

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

Agenda Date: June 6, 2022
Reviewed by: NA

SUBJECT: Potential New Emergency Medical Services, Advanced Life Support, and Fire Protection Tax

REPORT BY: Mala Subramanian, City Attorney

SUMMARY

The City Attorney's office seeks policy direction on a potential new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax to replace both the current Emergency Medical Services Special Tax and the current Paramedic Advanced Life Support, Fire Engine and Ambulance Service Special Tax.

STAFF RECOMMENDATION

That the Council provide direction on the Resolution calling for a potential new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax for voter consideration at the November 8, 2022 election.

BACKGROUND

On April 18, 2022, the City Council discussed the concept of a new tax measure based on land area to fund 1) emergency medical services and transport (EMS) with advanced life support capability (ALS), 2) a seventh position on each of the three Fire Department shifts, and 3) emergency medical response and advanced life equipment replacement. This measure would repeal and replace both of the existing property taxes supporting EMS services and establish a single new parcel tax supporting ALS and include exemptions and rebates for very-low income households. The City Attorney's office has prepared the attached parcel tax measure.

DISCUSSION

The Albany Fire Department provides emergency transport services within ten minutes 98% of the time compared to private emergency transport services. However, the City's emergency transport costs are more than the combined revenue from service fees and both the Emergency Medical Services Special Tax and the Paramedic Advanced Life Support, Fire Engine and Ambulance Service Special Tax combined.

On April 18, 2022, staff presented three options to maintain the City's finances in this regard:

1. Stop providing emergency transport service, which would result in Flack providing this service, and reduce Fire Department staffing to provide the necessary savings.
2. Keep supporting EMS/ALS partially from the general fund and secure additional funding other than from a modification of the existing special taxes funding this service, or
3. Modify the existing taxes to finance a larger portion or all of EMS/ALS.

The accompanying resolution would place the EMS, ALS, and Fire Protection Tax measure on the ballot for the November 8, 2022 election. The tax measure proposes a special tax at the maximum rate of \$0.074 per foot for residential and commercial properties.

Attachment

1. Resolution with Draft EMS, ALS, and Fire Protection Tax Ordinance

RESOLUTION NO. 2022-_____

1 **A RESOLUTION OF THE ALBANY CITY COUNCIL CALLING FOR THE**
2 **PLACEMENT OF A SPECIAL TAX MEASURE ON THE NOVEMBER 8, 2022**
3 **GENERAL MUNICIPAL ELECTION BALLOT FOR SUBMITTING TO THE**
4 **VOTERS AN ORDINANCE AMENDING SECTION 4-7 AND REPEALING 4-8**
5 **OF CHAPTER IV OF THE ALBANY MUNICIPAL CODE TO ESTABLISH AN**
6 **EMERGENCY MEDICAL SERVICES ADVANCED LIFE SUPPORT, AND FIRE**
7 **PROTECTION SPECIAL TAX AND PROVIDING FOR CERTAIN**
8 **EXEMPTIONS AND REBATES FROM THE SPECIAL TAX FOR QUALIFYING**
9 **VERY LOW INCOME RESIDENTS; AND AUTHORIZING THE CITY CLERK**
10 **OR HER DULY AUTHORIZED OFFICERS TO CARRY OUT ALL THE**
11 **NECESSARY PROCEDURES FOR SAID ELECTION**

12 **WHEREAS**, Section 2.01 of the Albany City Charter provides that the City’s
13 General Municipal Election will be held on each even year and shall be consolidated with
14 the Statewide General Election to be held in said City on Tuesday, November 8, 2022; and

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

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

22 **WHEREAS**, pursuant to Section 9222 of the California Elections Code, the City
23 Council has the authority and desires to submit a ballot measure to the voters of the City of
24 Albany for their approval and adoption at the General Municipal Election to be held in the
25 City on November 8, 2022; and

1 **WHEREAS**, the ballot measure is an ordinance amending Section 4-7 and repealing
2 Section 4-8 of Chapter IV of the Albany Municipal Code to replace the City’s two current
3 special taxes for paramedic and ambulance transport services with a single new special tax
4 to fund emergency transport and increased firefighting staffing (“Emergency Medical
5 Services, Advanced Life Support, and Fire Protection Special Tax” or “EMS/ALS/Fire
6 Tax”).

