphlet as set forth hereinafter, and
9 that the following ballot question on the ballot, to be numbered and designated by the
10 County of Alameda as a City Council proposed measure to appear as follows:

11 Shall the Albany Municipal Code, Chapter 4-5 entitled “Real Property 12 Transfer Tax” be amended in Section 4-5.2 to provide for an increase in 13 the tax rate from \$11.50 per \$1,000.00 to \$14.50 per \$1,000.00 of the value 14 of consideration?	YES _____ NO _____
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15 **Section 30** The Voter Pamphlet shall include the ballot question wording to
16 the voters, the question as presented before the text, and the exact wording of the present
17 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
18 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit “F”.

19 **Section 31** The text of the proposed Albany Municipal Code amendment to
20 Chapter 4-5 to be submitted to voters is attached hereto as Exhibit “F”, and incorporated
21 herein by reference.

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

23 **Section 32** The Alameda County Registrar of Voters is hereby requested to
include the following ballot measure in the voter pamphlet as set forth hereinafter, and

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 measure to appear as follows:

3 Shall the Albany Municipal Code, Chapter 4-8 entitled "Paramedic 4 Advanced Life Support Fire Engines and Ambulance Special Tax" be 5 amended to provide that the City Council may increase the tax 6 commencing in fiscal year 2010 – 2011 and on an annual basis thereafter by 4%?	YES _____ NO _____
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7 **Section 33** The Voter Pamphlet shall include the ballot question wording to
8 the voters, the question as presented before the text, and the exact wording of the present
9 Charter section with language to be deleted shown in ~~strikeout~~ type and the language to
10 be added to be shown in underlined, *italicized*, or otherwise **highlighted** in Exhibit "G".

11 **Section 34** The text of the proposed Albany Municipal Code amendment to
12 Chapter 4-7 to be submitted to voters is attached hereto as Exhibit "G", and incorporated
13 herein by reference.

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17 The undersigned hereby certifies that the foregoing is a full, true, and complete
18 copy of the Resolution duly passed and adopted by the City Council of the City of
19 Albany at a regular meeting thereof on the 21st day of July, 2008 by the following vote:

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ROBERT LIEBER
MAYOR
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EXHIBIT "A"

**PROPOSED MODIFICATIONS TO SECTIONS 2.01, 2.02, 5.01, and 5.02
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)

16
17 This section shall be effective and implemented for and as of the November, 2012
18 election.

19 SECTION 2.02. LIMITATION ON TERMS.

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

1 person elected. The City Council shall adopt an ordinance establishing a run-off system.
2 The run-off system may include mailed ballots, an instant run-off voting system when
3 such technology is available to the City, or a special run-off election. The ordinance
4 setting for the run-off system may be amended from time to time for any reason, but no
5 amendment to the ordinance may take effect less than one hundred three (103) days prior
6 to any 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
18 member shall be filled by the candidate for council member receiving the third highest
19 number of votes at the same municipal election.

20
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
23

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.
6

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~~
8 ~~Monday in April, 1930, and until their successors are elected or appointed and qualify.~~
9 The first election of the Mayor shall be held at the State General election that coincides
10 with the election for the President of the United States that occurs in November, 2012.

1 **EXHIBIT "B"**

2 **PROPOSED MODIFICATIONS TO SECTION 3.23 OF THE CITY CHARTER**

3 Do you approve the modification of Section 3.23 of the City Charter, as is 4 fully set forth in the voter pamphlet, to provide that members of 5 commissions, boards, committees, task forces, or other similar bodies, 6 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 _____

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

9 Section 3.23 APPOINTEE PROCEDURES.

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

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

12 c. Any other removal shall be only for cause and then only by a majority
13 vote of the City Council. Appointees shall be notified of such cause, in writing, at least
14 twenty-one (21) days prior to the vote of the City Council.

1 **EXHIBIT “C”**

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

3 Do you approve the modification of Section 4.03 of the City Charter, as is 4 fully set forth in the voter pamphlet, to provide that the City Council shall 5 by ordinance set threshold limits for the requirements for formal 6 competitive bidding and shall establish such other procedures as are 7 necessary for undertaking the completion of any public projects?	YES _____
	NO _____

8 The people of the City of Albany modify Section 4.03 of the City Charter to read
9 as follows:

10 Section 4.03 CONTRACT WORK

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

12 (a) A project for the erection, improvement, and repair of public buildings and
13 works.

14 (b) Work in or about streams, bays, waterfronts, embankments, or other work
15 for protection against overflow.

16 (c) Street or sewer work, except maintenance or repair.

