

RESOLUTION NO. 2020-70

1                   **A RESOLUTION OF THE ALBANY CITY COUNCIL CALLING FOR THE**  
2                   **PLACEMENT OF A SPECIAL TAX MEASURE ON THE NOVEMBER 3,**  
3                   **2020 GENERAL MUNICIPAL ELECTION BALLOT FOR SUBMITTING TO THE**  
4                   **VOTERS AN ORDINANCE AMENDING SECTION 4-8, CHAPTER IV OF THE**  
5                   **ALBANY MUNICIPAL CODE INCREASING THE RATE OF THE PARAMEDIC**  
6                   **ADVANCED LIFE SUPPORT FIRE ENGINES AND AMBULANCE SPECIAL TAX**  
7                   **AND PROVIDING FOR CERTAIN EXEMPTIONS AND REBATES FROM THE**  
8                   **SPECIAL TAX FOR QUALIFYING VERY LOW-INCOME RESIDENTS; AND**  
9                   **AUTHORIZING THE CITY CLERK OR HER DULY AUTHORIZED OFFICERS TO**  
10                   **CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION**

11                   **WHEREAS**, Section 2.01 of the Albany City Charter provides that the City’s General  
12                   Municipal Election will be held on each even year and shall be consolidated with the Statewide  
13                   General Election to be held in said City on Tuesday, November 3, 2020; and

14                   **WHEREAS**, the City of Albany is a charter city and pursuant to Article XI, Section 7 of  
15                   the California Constitution and Section 1.03 of the Albany City Charter is empowered to exercise  
16                   all powers necessary and appropriate for a municipal corporation and the general welfare of its  
17                   inhabitants; and

18                   **WHEREAS**, Section 5.01 of the Albany City Charter provides that except as otherwise  
19                   provided in the Charter or City ordinances, City elections shall be conducted in accordance with  
20                   the State Elections Code; and

21                   **WHEREAS**, pursuant to Section 9222 of the California Elections Code, the City Council  
22                   has the authority and desires to submit a ballot measure to the voters of the City of Albany for  
23                   their approval and adoption at the General Municipal Election to be held in the City on November  
24                   3, 2020; and

25                   **WHEREAS**, the ballot measure is an ordinance amending Section 4-8 of Chapter IV of  
26                   the Albany Municipal Code to:

1 (A) Increase the rate of the paramedic advanced life support fire engines and ambulance  
2 special tax (“ALS Tax”) from twenty-three dollars and sixty-six cents (\$23.66) per  
3 residential unit to sixty-eight dollars (\$68.00) per residential unit, as assigned and  
4 calculated in the ordinance; and

5 (B) Incorporate an exemption from the tax for residential parcels owned by qualifying  
6 very low-income residents, as defined in the ordinance; and

7 (C) Authorize a rebate to qualifying very low-income renters of ALS Tax imposed on a  
8 rental unit in which they reside, as defined in the ordinance; and

9 **WHEREAS**, the specific terms of the ALS Tax measure are provided for in the ordinance  
10 to be considered by the qualified voters, attached hereto as Exhibit “A” (the “ALS Tax Ordinance”  
11 or “ALS Tax Measure”) and by this reference made an operative part hereof, and in accordance  
12 with all applicable laws; and

13  
14 **WHEREAS**, the ALS Tax is a special tax, the proceeds of which are deposited into the  
15 City’s “Emergency Medical Services Fund” and are dedicated for the sole and exclusive purpose  
16 of providing paramedic, advanced life support, fire engines and ambulance transport services; and

17  
18 **WHEREAS**, on November 6, 1996, the voters of the State of California approved  
19 Proposition 218 (California Constitution, Article XIIIIC), an amendment to the State Constitution  
20 which requires that all special taxes which are imposed, extended or increased must be submitted  
21 to the electorate and approved by a two-thirds (2/3) vote of the qualified electors voting in the  
22 election; and

23 **WHEREAS**, the proposed amendments which increase the rate of the ALS Tax constitute  
24 a tax “increase” subject to Proposition 218; and  
25  
26  
27  
28

1           **WHEREAS**, pursuant to Proposition 218 (California Constitution Article XIII C, §2(b)),  
2 a local election for the approval of an increase to a special tax may be scheduled for any date  
3 authorized by the California Elections Code; and

4           **WHEREAS**, the next regularly scheduled general election for City Council members on  
5 November 3, 2020 is a date authorized under the California Elections Code for the placement of  
6 a special tax measure; and

7           **WHEREAS**, pursuant to California Government Code Section 50077, on July 6, 2020,  
8 the City Council held a public hearing after due notice regarding calling for an election on the  
9 ALS Tax Measure; and

10           **WHEREAS**, pursuant to Albany City Charter Section 2.05, “[T]he affirmative vote of a  
11 majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against  
12 the City, which vote shall be taken by ayes and noes and entered upon the record”.