7 **WHEREAS**, the EMS/ALS/Fire Tax would:

- 8 (A) Create a EMS/ALS/Fire Tax that charges residential and commercial property
9 owners on a land basis at a tax rate of \$0.074 per square foot, as assigned in the
10 ordinance;
- 11 (B) Incorporate an exemption from the tax for residential parcels owned by
12 qualifying very low-income residents, as defined in the ordinance; and
- 13 (C) Authorize a rebate to qualifying very low income renters of EMS/ALS/Fire Tax
14 imposed on a rental unit in which they reside, as defined in the ordinance.
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16 **WHEREAS**, the specific terms of the EMS/ALS/Fire Tax measure are provided for
17 in the ordinance to be considered by the qualified voters, attached hereto as Exhibit “A” (the
18 “EMS/ALS/Fire Tax Ordinance” or “EMS/ALS/Fire Tax Measure”) and by this reference
19 made an operative part hereof, and in accordance with all applicable laws; and
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21 **WHEREAS**, the EMS/ALS/Fire Tax is a special tax the proceeds of which of which
22 are deposited into the City’s “Emergency Medical Services, Advanced Life Support, and
23 Fire Protection Fund” and are dedicated for the sole and exclusive purpose of providing
24 paramedic, advanced life support, firefighting services, firefighting equipment and
25 ambulance transport services; and
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1 **WHEREAS**, on November 6, 1996, the voters of the State of California approved
2 Proposition 218 (California Constitution, Article XIII C), an amendment to the State
3 Constitution which requires that all special taxes which are imposed, extended or increased
4 must be submitted to the electorate and approved by a two-thirds (2/3) vote of the qualified
5 electors voting in the election; and

6 **WHEREAS**, the proposed amendments which increase the rate of the
7 EMS/ALS/Fire Tax constitute a tax “increase” subject to Proposition 218; and

8 **WHEREAS**, pursuant to Proposition 218 (California Constitution Article XIII C,
9 §2(b)), a local election for the approval of an increase to a special tax may be scheduled for
10 any date authorized by the California Elections Code; and

11 **WHEREAS**, the next regularly scheduled general election for City Council
12 members on November 8, 2022 is a date authorized under the California Elections Code for
13 the placement of a special tax measure; and

14 **WHEREAS**, pursuant to California Government Code Section 50077, on July ____,
15 2022, the City Council held a public hearing after due notice regarding calling for an election
16 on the EMS/ALS/Fire Tax Measure; and

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

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

22 **Section 1** Recitals. The City Council hereby finds and determines that the
23 foregoing recitals are true and correct, are incorporated herein and by this reference made
24 an operative part hereof.
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1 **Section 2** Submission of Ballot Measure. Pursuant to Albany City Charter
2 Section 2.05, California Elections Code § 9222, and any other applicable requirements of
3 the laws of the State of California relating to the City of Albany, the City Council, by a
4 simple majority vote of its members, hereby orders the EMS/ALS/Fire Tax Measure to be
5 submitted to the voters of the City at the General Municipal Election to be held on Tuesday,
6 November 8, 2022.

7 **Section 3** There is hereby called and ordered to be held in the City of Albany,
8 California on November 8, 2022, a General Municipal Election for the purposes of
9 submitting to the voters the EMS/ALS/Fire Tax Measure as set forth in Exhibit A.