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

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

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

20 After rejecting bids, the Council may pass a resolution by a four-fifths vote of its
21 members declaring that the project can be performed more economically by day labor, or
22 the materials or supplies furnished at a lower price in the open market. Upon adoption of
23

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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EXHIBIT "D"

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

3 Do you approve the modification of amending the Albany City Charter to 4 provide that council members shall receive \$300.00 per month as salary, as 5 is now authorized for general law cities of a similar size by Government 6 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
21 qualified persons shall then be inducted into office. A person elected to the City Council
22 shall hold office for a period of four (4) years from the day of their induction and until
23 their successors are elected and qualified. A person elected, unless otherwise removed
24 from office, is entitled to serve a four-year term from the date of induction.

25 The Council as thus newly constituted shall then elect one of its members as its
26 presiding officer, who shall have the title of Mayor. The Council shall also designate one

1 of its members as Vice-Mayor. The Vice-Mayor shall perform the duties of the Mayor
2 during his or her absence or disability. The officials so chosen shall hold their respective
3 offices subject to the pleasure of the Council.

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

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

12 **Section 2** Effective Date and Implementation: If the voters adopt Section
13 2.08 at the November 4, 2008 election, then the wording to be deleted from Section 2.01,
14 as set forth above, shall be deleted when Section 2.08 becomes operative in 2010.
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22 **EXHIBIT "E"**
23 **PROPOSED MODIFICATIONS TO SECTION 2.04 OF THE CITY CHARTER**

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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 _____

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

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

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

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

EXHIBIT "F"
PROPOSED MODIFICATION TO CHAPTER 4-5 OF THE ALBANY MUNICIPAL CODE TO AMEND SECTION 4-5.2

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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 _____

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

Section One

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

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

- a. All transfers by deeds, instruments, writings, or any other document by which any lands, tenements, or other interest in real property are sold, assigned, conveyed, transferred, exchanged or title otherwise changed within the City of Albany; or
- b. Any transaction or change in title whereby the form of title to real property is granted, assigned, changed, transferred or otherwise conveyed to or vested in a person(s), purchaser(s), or transferee(s) in a different percentage of ownership on title that had been set forth on the prior deed or document evidencing title.
- c. Any transaction or transfer of greater than five (5%) percent interest, ownership, or control of stock or shares in a corporation, interest in partnerships, or

1 interest in other legal entities that is transferred or conveyed through the purchase or
2 transfer of corporate stock, partnerships interest, shares or interest in limited liability
3 companies, or ownership interest in other legal entities. Such purchase or transfer of such
4 stock, shares, or other interest shall be considered and shall constitute, for the purposes of
5 imposing a tax, a change of ownership of property owned by the corporation, limited
6 liability company, partnership or other legal entity.

7 **Section Two**

8
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.
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22 **Section Three**
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1 This amendment to the resolution shall become effective upon passage by the
2 voters. All transactions occurring after January 1, 2009 shall comply with the tax rate
3 established in Section One.

4 **Section Four** **Increase Appropriations Limit**

5
6 Pursuant to California Constitution Article XIII B, the appropriation limit for the
7 City of Albany is hereby increased by the aggregate sum authorized to be levied by this
8 special tax for each of the four fiscal years from 2009-2010 through 2013-2014.
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1 **EXHIBIT "G"**

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

4 Shall the Albany Municipal Code, Chapter 4-8 entitled "Paramedic
5 Advanced Life Support Fire Engines and Ambulance Special Tax" be
6 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 _____

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

11 **Section One**

12 **4-8.10 Increase Appropriations Limit.**

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

16 **4-7.11 Reduction in Tax and Limited Authority to Increase.**

17 a. Subject to paragraph b, the tax rates imposed by this resolution are
18 maximum rates and may not be increased by the City Council above such maximum
19 rates. The tax imposed by this resolution may be reduced or eliminated by the City
20 Council on or before July 1st in any year in which the City Council determines that after
21 such reduction or elimination there will be sufficient revenues available to balance the
22

1 City Council's Adopted Policy Budget. Such reduction or elimination shall be effective
2 for the fiscal year following such vote.

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

6 **Section Two**

7
8 The provisions of this resolution shall not apply to any person, or to any property
9 as to whom or which it is beyond the power of the City of Albany to impose the tax
10 herein provided. If any provision, sentence, clause, section or part of this ordinance is
11 found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or
12 invalidity shall effect only such provision, sentence, clause, section or party of this
13 resolution and shall not effect or impair any of the remaining provisions or preexisting
14 provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to
15 be the intention of the City of Albany, that this resolution would have been adopted had
16 such unconstitutional, illegal, or invalid provision, sentence, clause, section or part
17 thereof not been included.

18 **Section Three**

19
20 This amendment to the resolution shall become effective upon passage by the
21 voters. All transactions occurring after January 1, 2009 shall comply with the tax rate
22 established in Section One.

23 **Section Four** **Increase Appropriations Limit**

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

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