

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

Agenda Date: July 15, 2024

Reviewed by: NA

SUBJECT: Providing for and Setting the Rules for the Filing of Written Arguments for Ballot Measures and Council Subcommittee(s) for the Preparation of Ballot Measure Arguments on the November 5, 2024 General Municipal Election

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 four Charter amendments and two tax measures on the ballot, consolidation of the election with the Statewide General Election, setting the rules for arguments.

STAFF RECOMMENDATION

That the Council:

1. Adopt Resolution No. 2024-66, providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding six City ballot measures to be submitted at the November 5, 2024 General Municipal Election
2. Assign a Council subcommittee or subcommittees to prepare written arguments for the six ballot measures as identified in Resolution Nos. 2024-26, 2024-27, 2024-43, 2024-56, 2024-63, 2024-64, per the rules set in Resolution No. 2024-66

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: Three (3) City Council and Two (2) Board of Education. The City also has six ballot measures (including the two ballot measures in

tonight's earlier agenda items if directed by Council) to be placed on the November 5, 2024 ballot:

1. [Resolution No. 2024-26](#) (May 6, 2024)
Charter Amendment – remove exception for school purpose bonds from the City's bonding limit and clarifying the City's bonding limit.
2. [Resolution No. 2024-27](#) (May 6, 2024)
Charter Amendment – eliminate the City officers requirement to execute a bond for employment.
3. [Resolution No. 2024-43](#) (June 3, 2024)
Charter Amendment – City Manager authorities for appointing City officers and department heads and organizing the City.
4. Resolution No. 2024-64 (July 15, 2024)
Charter Amendment – youth voting for City and School District elections for local candidates and ballot measures (*pending Council direction from earlier agenda item of this same meeting*).
5. [Resolution No. 2024-56](#) (June 17, 2024)
Sidewalk Special Parcel Tax – to fund the repair and upgrade of public sidewalks and pathways and removal of obstructions to improve safety and accessibility.
6. Resolution No. 2024-63 (July 15, 2024)
Supplemental Special Business License Tax – on residential businesses to fund tenant rental assistance programs, code enforcement efforts related to residential rentals, legal assistance for tenants and landlords, and to support rental providers to avoid financial hardship. (*pending Council direction from earlier agenda item of this same meeting*).

As identified in the Resolutions calling for the placement of ballot measures on the November 5, 2024 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 9, 2024.

In addition, in proposed Resolution No. 2024-66, 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 16, 2024 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 23, 2024 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 six measures intended for the November 5, 2024 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 CONSIDERATIONS

N/A

FINANCIAL CONSIDERATIONS

There is no significant cost in providing for filing of primary and rebuttal arguments and setting rules other than the printing cost of the Voter Information Guide.

Each measure placed on the ballot will be incorporated into the overall costs as part of the election. In 2022, the cost of the election with 1 ballot measure was approximately \$104,000.

Attachment:

1. Resolution No. 2024-66 (Argument Rules)

<p>“Shall a measure to impose a special parcel tax on non-exempt property at \$0.017 per lot square foot to repair and upgrade public sidewalks and pathways to improve safety and accessibility, replacing the existing special parcel tax imposed for sidewalk repair, subject to an annual consumer price index adjustment up to 3%, capped for larger parcels at a maximum \$6,000 tax per parcel, providing an estimated \$392,282 annually, until June 30, 2035, be adopted?”</p>	YES
	NO

<p>“To fund local tenant rental assistance programs, residential rental code enforcement, legal assistance for tenants and landlords, and to support rental providers to avoid financial hardship, shall a measure establishing a supplemental special business license tax on residential rental businesses of 0.36% of gross receipts for renting four or fewer units in the City and 1% of gross receipts for renting five or more units, providing approximately \$475,000 annually until ended by voters, be adopted?”</p>	YES
	NO

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

Section 1. Primary Arguments. That the City Council authorizes (i) less than a quorum of member(s) of the City Council, (ii) any individual voter eligible to vote on the above measures, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measures, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change

1 the argument until and including the date fixed below by the City Clerk, after which no
2 arguments for or against the City measures may be submitted to the City Clerk.

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4 The deadline to submit arguments for or against the City measures pursuant to this
5 Resolution is declared by the City Clerk to be **Friday, August 16, 2024, at 12:00 p.m.** Each
6 argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include
7 the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of
8 an organization, the name of the organization, and the printed name and signature of at least
9 one of its principal officers who is the author of the argument.
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12 **Section 2. Rebuttal Arguments.** Pursuant to Section 9285 of the Elections Code
13 of the State of California, when the City Clerk has selected the primary arguments for and
14 against the City measures which will be printed and distributed to the voters, the Clerk shall
15 send copies of the primary argument in favor of each measure to the authors of the primary
16 argument against, and copies of the primary argument against to the authors of the primary
17 argument in favor. The authors or persons designated by them may prepare and submit rebuttal
18 arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk
19 not later than **Friday, August 23, 2024, at 12:00 p.m.** Rebuttal arguments shall be printed in
20 the same manner as the primary arguments. Each rebuttal argument shall immediately follow
21 the primary argument which it seeks to rebut.
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25 **Section 3. November 5, 2024 Election.** That the provisions of Sections 1 and 2
26 shall apply only to the election to be held on November 5, 2024, and shall then be repealed.
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Section 4. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2024.

JOHN MIKI, MAYOR