10 **Section 4** The City Council hereby orders that the ballot question for the
11 Measure shall be presented and printed upon the ballot submitted to the qualified voters in
12 the manner and form set forth in this Section 4. On the ballot to be submitted to the qualified
13 voters at the General Municipal Election to be held on November 8, 2022, in addition to any
14 other matters required by law, there shall be printed substantially the following ballot
15 question:
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| "To maintain and enhance 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 \$_____ annually until ended by voters, exempting very low-income residents, with annual independent audits, with all funds remaining local, be adopted?" | YES |
| | NO |

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

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

4 **Section 7** Impartial Analysis. Pursuant to California Elections Code § 9280,
5 the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City
6 Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to
7 exceed 500 words in length, showing the effect of the Measure on the existing law and the
8 operation of the Measure, and transmit such impartial analysis to the City Clerk not later
9 than the deadline for submittal of primary arguments for or against the Measure. The
10 impartial analysis shall include a statement indicating whether the Measure was placed on
11 the ballot by a petition signed by the requisite number of voters or by the City Council. In
12 the event the entire text of the Measure is not printed on the ballot, nor in the voter
13 information portion of the sample ballot, there shall be printed immediately below the
14 impartial analysis, in no less than 10-font bold type, the following: **“The above statement**
15 **is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the**
16 **Ordinance or Measure, please call the Office of the City Clerk at [insert phone**
17 **number] and a copy will be mailed at no cost to you.”**

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

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

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

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

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

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

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

21 **Section 15** The City Council of the City of Albany shall review the certified
22 statement of results of the election after the County Registrar of Voters/Elections Official
23 has provided said statement to the City Clerk and shall thereafter declare the results at its
24 next regularly scheduled meeting.
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EXHIBIT "A"

AN ORDINANCE AMENDING SECTION 4-7 AND REPEALING SECTION 4-8 OF CHAPTER IV OF THE ALBANY MUNICIPAL CODE TO ESTABLISH AN EMERGENCY MEDICAL SERVICES, ADVANCED LIFE SUPPORT, AND FIRE PROTECTION SPECIAL TAX AT \$0.074 PER SQUARE FOOT AND PROVIDING FOR CERTAIN EXEMPTIONS AND REBATES FROM THE SPECIAL TAX FOR QUALIFYING VERY LOW INCOME RESIDENTS

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| "To maintain and enhance 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, subject to annual CPI adjustment, providing \$ _____ annually until ended by voters, exempting very low-income residents, with annual independent audits, with all funds remaining local, be adopted?" | YES |
| | NO |

ORDINANCE NO. 2022-____

AN ORDINANCE AMENDING SECTION 4-7 AND REPEALING SECTION 4-8 OF CHAPTER IV OF THE ALBANY MUNICIPAL CODE TO ESTABLISH AN EMERGENCY MEDICAL SERVICES, ADVANCED LIFE SUPPORT, AND FIRE PROTECTION SPECIAL TAX AT \$0.074 PER SQUARE FOOT 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 OF SECTION 4-7 TO THE ALBANY MUNICIPAL**
2 **CODE.**

3 Section 4-7 of Chapter IV of the Albany Municipal Code is hereby amended to read as
4 follows:

6 **“4-7.1 Title; Declaration of Findings and Purpose.**

7 This section may be cited as the "Emergency Medical Services, Advanced Life
8 Support, and Fire Protection Tax". The special tax imposed under this section is solely for
9 the purpose of raising revenue for paramedic, advanced life support, firefighting services,
10 firefighting equipment and ambulance service. This section is not enacted for regulatory
11 purposes.
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13 The people of the City find and declare that:

- 14 a. The continuing provision of the City's Emergency Medical Services Program is a
15 matter of the highest and most urgent necessity.
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17 b. In the last two decades, the City's population has grown more than twice as fast as
18 the number of residences, placing increased demand on emergency medical services without
19 an increase in tax revenue to support those services.
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21 c. The cost for the City to provide emergency transport services exceeds the revenues
22 generated from fees for providing such services, the Emergency Medical Services Special
23 Tax and the Paramedic Advanced Life Support, Fire Engine and Ambulance Service Special
24 Tax. The purpose of this special tax is to fund emergency transport costs and replace the
25 two aforementioned special taxes and continue to provide funding for the City's Emergency
26 Medical Services Program.
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1 d. Unless a special tax is adopted by a two-thirds vote, the Emergency Medical Services
2 Program will cease or be severely curtailed, resulting in a severe adverse impact on the
3 health and safety of Albany residents.

4 e. Property owners will pay an amount based on the amount of land square footage that
5 they occupy.