13  
14  
15           **NOW THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY**  
16 **RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

17           **Section 1**     Recitals. The City Council hereby finds and determines that the foregoing  
18 recitals are true and correct, are incorporated herein and by this reference made an operative part  
19 hereof.

20  
21           **Section 2**     Submission of Ballot Measure. Pursuant to Albany City Charter Section  
22 2.05, California Elections Code §9222, and any other applicable requirements of the laws of the  
23 State of California relating to the City of Albany, the City Council, by a simple majority vote of  
24 its members, hereby orders the ALS Tax Measure to be submitted to the voters of the City at the  
25 General Municipal Election to be held on Tuesday, November 3, 2020.  
26  
27  
28

1           **Section 3**       There is hereby called and ordered to be held in the City of Albany,  
2 California on November 3, 2020, a General Municipal Election for the purposes of submitting to  
3 the voters the ALS Tax Measure as set forth in Exhibit A.

4           **Section 4**       The City Council hereby orders that the ballot question for the Measure  
5 shall be presented and printed upon the ballot submitted to the qualified voters in the manner and  
6 form set forth in this Section 4. On the ballot to be submitted to the qualified voters at the General  
7 Municipal Election to be held on November 3, 2020, in addition to any other matters required by  
8 law, there shall be printed substantially the following ballot question:

9

"To maintain City of Albany paramedic, advanced life support, fire engine and ambulance service, with funding that cannot be taken by Sacramento; shall a measure increasing the annual current paramedic advanced life support fire engine and ambulance service special tax from \$23.66 to \$68 per assigned residential unit, providing an additional \$359,600 annually until ended by voters, exempting very low-income residents, with annual independent audits, with all funds remaining local, be adopted?"	<b>YES</b>
	<b>NO</b>

10  
11  
12  
13  
14

15           **Section 5**       This Measure requires the approval of a two-thirds (2/3) supermajority of  
16 the qualified electors casting votes at the General Municipal Election.

17           **Section 6**       Conduct of Election. The City Clerk is authorized, instructed, and  
18 directed to coordinate with the Alameda County Registrar of Voters/Elections Official to procure  
19 and furnish any and all official ballots, printed matter and all supplies, equipment and  
20 paraphernalia that may be necessary in order to properly and lawfully conduct the election.

21           **Section 7**       Impartial Analysis. Pursuant to California Elections Code Section 9280,  
22 the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City  
23 Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed  
24 500 words in length, showing the effect of the Measure on the existing law and the operation of  
25 the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline set  
26  
27  
28

1 by the County of Alameda. The impartial analysis shall include a statement indicating whether  
2 the Measure was placed on the ballot by a petition signed by the requisite number of voters or by  
3 the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the  
4 voter information portion of the sample ballot, there shall be printed immediately below the  
5 impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an  
6 impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the Ordinance or  
7 Measure, please call the Office of the City Clerk at 510-528-5710 and a copy will be mailed  
8 at no cost to you.”**

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

15 **Section 9** Placement on the Ballot. The full text of the Measure shall be printed in  
16 the voter information guide, and a statement shall be printed in the ballot pursuant to Elections  
17 Code §9223 advising voters that they may obtain a copy of this Resolution and the Measure, at  
18 no cost, upon request made to the City Clerk.

19 **Section 10** Public Examination. Pursuant to California Elections Code §9295, the  
20 Measure will be available for public examination for no fewer than ten (10) calendar days prior  
21 to being submitted for printing in the voter information guide. The City Clerk shall post notice  
22 in the Clerk’s office of the specific dates that the examination period will run.

24 **Section 11** That in all particulars not recited in this Resolution, said election shall be  
25 held and conducted as provided by law for holding Municipal Elections in the City of Albany.  
26  
27  
28

1           **Section 12**     That the General Municipal Election, to be held in the City of Albany, shall  
2 be canvassed by the Registrar of Voters of the County of Alameda, State of California.

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

6           **Section 14**     That the City Clerk of the City of Albany is hereby authorized and directed  
7 to file a copy of this Resolution immediately upon its adoption with the appropriate County  
8 agencies. With the concurrence of the City Attorney, the City Clerk is hereby authorized to make  
9 such minor, technical and clarifying changes to this Resolution and/or the Exhibits hereto as may  
10 be deemed necessary and appropriate.

