

RESOLUTION NO. 2024-26

**A RESOLUTION OF THE ALBANY CITY COUNCIL SUBMITTING
TO THE QUALIFIED VOTERS OF THE CITY
A PROPOSED AMENDMENT TO THE CITY CHARTER TO EXCLUDE
ALBANY UNIFIED SCHOOL DISTRICT BONDING FROM
THE CITY OF ALBANY’S BONDING LIMIT AND CLARIFYING
THE CITY’S BONDING LIMIT; AT A GENERAL MUNICIPAL ELECTION TO BE
CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE
HELD NOVEMBER 5, 2024; DIRECTING THE CITY ATTORNEY TO PREPARE
AN IMPARTIAL ANALYSIS OF THE PROPOSED CHARTER AMENDMENT AND
PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS
AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS
REGARDING THE PROPOSED CHARTER AMENDMENT**

WHEREAS, Albany City Charter section 4.07 currently limits the City of Albany’s authority to issue bonds against the credit of the City, including for the construction and equipment of schools, beyond fifteen percent (15%) of the assessed valuation of the property in the City subject to direct taxation; and

WHEREAS, pursuant to authority provided by California Constitution, Article XI, Section 3, California Government Code Sections 34450 et. seq. and California Elections Code Sections 1415 and 9255, the City Council of the City of Albany desires to submit to the voters a proposed amendment to the City Charter that would clarify that no bonds shall be issued on the credit of the City which in aggregate shall increase such bonded indebtedness of the City beyond (i) 15% of the assessed valuation of the property in the City subject to direct taxation or (ii) the statutory maximum amount, as more specifically set forth therein (the “Charter Amendment” or “Measure”); and

WHEREAS, California Constitution, Article XI, Section 3, requires that any charter amendment be approved by a majority of City voters voting at an election called for that purpose; and

1 **WHEREAS**, pursuant to California Elections Code sections 1415 and 9255, the City
2 Council is authorized by statute to submit the proposed Charter Amendment to the voters at
3 the General Municipal Election to be held on November 5, 2024; and

4 **WHEREAS**, the City Council desires to consolidate the General Municipal Election
5 for the Charter Amendment described herein with the Statewide General Election to be held
6 on November 5, 2024; and

7
8 **WHEREAS**, the City Council further desires to set deadlines and rules for primary
9 and rebuttal arguments for and against the Charter Amendment.

10
11 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF**
12 **THE CITY OF ALBANY AS FOLLOWS:**

13 **SECTION 1. Recitals.** The City Council of the City hereby find and determine that
14 the foregoing recitals are true and correct, are incorporated herein and by this reference made
15 an operative part hereof.

16
17 **SECTION 2. Submission of Charter Amendment.** The City Council of the City,
18 pursuant to its right and authority as contained in California Constitution Article XI, Section
19 3, California Government Code, Sections 34450 *et. seq.*, and California Elections Code,
20 Sections 1415 and 9255, and any other applicable requirements of the laws of the State of
21 California relating to charter cities, hereby calls and orders to be held a General Municipal
22 Election in the City of Albany to be consolidated with the Statewide General Election on
23 Tuesday, November 5, 2024, for the purpose of submitting to a vote of the qualified electors
24 of the City of Albany the following proposed Charter Amendment:

<p>1 “Shall the City Charter of Albany be amended to remove the 2 exception for school purpose bonds from the City’s bonding limit and 3 clarify that the City’s bonding limit is the lesser of (i) 15% of the 4 assessed valuation of the property in the City subject to direct taxation or (ii) the statutory maximum amount?”</p>	<p>YES</p>
	<p>NO</p>

5 **SECTION 3. Text of Charter Amendment.** The text of the Charter Amendment to
6 be submitted to the voters is attached hereto as Exhibit “A and incorporated herein by this
7 reference.
8

9 **SECTION 4. Election Procedures.**

- 10
- 11 A. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections
12 Code, the Board of Supervisors of the County of Alameda is hereby requested to
13 consent and agree to the consolidation of a General Municipal Election with the
14 Statewide General Election on Tuesday, November 5, 2024, for the purpose of
15 submitting to the voters the Charter Amendment.
- 16
- 17 B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the
18 Alameda County Registrar of Voters/Elections Official to take any and all steps
19 necessary for the holding of the consolidated election.
- 20
- 21 C. Canvass of Returns. The Alameda County Registrar of Voters/Elections Official
22 is authorized to canvass the returns and perform all other proceedings incidental to
23 and connected with the General Municipal Election for the Charter Amendment.
24 The Election shall be held in all respects as if there were only one election, and
25 only one form of ballot shall be used. Pursuant to California Elections Code
26 Sections 10403 and 10418, the election will be held and conducted in accordance
27 with the provisions of law regulating the Statewide General Election.
28

