

CHARTER AMENDMENT/MEASURE “ S ”

THE PEOPLE OF THE CITY OF ALBANY DO HEREBY AMEND THE ALBANY CITY CHARTER AS FOLLOWS:

SECTION 1. Text of Charter Amendment. Subject to the approval of a majority of the voters of the City of Albany at the scheduled election so designated by City Council resolution placing the proposal on the ballot for such election, the Albany City Charter is hereby amended to read as follows:

[deletions are shown in ~~strikeout~~ and additions are shown in **bold underline**]

“CHAPTER III: ADMINISTRATIVE

Section 3.01. OFFICERS AND EMPLOYEES.

(a) **Except as otherwise provided herein,** ~~All~~ officers and department heads **of the City, except for the City Attorney,** shall be appointed by the ~~City Council~~ **City Manager** and shall hold office at the pleasure of the ~~City Council~~ **City Manager, subject to any applicable City civil service rules and procedures.** ~~The Council shall establish by ordinance the administrative offices of the City and~~ **The City Manager** shall designate the **administrative officers and** department heads of the City. The ~~City Council~~ **City Manager** shall be empowered to create, abolish, or reorganize departments and divisions as necessary for the proper administration of the City business, but not inconsistent with other sections of this Charter.

(b) ~~Effective December 10, 2020, or sooner if there is a vacancy in the office,~~ **Notwithstanding anything above to the contrary,** ~~the City Treasurer,~~ **the City Attorney** shall be appointed by the City Council as provided herein. ~~Effective at the November 2010~~

1 ~~election the City Attorney shall be elected from the City at large for a term ending on~~
2 ~~December 5, 2011. Commencing December 6, 2011, or sooner if there is a vacancy in the~~
3 ~~office, the City Attorney shall be appointed by the City Council as provided herein.~~

4 **Section 3.05. CITY MANAGER.**

5 The City Manager shall be the administrative head of the government of the City. As
6 such, the City Manager shall be responsible to the Council for the efficient implementation of
7 its policy and effective administration of all the affairs of the City government which the office
8 controls. Any action, determination or omission of the City Manager ~~or staff~~ shall be subject
9 to review by the Council, but no individual Councilmember or the Mayor shall overrule,
10 change or modify any such action, determination or omission except by affirmative vote of at
11 least three (3) members of said Council at a duly constituted session.

12 The City Manager shall advise and make recommendations to the Council concerning
13 any conditions or governmental situations which need Council direction or policy
14 determination.

15 The City Manager will insure that the Council as a whole or as individuals are
16 permitted timely and complete freedom of access to requested information **as permitted by**
17 **law.**

18 The City Manager shall be chosen on the basis of executive and administrative
19 qualifications, as defined by ordinance.

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21 **Section 3.06 CITY CLERK.**

22 There shall be a City Clerk. It shall be the Clerk's duty to keep a full, true and correct
23 record of the proceedings of the Council and other books and accounts as are now required by
24 law for clerks of cities, and may be required by resolution or ordinance of the Council. All
25 powers, except as in this Charter otherwise provided, now or hereafter conferred upon the
26 clerks of cities by law, shall be exercised by the City Clerk. The Clerk shall have such other
27 powers and perform such other duties as may be prescribed by resolution or ordinance.
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1 The City Clerk shall be appointed by the ~~Council~~**City Manager**. The Council shall
2 establish, by ordinance, the qualifications for the position of City Clerk.
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4 **Section 3.14. CHIEF OF THE FIRE DEPARTMENT.**

5 There shall be a Fire Chief ~~appointed by the Council~~. The Fire Chief shall be head of
6 the Fire Department of the City, and shall have charge of and supervision over all matters
7 relating to the prevention and extinction of fires, and of all measures necessary to guard and
8 protect all property impaired thereby.
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10 **Section 3.17 DEPUTIES**

11 All officers shall have the power to appoint their own deputies when the same are
12 necessary, subject, however to the confirmation of the ~~Council~~**City Manager**.
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14 **Section 3.20. CONTINUING OFFICERS AND EMPLOYEES.**

15 Until the ~~election or~~ appointment and induction into office of the officers and employees in
16 this ~~Charter~~**chapter** provided for, the present officers and employees shall without
17 interruption, continue to perform the duties of their respective offices and employments for
18 the compensation provided by the existing ordinances.”

19 **SECTION 2. Approval, Filing and Recordation of Charter Amendment.**

20 Pursuant to California Government Code Section 34460, if approved by a majority of voters,
21 the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter
22 Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with
23 the Alameda County Recorder’s Office, (ii) file one copy in the City’s archives and (iii) file
24 one copy with the California Secretary of State. Each copy recorded with the County Recorder
25 and filed in the City’s archives shall also be filed with the following documents:
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1 A. Certified copies of all publications and notices required of the City by
2 State law in connection with the calling of an election to propose the Charter
3 Amendment.

4 B. Certified copies of any arguments for or against the Charter
5 Amendment that were mailed to voters pursuant to California Elections Code Sections
6 9281 et. seq.

7 C. A certified abstract of the vote at the election at which the Charter
8 Amendment was approved by the voters.

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10 **SECTION 3. Ratification and Effective Date.** Pursuant to California Government
11 Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a
12 majority of the eligible voters of the City of Albany voting at the General Municipal Election
13 of November 5, 2024. However, this Charter Amendment shall not take effect until it has been
14 accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

15
16 **SECTION 4. Severability.** If any provision of this Charter Amendment or the
17 application thereof to any person or circumstance is held invalid, the remainder of the Charter
18 Amendment and the application of such provision to other persons or circumstances shall not
19 be affected thereby.

1 I hereby certify that the foregoing Charter Amendment was PASSED, APPROVED
2 AND ADOPTED by the People of the City of Albany at the November 5, 2024 General
3 Municipal Election.
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5 _____
6 JOHN MIKI, MAYOR

7 Attest:

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9 _____
10 Anne Hsu, City Clerk

11 Approved as to form:

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13 _____
14 Malathy Subramanian, City Attorney
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