6 **4-7.2 Special Tax.**

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

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

16 c. The City Council is hereby authorized to levy the Emergency Medical Services,
17 Advanced Life Support, and Fire Protection Tax special tax at the maximum rate of \$0.074
18 per foot for residential and commercial properties. The tax imposed by this section shall
19 be operative for fiscal year 23-24 and each fiscal year thereafter.

20 d. The tax imposed by this Section shall be subject to the exemptions and rebates set
21 forth in this Section.

- 22 1. Single-family residential parcels and units on multi-family residential parcels
23 shall be exempt from the special tax if they are owned and occupied by a person
24 or persons whose combined family income, from all sources for the previous
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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.

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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 audit an application, the Finance Director may require additional information, including, but not limited to, federal income tax

1 returns and W-2 forms of renter occupants eligible for this exemption. Only one
2 such rebate shall be allowed annually to a rental unit.

3 e. The proceeds of the Emergency Medical Services, Advanced Life Support, and Fire
4 Protection Tax shall be deposited in the Emergency Medical Services, Advanced Life
5 Support, and Fire Protection Fund and shall be used for the sole and exclusive purpose of
6 providing paramedic, advanced life support, firefighting services, firefighting equipment
7 and ambulance service.

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9 **4-7.3 Annual Audit.** A certified public accounting firm retained by the City will perform
10 an annual audit to assure accountability of the proper disbursement of these tax proceeds in
11 accordance with the objectives stated herein. The chief fiscal officer of the City shall cause
12 a report (the "Report") to be prepared and filed with the City Council no later than June 30
13 of each year. The Report shall state: (a) the amount of special tax proceeds collected and
14 expended in such year; and (b) the status of any projects or description of any programs
15 funded from proceeds of the special tax. The Report may be incorporated into or filed with
16 the annual budget, audit, or other appropriate routine report to the City Council."

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18 **4-7.4 Examination of Books and Records.** The Director of Finance and Administrative
19 Services or his/her designee, is hereby authorized to examine assessment rolls, property tax
20 records, records of the Alameda County Recorder and any other records of the County of
21 Alameda deemed necessary in order to determine ownership of parcels and computation of
22 the tax imposed by this section.

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25 **4-7.5 Collection of Tax: Interest and Penalties.** The City Council is authorized to have
26 the taxes imposed by this section collected by the County of Alameda in conjunction with
27 the County's collection of property tax revenues for the City of Albany. In the event that
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1 the County of Alameda collects the taxes imposed by this section, the imposition of
2 penalties, additional fees and interest upon persons who fail to remit any tax imposed by
3 this section, or who fail to remit any delinquent remittance under this section, shall be
4 subject to and governed by the rules, regulations and procedures utilized by the County of
5 Alameda in its collection of property taxes for the City of Albany and its collection of this
6 additional tax for the City of Albany.
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8 **4-7.6 Collection of Unpaid Taxes.** The amount of any tax, penalty, and interest imposed
9 under the provisions of this section shall be deemed a debt to the City. Any person owing
10 money under the provisions of this section shall be liable to an action brought in the name
11 of the City for the recovery for such amount.
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13 **4-7.7 Refund of Tax, Penalty, or Interest Paid More Than Once; or Erroneously or**
14 **Illegally Collected.** When the amount of any tax, penalty, or interest has been paid more
15 than once, or has been erroneously or illegally collected or received by the City under this
16 section it may be refunded provided a verified claim in writing therefore, stating the specific
17 ground upon which claim is founded, is filed with the Director of Finance and
18 Administrative Services within one (1) year from the date of payment. If the claim is
19 approved by the Director of Finance and Administrative Services, the excess amount
20 collected or paid may be refunded or may be credited against any amounts then due and
21 payable from the person from whom it was collected or by whom paid, and the balance may
22 be refunded to such person, his/her administrators or executors.
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24 **4-7.8 Savings Clause.** The provisions of this section shall not apply to any person, or to
25 any property as to whom or which it is beyond the power of the City of Albany to impose
26 the tax herein provided. If any provision, sentence, clause, section or part of this section is
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1 found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or
2 invalidity shall affect only such provision, sentence, clause, section or part of this section
3 and shall not affect or impair any of the remaining provisions, sentences, clauses, sections
4 or parts of this section. It is hereby declared to be the intention of the City of Albany that
5 this section would have been adopted had such unconstitutional, illegal or invalid provision,
6 sentence, clause, section or part thereof not been included herein.
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8 **4-7.9 Regulations.** The City Council is hereby authorized to promulgate such regulations
9 as it shall deem necessary in order to implement the provision of this section, including
10 codifying this Ballot Measure as part of Chapter 4, Section 4-7 et seq., of the Albany
11 Municipal Code or as otherwise directed by the Albany City Clerk.
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13 **4-7.10 Increase Appropriations Limit.** Pursuant to California Constitution Article XIII
14 B, the appropriation limit for the City of Albany is hereby increased by the aggregate sum
15 authorized to be levied by this special tax for fiscal year 2022/2023 and each year thereafter.
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17 **4-7.10 Reduction in Tax and Limited Authority to Increase.**