- 1 D. Costs. The City Council determines and declares that the City will pay to the
2 County the reasonable and actual expenses incurred by the County by the
3 consolidation of the General Municipal Election with the Statewide General
4 Election. The City shall reimburse the County for services performed when the
5 work is completed and upon presentation to the City of a properly approved bill.
- 6 E. Form of Ballot. The ballots to be used at the election shall be in the form and
7 content as required by law.
- 8
- 9 F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized,
10 instructed and directed, in coordination with the Alameda County Registrar of
11 Voters/Elections Official, to procure and furnish any and all official ballots,
12 notices, printed matter and all supplies, equipment and paraphernalia that may be
13 necessary in order to properly and lawfully conduct the election.
- 14
- 15 G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or
16 vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-
17 by-mail or votes at polls and vote centers shall be in accordance with those times
18 and procedures established by the County of Alameda, except as otherwise
19 provided in the Elections Code of the State of California.
- 20 H. Election to Follow Applicable Law. In all particulars not recited in this Resolution,
21 the election shall be held and conducted as provided by law for holding municipal
22 elections in the City.
- 23
- 24 I. Notice of Election. Notice of the time and place of holding the election is given
25 and the City Clerk is authorized, instructed and directed to give further or additional
26 notice of the election, in time, form, and manner as required by law.
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1 J. Tallying of Ballots. All ballots shall be tallied at a central counting place and not
2 at the precincts. Said central counting place shall be at a County center as
3 designated by the Registrar of Voters.

4 K. Receipt of Election Results. The City Clerk of the City of Albany shall receive the
5 canvass as it pertains to the election on the Charter Amendment measure, and shall
6 certify the results to the City Council, as required by law.
7

8 **SECTION 5. Direct Arguments and City Attorney's Analysis.**
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10 A. The City Council authorizes (i) the City Council or any member(s) of the City
11 Council, (ii) any individual voter eligible to vote on the above Charter Amendment,
12 (iii) a bona fide association of such citizens or (iv) any combination of voters and
13 associations, to file a written argument in favor of or against the Charter
14 Amendment, in accordance with Article 4, Chapter 3, Division 9 of the Elections
15 Code of the State of California and may change the argument according to the
16 deadlines set by the Alameda County for submittal of primary arguments for or
17 against the measure after which no arguments for or against the Charter
18 Amendment may be submitted to the City Clerk. Arguments in favor of or against
19 the Charter Amendment shall each not exceed 300 words in length. Each argument
20 shall be filed with the City Clerk, signed, and include the printed name(s) and
21 signature(s) of the author(s) submitting it, or if submitted on behalf of an
22 organization, the name of the organization, and the printed name and signature of
23 at least one of its principal officers who is the author of the argument.

24 B. The City Clerk shall comply with all provisions of law establishing priority of
25 arguments for printing and distribution to the voters, and shall take all necessary
26 actions to cause the selected arguments to be printed and distributed to the voters.
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1 C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City
2 Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City
3 Attorney shall prepare an impartial analysis of the Charter Amendment, not to
4 exceed 500 words in length, showing the effect of the Charter Amendment on the
5 existing law and the operation of the Charter Amendment. The City Attorney shall
6 transmit such impartial analysis to the City Clerk, who shall cause the analysis to
7 be published in the voter information guide along with the Charter Amendment as
8 provided by law. The impartial analysis shall include a statement indicating
9 whether the Charter Amendment was placed on the ballot by a petition signed by
10 the requisite number of voters or by the City Council. In the event the entire text
11 of the Charter Amendment is not printed on the ballot, nor in the voter information
12 portion of the sample ballot, there shall be printed immediately below the Impartial
13 Analysis, in no less than 10-font bold type, the following: **“The above statement
14 is an Impartial Analysis of Charter Amendment/Measure _____. If you desire
15 a copy of the Charter Amendment/Measure, please call the City Clerk’s Office
16 at (510) 528-5710 and a copy will be mailed at no cost to you.”**

17 D. The provisions herein shall apply only to the election to be held on November 5,
18 2024.

19 **SECTION 6. Rebuttals.**

20
21 A. That pursuant to Section 9285 of the Elections Code of the State of California,
22 when the Clerk has selected the arguments for and against the Charter Amendment
23 which will be printed and distributed to the voters, the Clerk shall send copies of
24 the argument in favor of the Charter Amendment to the authors of the argument
25 against, and copies of the argument against to the authors of the argument in favor.
26 The authors or persons designated by them may prepare and submit rebuttal
27 arguments not exceeding 250 words. The rebuttal arguments shall be filed with the
28

1 City Clerk not later than the deadline as set by the Alameda County for submittal
2 of primary arguments for or against the measure. Rebuttal arguments shall be
3 printed in the same manner as the direct arguments. Each rebuttal argument shall
4 immediately follow the direct argument which it seeks to rebut.

