## **RESOLUTION NO #06-47**

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	

A RESOLUTION OF THE ALBANY CITY COUNCIL SUBMITTING TO THE VOTERS A CITIZEN INITIATIVE MEASURE ENACTING WATERFRONT GENERAL PLAN POLICIES AND CONSERVATION AND RECREATION ELEMENT POLICIES AND REQUIRING THE FORMATION OF A SPECIAL TASK FORCE TO CREATE A SPECIFIC PLAN FOR DEVELOPMENT AND OPEN SPACE AT THE WATERFRONT.

WHEREAS, the City Council previously passed Resolution 06-26 calling for the general municipal election and requesting the Board of Supervisors of the County of Alameda for the State of California taking necessary appropriate steps to consolidate the municipal election with the general election to be held on Tuesday, November 7, 2006;

**WHEREAS**, a petition was circulated in the City of Albany for a citizen-initiated ordinance entitled "Albany Shoreline Protection Initiative";

**WHEREAS**, on June 19, 2006, at a duly noticed meeting, the City Council accepted the Certificate of Sufficiency of Petition for the Albany Shoreline Protection Initiative";

**WHEREAS**, the City Council at the April 3, 2006 meeting and, pursuant to Elections Code section 9212, referred the initiative to City staff for a report on the effect of the proposed initiative;

WHEREAS, on July 17, 2006, at a duly noticed meeting, the City Council received and considered the report and ordered the submission of the Albany Shoreline Protection Initiative to the voters for the November 7, 2006 General Municipal Consolidated Election for the City of Albany;

WHEREAS, the City of Albany has received certification from the County of Alameda Registrar of Voters certifying results of the Registrar's examination of the

2.4

23

17

18

19

20

21

22

**~** 4

number of signatures and verification of signatures affixed to a certain petition for initiative measure to enact land use policies, conservation recreation policy, and establishing a special task force to create a waterfront development and open space specific plan;

**WHEREAS**, said certification shows the initiative petitions were signed by not less than 10% of the voters of the City according to report of Registrars by County Election Officials to the Secretary of State pursuant to Election Code §2187;

**WHEREAS**, Elections Code §§9214(a)(b) and 1405(a) provide that no circumstances with the above facts exist as they do here the City Council must, inter alia, either adopt the initiative measure at the meeting where the initiative and petition are presented or adopt the same within ten days thereafter, or place this matter on the ballot for the June 7, 2006 election;

**WHEREAS**, it is desirable that the County Election Department of the County of Alameda canvass the returns for this initiative measure; and

WHEREAS, the County Election Department of the County of Alameda requires payment by the City of Albany of a reasonable fee to perform the election services related to the presenting of this initiative petition and this reasonable fee is related to and based on the actual cost of conducting an election.

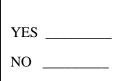
## NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

**Section 1.** The recitals stated above are true and correct.

**Section 2**. Pursuant to Elections Code there is called and ordered to be held in the City of Albany, California a General Election on November 7, 2006.

**Section 3**. The City Council, pursuant to its rights and authorities established in the Election Code, does order submitted to the voters at the election specified above the following question:

Do the voters of the City of Albany adopt the citizen Albany Specific Waterfront Plan initiative to add six policies to the Albany General Plan, and to provide that a special task force create a specific plan that allows some development outside of a new 500-foot setback in addition to the existing 100-foot setback from the Bay, in accordance with policies and guidelines contained in the initiative, as printed in the voter pamphlet?



**Section 4**. That the full text of the proposed initiative submitted to the voters, attached as Exhibit "A", shall be printed in the voter pamphlet and should said question be approved by the requisite vote shall be enacted.

**Section 5**. The County Election Department of the County of Alameda is authorized to canvass the returns of said election pertaining to this initiative.

**Section 6**. The City Clerk is hereby directed to issue instructions to the County Election Department of the County of Alameda to take any and all steps necessary for the holding of the election.

**Section 7**. The City Clerk is hereby directed to forthwith file a certified copy of this resolution with the Board of Supervisors in the County Elections Department in the County of Alameda.

**Section 8**. All particulars not recited in this resolution, this election shall be held and conducted by law for holding municipal elections.

**Section 9**. The notice of time and place for holding an election is hereby given and the City Clerk is hereby authorized and instructed to give further and additional notices of election and time, in the form and manner as required by law.

٠,

**Section 10**. The City Clerk shall hereby certify for the passage and adoption this resolution and file it with the City's original resolutions.

Section 11 The City Clerk is hereby directed to submit a certified copy of the initiative measure to the City Attorney, who shall prepare an impartial analysis of each measure in accordance with Election Code §9280. The analysis shall be submitted by the City Attorney to the Registrar of Voters, or other appropriate election official of Alameda County for printing by the date set by the City Clerk for the filing of arguments for and against the Measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all substantial respects with the applicable provisions of the Election Code of the State of California.

Section 12 Arguments for and against the initiative measure may be filed in accordance with this resolution and applicable provisions of the law. The last date for the direct submission of direct arguments for and against these measures shall be submitted to the City Clerk's office by no later than 5:00 p.m. on August 22, 2006. Rebuttal arguments shall be submitted to the City Clerk's office by no later than 5:00 p.m. on August 29, 2006. Any argument shall not exceed 300 words in length and shall not be signed by more than five persons. Any rebuttal shall not exceed 250 words in length and shall not be signed by more than five persons; those persons may be different persons who sign the direct arguments.

**Section 13** Pursuant to Election Code §9285, when the City Clerk has selected the arguments for and against the measures (Alameda County will issue the appropriate Measure letter at a later time), which shall be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of the measures, to the authors of

1	the arguments against the measures, and copies of the arguments against the measures to
2	the authors of the arguments in favor of the measures.
3	Section 14 The City Clerk is hereby directed to cause notice of the measures
4	to be published in a newspaper of general circulation, or any other newspaper designated
5	as an official newspaper of the City of Albany in accordance with Elections Code §12111
6	and Government Code §6061.
7	Section 15 The City Administrator is authorized and directed to appropriate
8	the necessary funds to pay for the City's cost to place the measures on the election ballot.
9	Section 16 All particulars not recited in this resolution regarding the conduct
10	of the holding of the election shall be as provided by law for the holding of municipal
11	elections.
12	The undersigned hereby certifies that the foregoing is a full, true, and complete
13	copy of the Resolution duly passed and adopted by the City Council of the City of
14	Albany at a meeting thereof on the 17 <sup>th</sup> day of July, 2006 by the following vote:
15	
16	AYES:
17	NOES:
18	ABSTAIN:
19	ABSENT:
20	
21	ALLAN MARIS MAYOR
22	IVIZ I OIX