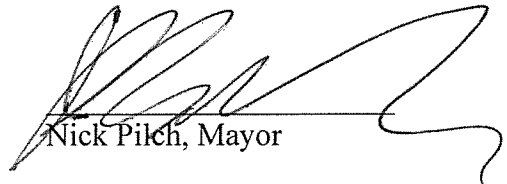
11           **Section 15**     The City Council of the City of Albany shall meet at its usual place of  
12 meeting and review the certified statement of results of the election after the County Registrar of  
13 Voters/Elections Official has provided said statement to the City Clerk and shall thereafter declare  
14 the results at its next scheduled meeting.

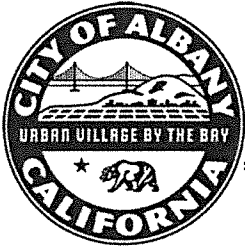
15           **Section 16**     The Voter Information Guide shall include the ballot questions' wording to  
16 the voters as set forth above, and the exact wording of the proposed Albany Municipal Code  
17 sections or present Albany Municipal Code with language to be deleted shown in ~~strikeout type~~  
18 and the language to be added to be shown in underlined, *italicized*, or otherwise **highlighted** in  
19 the Exhibit "A" attached hereto.

20           **Section 17**     The approval of this Resolution is exempt from the California  
21 Environmental Quality Act (CEQA). The ALS Tax Measure to be submitted to the voters is a  
22 special tax dedicated to funding paramedic, advanced life support, fire engine and ambulance  
23 service within the City. However, the funding is not committed to any specific project or service;  
24  
25  
26  
27  
28

1 and any future decisions to approve particular projects or services utilizing the tax proceeds will  
2 be subject to environmental review at the earliest feasible time prior to the point at which such  
3 future decisions are made. As such, under CEQA Guidelines Section 15378(b)(4), this Measure  
4 is not a project within the meaning of CEQA because it creates a government funding mechanism  
5 that does not involve any commitment to any specific project that may result in a potentially  
6 significant physical impact on the environment. If revenue from this Measure were used for a  
7 purpose that would have any such effect, the City would undertake the required CEQA review for  
8 that particular project at the earliest feasible time prior to approval of the project. Therefore, under  
9 CEQA Guidelines Section 15060, review under CEQA is not required prior to enactment of the  
10 Measure.  
11

12 The undersigned hereby certifies that the foregoing is a full, true, and complete copy of  
13 the Resolution duly passed and adopted by the City Council of the City of Albany at a regular  
14 meeting thereof on the 6<sup>th</sup> day of July, 2020.  
15

16  
17  
18   
19 Nick Pilch, Mayor  
20  
21  
22  
23  
24  
25  
26  
27  
28



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2020-70

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF  
ALBANY, The 6th day of July, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, and Mayor Pilch

NOES: Council Member Nason

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this  
7th day of July, 2020.

Anne Hsu  
CITY CLERK



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT "A"**

**AN ORDINANCE AMENDING SECTION 4-8, CHAPTER IV OF THE  
ALBANY MUNICIPAL CODE INCREASING THE RATE OF THE PARAMEDIC  
ADVANCED LIFE SUPPORT FIRE ENGINES AND AMBULANCE SPECIAL TAX  
FROM \$23.66 PER RESIDENTIAL UNIT TO \$68 PER RESIDENTIAL UNIT AND  
PROVIDING FOR CERTAIN EXEMPTIONS AND REBATES FROM THE  
SPECIAL TAX FOR QUALIFYING VERY LOW-INCOME RESIDENTS**

"To maintain City of Albany paramedic, advanced life support, fire engine and ambulance service, with funding that cannot be taken by Sacramento; shall a measure increasing the annual current paramedic advanced life support fire engine and ambulance service special tax from \$23.66 to \$68 per assigned residential unit, providing an additional \$359,600 annually until ended by voters, exempting very low-income residents, with annual independent audits, with all funds remaining local, be adopted?"	<b>YES</b>
	<b>NO</b>

**ORDINANCE NO. 2020-11**

**AN ORDINANCE AMENDING SECTION 4-8, CHAPTER IV OF THE  
ALBANY MUNICIPAL CODE INCREASING THE RATE OF THE PARAMEDIC  
ADVANCED LIFE SUPPORT FIRE ENGINES AND AMBULANCE SPECIAL TAX  
FROM \$23.66 PER RESIDENTIAL UNIT TO \$68 PER RESIDENTIAL UNIT AND  
PROVIDING FOR CERTAIN EXEMPTIONS AND REBATES FROM THE  
SPECIAL TAX FOR QUALIFYING VERY LOW-INCOME RESIDENTS**

**NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS  
FOLLOWS:**

**SECTION 1: AUTHORITY.**

This Ordinance is enacted in accordance with the authority granted to cities by Article XI, Section 7, Article XIII A, Section 4 and Article XIII C, Section 2 of the California Constitution and the California Elections Code.

