

RESOLUTION NO #05-47

A RESOLUTION OF THE ALBANY CITY COUNCIL CALLING AND GIVING NOTICE OF HOLDING A SPECIAL ELECTION TO BE HELD NOVEMBER 8, 2005 AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO CONSOLIDATE SAID ELECTION WITH THE SPECIAL STATEWIDE ELECTION; AND AUTHORIZE THE CITY CLERK OR HER DULY AUTHORIZED OFFICERS TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS A MUNICIPAL SERVICES AND CAPITAL IMPROVEMENT SPECIAL TAX TO THE QUALIFIED VOTERS OF THE CITY AND SETTING THE BALLOT LANGUAGE.

WHEREAS, Article XIII A, Section 4 of the California Constitution authorizes cities, by two-thirds vote of the qualified electors, to impose special taxes;

WHEREAS, the City of Albany is a charter city and through its charter is empowered to exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants, including such powers which shall not be held to be exclusive or any limitation of this general grant of powers;

WHEREAS, the City of Albany, through its charter, is empowered to borrow money by the issue and sale of bonds, pledged on credit of the City, or for any purpose authorized by law;

WHEREAS, the City Charter provides that the City of Albany shall have the power to establish standards, procedures, rules and regulations related to any public financing;

WHEREAS, the City Council desires to submit a proposition to the voters of the City of Albany containing a ballot measure to adopt a Municipal Services and Capital Improvement special tax to be used exclusively for specified purposes at a consolidated special election to be held in the City on November 8, 2005;

1 **WHEREAS**, it is desirable that the Albany County Department of Elections
2 canvas the returns of the consolidated election and that the election be handled in all
3 respects as if it were only one election;

4 **WHEREAS**, the City Council held a joint City and Albany School Board
5 meeting on August 1, 2005, and held a public workshop on July 18, 2005 to consider
6 placement of the measure on the ballot for the November 8, 2005 election, and also
7 considered the City's unfunded needs and the need for a tax measure at Council meetings
8 on July 5, 2005, April 4, 2005, and March 7, 2005;

9 **WHEREAS**, the City Council held a final duly noticed public hearing on August
10 8, 2005 to consider placement of a measure on the ballot for the November 8, 2005
11 election seeking voter approval of the ballot measure;

12 **WHEREAS**, after holding workshops and hearings and receiving information
13 and testimony from the public, and additional reports from surveys conducted by the
14 City's consultants, the City Council concluded that it was in the best health and welfare
15 of the City to seek revenue resources to provide for municipal services and capital
16 improvements;

17 **WHEREAS**, November 8, 2005 is the date of the special statewide election;

18 **WHEREAS**, Election Code §9282 sets forth procedures for how arguments in
19 favor or in opposition of any city measure shall be submitted;

20 **WHEREAS**, based on all of the information presented in the workshops,
21 hearings, and public hearings, both written and oral, including the consultant reports,
22 minutes, testimony from citizens of the City of Albany and other relevant materials, the
23 City finds that under the California Environmental Quality Act ["CEQA"] Guidelines

1 §15060(c)(2) and §378 subdivisions (2) and (4) of subdivision (b), this tax does not
2 constitute a project under CEQA and therefore review under CEQA is not required.

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

5 **Section 1.** Pursuant to the Charter powers of the City of Albany and the laws
6 of the State of California related to charter cities, there is called and ordered to be held in
7 the City of Albany, California on November 8, 2005, an election for the purposes of
8 submitting to the voters a measure that would enact the Municipal Services and Capital
9 Improvement Tax. Pursuant to Election Code §10400 et seq., the election for this
10 measure shall be consolidated with the special statewide election to be conducted on
11 November 8, 2005.

12 **Section 2.** Pursuant to the requirements of Elections Code §10403, the Board
13 of Supervisors of the County of Alameda is hereby requested to consent and agree to the
14 consolidation of said election.

15 **Section 3.** The Alameda County Registrar of Voters is hereby requested to
16 include this ballot measure and the voter pamphlet on the ballot as set forth hereinafter,
17 and that the following ballot question, to be numbered and designated by the County of
18 Alameda as a City Council proposed ballot measure to appear as follows:

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|--|-----------|
| 19 20 Shall an ordinance be adopted, with a guaranteed annual audit, approving a City of Albany Special Tax of \$145.00 per Equivalent Residential Unit as follows: 21 <ul style="list-style-type: none">• Forty percent will fund or finance acquisition and 22 improvements for park and recreation facilities and for repair and rehabilitation of streets and storm drains.• Sixty percent will fund operations for street paving; youth and 23 recreational programs; library services; and City maintenance of parks, landscaping and facilities. | YES _____ |
| | NO _____ |

1 **Section 4.** The text of proposed ordinance to be submitted to voters is
2 attached hereto as Exhibit “A”.

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

11 **Section 6.** Arguments for and against said 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 the measure shall be submitted to
14 the City Clerk’s office by no later than 12:30 p.m. on August 19, 2005. Rebuttal
15 arguments shall be submitted to the City Clerk’s office by no later than 12:30 p.m. on
16 August 26, 2005. Any argument shall not exceed 300 words in lengths 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 7.** The Mayor and subcommittee members _____ and
21 _____ and hereby authorized to prepare a written argument in favor of the
22 proposed ordinance not to exceed 300 words, on behalf of the Albany City Council. At
23
24

1 the subcommittee's discretion, the argument may also be signed by bonafide organization
2 or by individual voters.

3 **Section 8.** Pursuant to Election Code §9285, when the City Clerk has selected
4 the arguments for and against The Measure (Alameda County will issue the appropriate
5 Measure letter at a later time), which shall be printed and distributed to the voters, the
6 City Clerk shall send copies of the arguments in favor of The Measure, to the authors of
7 the arguments against The Measure, and copies of the arguments against The Measure
8 to the authors of the arguments in favor of The Measure.

9 **Section 9.** The City Clerk is hereby directed to cause notice of the measure to
10 be published in a newspaper of general circulation, or any other newspaper designated as
11 an official newspaper of the City of Albany in accordance with Elections Code §12111
12 and Government Code §6061.

13 **Section 10.** The City Administrator is authorized and directed to appropriate
14 the necessary funds to pay for the City's cost to place a measure on the election ballot.

15 **Section 11.** All particulars not recited in this resolution, the election shall be
16 held and conducted as provided by law for the holding of municipal elections.

17 The undersigned hereby certify that the foregoing is a full, true, and
18 complete copy of the Resolution duly passed and adopted by the City Council of the City
19 of Albany at a regular meeting thereof on the 8th day of August, 2005 by the following
20 vote:

21
22 _____
23 ROBERT GOOD
MAYOR