18 a. Subject to paragraph b, the tax rates imposed by Section 4-7 are maximum rates and
19 may not be increased by the City Council above such maximum rates. The tax imposed by
20 this resolution may be reduced or eliminated by the City Council on or before July 1st in
21 any year in which the City Council determines that after such reduction or elimination there
22 will be sufficient revenues available to balance the City Council's Adopted Policy Budget
23 and the Council may reverse such action or otherwise adjust the tax rate as determined
24 necessary to sufficiently fund the Adopted Policy Budget. Such reduction or elimination
25 shall be effective for the fiscal year following such vote.
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1 b. Commencing in fiscal year 2023-2024 and each year thereafter, the City Council
2 may increase the tax imposed hereby only upon a finding that the cost of living in the
3 immediate San Francisco Bay Area, as verified by the Consumer Price Index established
4 by the United States Bureau of Labor Statistics (All Urban Consumer-San Francisco Bay
5 Area), has increased. The increase of the tax imposed hereby shall not exceed such verified
6 index. It is further provided that in no event shall the tax rate adjustment imposed hereby
7 exceed, on an annual basis, five percent (5%) of the tax rates imposed by the City of Albany
8 during the immediately preceding fiscal year.”
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10 **SECTION 3: REPEAL OF SECTION 4-8 OF THE ALBANY MUNICIPAL**
11 **CODE.**

12 Section 4-8 of Chapter IV of the Albany Municipal Code is hereby repealed in its entirety.
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14 **SECTION 4: CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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16 The findings for this Ordinance in compliance with the California Environmental Quality
17 Act (“CEQA”) are the same as those set forth in City Council Resolution No. 2022-____
18 calling for an election on this Ordinance. The CEQA findings set forth in Resolution No.
19 2022-____ are incorporated herein by reference.
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21 **SECTION 5: SEVERABILITY.**

22 If any provision of this Ordinance or the application thereof to any person or circumstance
23 is held invalid, the remainder of the Ordinance and the application of such provision to
24 other persons or circumstances shall not be affected thereby.
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1 **SECTION 6: EFFECTIVE DATE.**

2 Pursuant to California Constitution Article XIII C §(2)(d) and California Elections Code §
3 9217, this Ordinance shall take effect only if approved by a two-thirds (2/3) supermajority
4 of the eligible voters of the City of Albany voting at the General Municipal Election to be
5 held on November 8, 2022 and shall become effective 10 days after the City Council has
6 declared the results of the Election.
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1 Ordinance No. 2022-___ was submitted to the People of the City of Albany at the
2 November 8, 2022 General Municipal Election. It was approved by the following vote of
3 the People:

4 YES:

5 NO:
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9 Ordinance No. 2022-___ was thereby adopted by the voters at the November 8, 2022
10 election and shall become effective ten (10) days following adoption of a resolution
11 declaring the results of the election at a regular meeting of the City Council held on
12 December ___, 2022 by the following vote:

13 AYES:

14 NOES:

15 ABSENT:

16 ABSTAIN:
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21 I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly
22 and regularly adopted by the People of the City of Albany, California.
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26 _____
Anne Hsu, City Clerk
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