

1 **RESOLUTION NO #06-47**

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

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

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

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

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

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

24 **WHEREAS,** the City of Albany has received certification from the County of
25 Alameda Registrar of Voters certifying results of the Registrar’s examination of the

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

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

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

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

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

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

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

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

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

4 Do the voters of the City of Albany adopt the citizen Albany
5 Specific Waterfront Plan initiative to add six policies to the Albany
6 General Plan, and to provide that a special task force create a specific plan
7 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?

YES _____

NO _____

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

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

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

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

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

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

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

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

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

20 **Section 13** Pursuant to Election Code §9285, when the City Clerk has selected
21 the arguments for and against the measures (Alameda County will issue the appropriate
22 Measure letter at a later time), which shall be printed and distributed to the voters, the
23 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 17th day of July, 2006 by the following vote:

15
16 AYES:

17 NOES:

18 ABSTAIN:

19 ABSENT:
20

21 _____
22 ALLAN MARIS
23 MAYOR
24