- 5 B. The provisions herein shall apply only to the election to be held on November 5,
6 2024.

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8 **SECTION 7. Placement on the Ballot.** The full text of the Charter Amendment
9 shall be printed in the voter information guide, and a statement shall be printed in the ballot
10 pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of
11 this Charter Amendment/Measure, at no cost, upon request made to the City Clerk.

12
13 **SECTION 8. Delivery of Resolution to County.** The City Clerk shall certify to the
14 passage and adoption of this Resolution and enter it into the book of original resolutions. The
15 City Council directs the City Clerk to deliver copies of this Resolution, including the Charter
16 Amendment attached hereto as Exhibit “A”, to the Clerk of the Board of Supervisors of
17 Alameda County and to the Registrar of Voters/Elections Official of Alameda County.

18 **SECTION 9. Public Examination.** Pursuant to Elections Code section 9295, this
19 Measure will be available for public examination for no fewer than ten (10) calendar days prior
20 to being submitted for printing in the voter information guide. The City Clerk shall post notice
21 in the Clerk’s office of the specific dates that the examination period will run.

22
23 **SECTION 10. CEQA.** The City Council hereby finds and determines that this
24 Resolution and the Charter Amendment relates to organizational or administrative activities
25 of governments that will not result in direct or indirect physical changes in the environment,
26 and therefore is not a “project” within the meaning of the California Environmental Quality
27 Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).
28

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

APPROVED and **ADOPTED** by the City Council of the City of Albany at a regular meeting thereof on the 6th day of May, 2024.

JOHN MIKI, MAYOR

EXHIBIT "A"

CHARTER AMENDMENT/MEASURE "___"

"Shall the City Charter of Albany be amended to remove the exception for school purpose bonds from the City's bonding limit and clarify that the City's bonding limit is the lesser of (i) 15% of the assessed valuation of the property in the City subject to direct taxation or (ii) the statutory maximum amount?"	YES
	NO

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 IV: FISCAL AND TAXATION

Section 4.07. BOND ISSUES.

Money may be borrowed by the issue and sale of general obligation bonds ("bonds"), pledged on the credit of the City, for any purpose authorized by law, including the construction and equipment of schools. No ordinance providing for the issue of bonds shall be passed without the submission of the bonding proposition to the electors of the City at a regular or special election and the approval of a two-thirds majority of those voting thereon. No bonds shall be issued, ~~excepting bonds for school purposes,~~ on the credit of the City which in aggregate shall increase such bonded indebtedness of the City beyond the lesser of (i) fifteen percent (15%) ~~§ 6~~ of the assessed valuation of the property in the City subject to direct taxation, as shown by the last preceding valuation for City taxes or (ii) the statutory maximum amount. Every ordinance for the issue of bonds shall provide for a tax levy for each year to meet the annual serial installments of principal and interest, and such amounts shall be included in the tax levy for each year."

1 SECTION 2. Approval, Filing and Recordation of Charter Amendment. Pursuant to
2 California Government Code Section 34460, if approved by a majority of voters, the Mayor
3 and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment.
4 The City Clerk shall also (i) record one copy of this Charter Amendment with the Alameda
5 County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with
6 the California Secretary of State. Each copy recorded with the County Recorder and filed in
7 the City's archives shall also be filed with the following documents:

8
9 A. Certified copies of all publications and notices required of the City by
10 State law in connection with the calling of an election to propose the Charter
11 Amendment.

12 B. Certified copies of any arguments for or against the Charter
13 Amendment that were mailed to voters pursuant to California Elections Code Sections
14 9281 et. seq.

15
16 C. A certified abstract of the vote at the election at which the Charter
17 Amendment was approved by the voters.

18
19 SECTION 3. Ratification and Effective Date. Pursuant to California Government
20 Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a
21 majority of the eligible voters of the City of Albany voting at the General Municipal Election
22 of November 5, 2024. However, this Charter Amendment shall not take effect until it has been
23 accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

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

I hereby certify that the foregoing Charter Amendment was PASSED, APPROVED AND ADOPTED by the People of the City of Albany at the November 5, 2024 General Municipal Election.

Anne Hsu, City Clerk