

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

Agenda Date: July 18, 2022

Reviewed by: NA

SUBJECT: Calling for a General Municipal Election, Requesting Consolidation with the Statewide General Election, and Calling for Placement of Tax Measures on the November 8, 2022 General Municipal Election Ballot

REPORT BY: Anne Hsu, City Clerk
Nicole Almaguer, City Manager
Mala Subramanian, City Attorney

SUMMARY

The following report discusses the upcoming general municipal election including two tax measures on the ballot (Emergency Medical Services, Advanced Life Support, Fire Prevention (EMS/ALS) Special Tax, Business License Tax), and consolidation of the election with the Statewide General Election.

STAFF RECOMMENDATION

That the Council:

1. Adopt Resolution No. 2022-91, requesting the Board of Supervisors of Alameda County to consolidate a General Election to be held November 8, 2022 with the Statewide General Election to be held on the same date pursuant to Section 10403 of the Elections Code for the submission of two City tax measures at said election
2. Adopt Resolution No. 2022-92, providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding two City tax measures to be submitted at the November 8, 2022 General Municipal Election
3. Assign a Council subcommittee or subcommittees to prepare written arguments for the two ballot measures as identified in Resolution No. 2022-77 (new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax), and 2022-90 (Business License Tax), per the rules set in Resolution No. 2022-92

BACKGROUND/DISCUSSION

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 is required to request

the Board of Supervisors consolidate the City's regular election with the general statewide election.

The City has the following seats up for election: Two (2) City Council and Three (3) Board of Education. The City also has two ballot measures to be placed on the November 8, 2022 ballot.

The ballot measure for a new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax was called and approved for placement on the November 8, 2022 ballot at the City Council meeting held on July 6, 2022.

The ballot measure for a Business License Tax is being considered to be called and approved for placement on the November 8, 2022 ballot within an earlier agenda item of this same City Council meeting on July 18, 2022.

New Emergency Medical Services, Advanced Life Support, and Fire Protection Special Tax (EMS/ALS Special Tax)

This is a tax measure that would repeal and replace both of the existing property taxes support EMS services and establish a single new parcel tax supporting to fund 1) emergency medical services and transport (EMS) with advanced life support (ALS) capability, 2) a seventh position on each of the three Fire Department shifts, and 3) emergency medical response and advanced life equipment replacement. This tax measure proposes a special tax on residential and commercial property at \$0.074 per square foot. The Council unanimously approved to place this on the 2022 ballot at their July 6, 2022 meeting. This is a special tax which requires supermajority (2/3) votes. A subsection providing exemptions and rebates is included for qualifying very low-income residents. An annual audit shall be performed and a report shall be filed with City Council annually.

Emergency Medical Services, Advanced Life Support, and Fire Protection Special Tax Ballot Language

To maintain and enhance local paramedic, advanced life support, firefighting services, firefighting equipment and ambulance service; shall a measure repealing the current two special emergency services taxes and adding a new Emergency Medical Services, Advanced Life Support, and Fire Protection Special Tax on residential and commercial property at \$0.074 per square foot providing \$1,950,000 annually, subject to CPI adjustment, until ended by voters, exempting very low-income residents, with annual independent audits, be adopted?

Business License Tax

This is a tax measure amending Sections 5-1 and 5-2 of Chapter V of the Albany Municipal Code to adjust the City's business license tax rates based on gross receipts. This is a general tax which requires majority (50%+1) votes and the proceeds are deposited into the City's general fund.

Business License Tax Ballot Language

To support emergency response services, environmental programs, community services and business programs, shall a measure adjusting the City's business license tax rates to between \$25 and 0.3% of gross receipts, increasing the tax for some businesses and lowering it for others, based upon gross receipts, and making certain technical updates to the license tax ordinance, providing an additional \$300,000 annually for general government use, until ended by voters, with all funds remaining local, be adopted?

As identified in proposed Resolution No. 2022-77 and 2022-90, calling for the placement of ballot measures on the November 8, 2022 General Municipal Election ballot, an impartial analysis of each ballot measure will be prepared by the City Attorney for inclusion in the voter's pamphlet. The analyses are to be filed by the City Clerk with the Registrar of Voters Office by August 12, 2022.