1 **SECTION 2: AMENDMENT TO SUBSECTION 4-8.2 OF THE MUNICIPAL CODE.**

2 Chapter IV, Section 4-8, Subsection 4-8.2 of the City of Albany Municipal Code is

3 hereby amended to read:

4  
5 **“4-8.2 Special Tax.**

6 a. The intent of the tax imposed under this section is solely for the purpose of providing  
7 additional funding for the City's Emergency Medical Services Program in order to protect  
8 individual health and safety and to improve the quality of life in the City of Albany.

9 b. Section 4 of Article XIII A of the California Constitution (Proposition 13) allows two-thirds  
10 (2/3) of the qualified electors of the City to impose a special tax within the City, provided the  
11 special tax is not an ad valorem tax on real property or a transaction tax or a sales tax on the sale  
12 of real property within the City. The tax imposed by this Section is a special tax which is  
13 authorized for elector approval by Section 4 of Article XIII A of the California Constitution.

14 c. The City Council is hereby authorized to ~~increase~~ *levy* the Emergency Medical Services  
15 special tax in the *maximum* amount of ~~eighteen (\$18.00)~~ *sixty-eight (\$68.00)* dollars per  
16 residential unit as follows:  
17  
18

19

<b>Categories</b>	<b>Residential Units Assigned</b>
Residential (per unit)	1
Commercial (per parcel)	2
Industrial (per parcel)	4
Institutional (per parcel)	1
Rural (per parcel)	1

20  
21  
22  
23

24 d. The tax imposed by this section shall be operative on July 1, ~~2001~~ *2021*.

25  
26 *e. The tax imposed by this Section shall be subject to the exemptions and rebates set forth*  
27 *in this Section.*  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
*1. Single-family residential parcels and units on multi-family residential parcels shall be exempt from the special tax if they are owned and occupied by a person or persons whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et seq.), for such year. The application process will be in the form of self-certification under penalty of perjury. Owners must apply for the exemption provided for in this Section annually by application to the Finance Director in the manner and at the time set forth by the Finance Director. Such applications shall be on forms provided by the Finance Director and shall provide such information as the Finance Director may require. If the Finance Director determines the need to audit an application, the Finance Director may require additional information, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.*

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
*2. Renters who reside in a residential rental unit within the City of Albany whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et seq.), for such year may apply for a rebate of the special tax imposed by this section that applies to the rental unit in which they reside. Renters must apply for the rebate provided in this section annually by application to the Finance Director in the manner and at the time set forth by the Finance Director. Such applications shall be on forms provided by the Finance Director and shall provide such information as the Finance Director may require. If the Finance Director determines the need to*

1                   *audit an application, the Finance Director may require additional information,*  
2                   *including, but not limited to, federal income tax returns and W-2 forms of renter*  
3                   *occupants eligible for this exemption. Only one such rebate shall be allowed*  
4                   *annually to a rental unit.*

5       ef.       The proceeds of the Paramedic Life Advanced Support Fire Engines and Ambulance  
6       Special Tax shall be deposited in the Emergency Medical Services Fund and shall be used for the  
7       sole and exclusive purpose of providing paramedic advanced life support fire engines and  
8       ambulance transport services.”

10       **SECTION 3: AMENDMENT TO SUBSECTION 4-8.3 OF THE MUNICIPAL CODE.**

11       Chapter IV, Section 4-8, Subsection 4-8.3 of the City of Albany Municipal Code is  
12       hereby amended to read:

14  
15       **4-8.3 Annual Audit.** A certified public accounting firm retained by the City will perform an  
16       annual audit to assure accountability of the proper disbursement of these tax proceeds in  
17       accordance with the objectives stated herein. *The chief fiscal officer/Finance Director of the*  
18       *City shall cause a report (the “Report”) to be prepared and filed with the City Council no later*  
19       *than June 30 of each year. The Report shall state: (a) the amount of special tax proceeds*  
20       *collected and expended in such year; and (b) the status of any projects or description of any*  
21       *programs funded from proceeds of the special tax. The Report may be incorporated into or filed*  
22       *with the annual budget, audit, or other appropriate routine report to the City Council.”*

24  
25       **SECTION 4: AMENDMENT TO SUBSECTION 4-8.10 OF THE MUNICIPAL CODE.**

26       Chapter IV, Section 4-8, Subsection 4-8.10 of the City of Albany Municipal Code is  
27       hereby amended to read:

1           **“4-8.10           Increase Appropriations Limit.**

2 Pursuant to California Constitution Article XIII B, the appropriations limit for the City of Albany  
3 is hereby increased by the aggregate sum authorized to be levied by this special tax for fiscal year  
4 ~~2011/2012~~ **2021/22** and each year thereafter.”

