

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE Q1

The City Council has placed before the voters the question whether the Albany City Charter should be amended to make numerous administrative, technical and clarifying changes. A full copy of the Charter amendment text is printed in these ballot materials.

The proposed amendments to the Charter include the following:

### Filling Vacancies in City Elective Offices

Currently the Charter provides that vacancies in any City elective office (City Council or City Treasurer) must be filled by a person appointed by the City Council within 30 days after the vacancy occurs, with the individual holding office until the next general municipal election. Under State law, however, an election to fill a City elective office generally must be called 88 days before the general election date. If a vacancy were to occur after that deadline, it would not be possible for the Council to call the election in time. This measure would amend the Charter to state that the appointee will hold office until the next *feasible* general election. It would also allow the Council 60 days to make an appointment and provide for the Council to adopt an ordinance establishing procedures for filling vacancies in elective offices by appointment.

### Police and Fire Pension Board

Currently the Charter requires that the City have a Board of Trustees governing the Police and Fire Relief or Pension Fund. Among other things, this closed Fund pays for retirement benefits to public safety employees who worked for the City before it joined the California Public Employees Retirement System. The Charter specifies qualifications and appointment procedures for Board members and alternates. The Charter requires that the Board meet on a monthly basis.

This measure would amend the Charter to provide more flexibility to appoint Board members and alternates to facilitate achieving quorums at Board meetings. It allows quarterly meetings of the Board. It also makes other minor changes to Board procedures, including the procedures for approving pension payments.

### Copying Fees

Currently the Charter sets fees for copies of City records at .10 cents per page and fees for certifications at .25 cents per page. This measure provides that the City Council would set fees for copies and certifications by resolution, consistent with the requirements of State law. The Public Records Act permits cities to charge fees sufficient to cover the direct costs of duplicating public records.

### Gender Neutral Wording

Currently the Charter states generally that its references to the masculine gender include the feminine and neuter. This measure would delete this provision and instead change terminology throughout the Charter to make it gender neutral.

### Miscellaneous Changes

This measure would also make numerous other administrative, technical and clarifying changes to the Charter.

A “Yes” vote is a vote in favor of making the specified amendments to the City Charter. A “No” vote is a vote against making these changes. This measure will be approved if a majority of the votes cast on it are “Yes” votes.

DATED: July 22, 2016

Craig Labadie, City Attorney