In addition, in proposed Resolution No. 2022-92, setting rules for the filing of written arguments regarding City tax measures, arguments pro and con regarding the ballot measures will be included in the voter's pamphlet. Arguments are limited to 300 words in length, and must be filed by 12:00 p.m., August 19, 2020 in the City Clerk's Office. In the event that opposing ballot arguments are presented, rebuttal arguments will be allowed. These rebuttal arguments are limited to 250 words. Arguments submitted in rebuttal of an opposing ballot argument shall be filed by 12:00 p.m., August 26, 2020 in the City Clerk's Office. Per the Elections Code, only one argument for and one argument against a ballot measure (and one rebuttal argument for and against if any) will be selected.

It is recommended that the Council assign a subcommittee to prepare a written argument for each of the proposed ballot measures (Elections Code Sections 9282-9287). The Council has the option of assigning one subcommittee of the Council to author all arguments, or may wish to assign a variety of different subcommittees of the Council to author arguments. For example, given that there are two measures intended for the November 8, 2022 ballot, the Council could have up to two different subcommittees, each authoring an argument for a ballot measure. Additionally, should a Council Member or subcommittee of the Council wish to author an argument against a ballot measure, it is recommended that the Council formally authorize this in order to ensure the argument holds priority over any other arguments received. Ballot measure arguments may have up to five signatures should the Council Member/subcommittee authoring the argument wish to obtain additional signatories for an argument.

SUSTAINABILITY IMPACT

N/A

FINANCIAL CONSIDERATION

The cost of the election in 2020 increased from years prior to approximately \$61,000. It is anticipated that the total cost of the election will also increase for the November 8, 2022 election due to the added new voting equipment charges, additional ballot supplies and postage under the Governor's Executive Order to send vote-by-mail ballots to all registered voters, an increase in the number of registered voters since the launch of the new California Motor Voter Program as defined by AB 1461 which automatically register qualified applicants to vote unless that person opts out of registration during Department of Motor Vehicle (DMV) transactions, and due to the implementation of the new election voting method of Ranked Choice Voting at Large this year.

Attachments:

1. Resolution No. 2022-91 (Request for Consolidation)
2. Resolution No. 2022-92 (Argument Rules)

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RESOLUTION NO. 2022-91

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY,
CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA
COUNTY TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION
TO BE HELD ON NOVEMBER 8, 2022 WITH THE STATEWIDE GENERAL
ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO
SECTION 10403 OF THE ELECTIONS CODE FOR THE SUBMISSION OF
TWO CITY TAX MEASURES AT SAID ELECTION**

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WHEREAS, by adoption of Resolution No. 2022-77 on July 5, 2022, the City Council has called and given notice of a General Municipal Election to be held on Tuesday, November 8, 2022 in the City of Albany, County of Alameda, for the purpose of submitting to the voters a question related to the City’s new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax (special); and

WHEREAS, by adoption of Resolution No. 2022-90 on July 18, 2022, the City Council has also called and given notice of a General Municipal Election to be held on Tuesday, November 8, 2022 in the City of Albany, County of Alameda, for the purpose of submitting to the voters a question related to the City’s Business License Tax (general); and

WHEREAS, it is desirable that the General Municipal Election for all two tax measures be consolidated with the Statewide General Election to be held on the same date and that within the City, the precincts, polling places, vote centers and election officers of the two elections be the same, and that the Alameda County election department canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

1 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALBANY,**
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3 **CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

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5 **SECTION 1.** Request for Consolidation. Pursuant to the requirements of Section 10403
6 of the Elections Code, the Board of Supervisors of the County of Alameda is hereby requested to
7 consent and agree to the consolidation of a General Municipal Election with the Statewide General
8 Election on Tuesday, November 8, 2022, for the purpose of submitting to the voters the questions
9 relating to (i) the City’s Emergency Medical Services, Advanced Life Support, and Fire Protection
10 Special Tax, and (ii) the City’s general Business License Tax.

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12 **SECTION 2.** Ballot Questions for Measures. The ballot questions for each measure are
13 to appear on the ballot at the General Municipal Election as follows:

14 (A) For the Emergency Medical Services, Advanced Life Support, and Fire Protection
15 Special Tax measure:

“To maintain and enhance local paramedic, advanced life support, firefighting services, firefighting equipment and ambulance service; shall a measure repealing the current two special emergency services taxes and adding a new Emergency Medical Services, Advanced Life Support, and Fire Protection Special Tax on residential and commercial property at \$0.074 per square foot providing \$1,950,000 annually, subject to CPI adjustment, until ended by voters, exempting very low-income residents, with annual independent audits, be adopted?”	YES
	NO

22 (B) For the general Business License Tax measure:

“To support emergency response services, environmental programs, community services and business programs, shall a measure adjusting the City’s business license tax rates to between \$25 and 0.3% of gross receipts, increasing the tax for some businesses and lowering it for others, based upon gross receipts, and making certain technical updates to the license tax ordinance, providing an additional \$300,000 annually for general government use, until ended by voters, with all funds remaining local, be adopted?”	YES
	NO

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3 **SECTION 3.** Canvass of Returns. The County election department is authorized to
4 canvass the returns and perform all other proceedings incidental to and connected with the General
5 Municipal Election. The Election shall be held in all respects as if there were only one election,
6 and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403
7 and 10420, the election will be held and conducted in accordance with the provisions of law
8 regulating the Statewide General Election.
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10 **SECTION 4.** Necessary Steps. The Board of Supervisors is requested to issue
11 instructions to the County election department to take any and all steps necessary for the holding
12 of the consolidated election.

13 **SECTION 5.** Costs. The City of Albany recognizes that additional costs will be incurred
14 by the County by reason of this consolidation and agrees to reimburse the County for any costs.

15 **SECTION 6.** Filing of Resolution. The City Clerk is hereby directed to file a certified
16 copy of this resolution with the Board of Supervisors and the election department of the County
17 of Alameda.
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19 **SECTION 7.** Certification. The City Clerk shall certify to the passage and adoption of
20 this Resolution and enter it into the book of original Resolutions.

21 **PASSED, APPROVED and ADOPTED** this _____ day of _____, 2022.
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26 PRESTON JORDAN, MAYOR
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1 **RESOLUTION NO. 2022-92**

2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY,**
3 **CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL**
4 **ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN**
5 **ARGUMENTS REGARDING THREE CITY TAX MEASURES TO BE SUBMITTED**
6 **AT THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION**

7 **WHEREAS,** a General Municipal Election is to be held in the City of Albany, California
8 on November 8, 2022, at which there will be submitted to the voters the following two City tax
9 measures:

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“To maintain and enhance local paramedic, advanced life support, firefighting services, firefighting equipment and ambulance service; shall a measure repealing the current two special emergency services taxes and adding a new Emergency Medical Services, Advanced Life Support, and Fire Protection Special Tax on residential and commercial property at \$0.074 per square foot providing \$1,950,000 annually, subject to CPI adjustment, until ended by voters, exempting very low-income residents, with annual independent audits, be adopted?”	YES
	NO

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“To support emergency response services, environmental programs, community services and business programs, shall a measure adjusting the City’s business license tax rates to between \$25 and 0.3% of gross receipts, increasing the tax for some businesses and lowering it for others, based upon gross receipts, and making certain technical updates to the license tax ordinance, providing an additional \$300,000 annually for general government use, until ended by voters, with all funds remaining local, be adopted?”	YES
	NO

22 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALBANY,**
23 **CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS**
24 **FOLLOWS:**
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1 **Section 1. Primary Arguments.** That the City Council authorizes (i) the City Council
2 or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above
3 measures, (iii) a bona fide association of such citizens or (iv) any combination of voters and
4 associations, to file a written argument in favor of or against the City measures, accompanied by
5 the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4,
6 Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument
7 until and including the date fixed below by the City Clerk, after which no arguments for or against
8 the City measures may be submitted to the City Clerk.
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11 The deadline to submit arguments for or against the City measures pursuant to this
12 Resolution is declared by the City Clerk to be **Friday, August 19, 2022, at 12:00 p.m.** Each
13 argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include
14 the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an
15 organization, the name of the organization, and the printed name and signature of at least one of
16 its principal officers who is the author of the argument.
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19 **Section 2. Rebuttal Arguments.** Pursuant to Section 9285 of the Elections Code of
20 the State of California, when the City Clerk has selected the primary arguments for and against the
21 City measures which will be printed and distributed to the voters, the Clerk shall send copies of
22 the primary argument in favor of each measure to the authors of the primary argument against, and
23 copies of the primary argument against to the authors of the primary argument in favor. The
24 authors or persons designated by them may prepare and submit rebuttal arguments not exceeding
25 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **Friday, August**
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1 **26, 2022, at 12:00 p.m.** Rebuttal arguments shall be printed in the same manner as the primary
2 arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks
3 to rebut.
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5 **Section 3. November 8, 2022 Election.** That the provisions of Sections 1 and 2 shall
6 apply only to the election to be held on November 8, 2022, and shall then be repealed.
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8 **Section 4. Certification.** The City Clerk shall certify to the passage and adoption of
9 this resolution and enter it into the book of original Resolutions.
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11 **PASSED, APPROVED AND ADOPTED** this _____ day of _____, 2022.
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16 PRESTON JORDAN, MAYOR
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