6           **SECTION 5: AMENDMENT TO SUBSECTION 4-8.11 OF THE MUNICIPAL CODE.**

7 Chapter IV, Section 4-8, Subsection 4-8.11 of the City of Albany Municipal Code is  
8 hereby amended to read:

10           **“4-8.11           ~~Reduction in Adjustment to Tax Rate~~ and Limited Authority to Increase.**

11 a.       Subject to paragraph b, the tax rates imposed by Section ~~4-8~~ are maximum rates and may  
12 not be increased by the City Council above such maximum rates. The tax imposed by this  
13 ~~resolution~~ *ordinance* may be reduced *in rate* or ~~eliminated~~ *suspended* by the City Council on or  
14 before July 1st in any year in which the City Council determines that after such *rate* reduction or  
15 ~~elimination~~ *suspension* there will be sufficient revenues available to balance the City Council's  
16 Adopted Policy Budget. Such reduction or elimination shall be effective for the fiscal year  
17 following such ~~vote~~ *Council action*. *Subject to the maximum rates set forth in this Section 4-8,*  
18 *the City Council may reinstate the tax or increase the rate of the tax, on or before July 1st in*  
19 *any subsequent year in which the City Council determines that said reinstatement or rate*  
20 *increase is necessary to generate sufficient revenues to balance the City Council's Adopted*  
21 *Policy Budget. Such reinstatement or rate increase shall be effective for the fiscal year following*  
22 *such Council action.*

23 b.       Commencing in fiscal year ~~2011-2012~~ **2021-2022** and each year thereafter, the City  
24 Council may ~~increase the tax imposed hereby only upon a finding that~~ *maximum rate of the tax*  
25

1 *shall be increased by the change in the annual* the cost of living *index* in the immediate San  
2 Francisco Bay Area, as verified by the Consumer Price Index established by the United States  
3 Bureau of Labor Statistics (All Urban Consumer-San Francisco Bay Area), has increased. The  
4 increase of the tax imposed hereby shall not exceed such verified index *or* (~~On an annual basis by~~  
5 four (4%) percent ~~of~~ *over* the tax rates imposed by the City of Albany during the immediately  
6 preceding fiscal year.)”

7  
8 **SECTION 6: CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

9 The findings for this Ordinance in compliance with the California Environmental Quality Act  
10 (“CEQA”) are the same as those set forth in City Council Resolution No. 2020-70 calling for an  
11 election on this Ordinance. The CEQA findings set forth in Resolution No. 2020-70 are  
12 incorporated herein by reference.

13  
14 **SECTION 7: SEVERABILITY.**

15 If any provision of this Ordinance or the application thereof to any person or circumstance is held  
16 invalid, the remainder of the Ordinance and the application of such provision to other persons or  
17 circumstances shall not be affected thereby.

18  
19 **SECTION 8: EFFECTIVE DATE.**

20 Pursuant to California Constitution Article XIII C §(2)(d) and California Elections Code §9217,  
21 this Ordinance shall take effect only if approved by a two-thirds (2/3) supermajority of the eligible  
22 voters of the City of Albany voting at the General Municipal Election to be held on November 3,  
23 2020 and shall become effective 10 days after the City Council has declared the results of the  
24 Election.  
25  
26  
27  
28

1 Ordinance No. 2020-11 was submitted to the People of the City of Albany at the November 3,  
2 2020 General Municipal Election. It was approved by the following vote of the People:

3 YES:

4 NO:

5  
6  
7  
8 Ordinance No. 2020-11 was thereby adopted by the voters at the November 3, 2020 election and  
9 shall become effective ten (10) days following adoption of a resolution declaring the results of  
10 the election at a meeting of the City Council held on December \_\_\_\_, 2020 by the following vote:

11 AYES:

12 NOES:

13 ABSENT:

14 ABSTAIN:

15  
16  
17  
18 I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and  
19 regularly adopted by the People of the City of Albany, California.  
20

21  
22  
23 \_\_\_\_\_  
24 Anne Hsu, City Clerk  
25  
26  
27  
28