

PROPOSED AMENDMENTS

of and

ADDITIONS TO THE CHARTER

of the

CITY OF ALAMEDA

the proposals for the adoption of which will be
submitted to the voters of said city

at the

GENERAL MUNICIPAL ELECTION

to be held in said City on

March 9, 1943

RESOLUTION NO. 2829

SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF ALAMEDA PROPOSALS TO AMEND THE CHARTER OF THE CITY OF ALAMEDA, TO BE VOTED UPON AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, MARCH 9, 1943.

WHEREAS, pursuant to the provisions of Article XIX of the charter of the City of Alameda and of Resolution No. 2828, heretofore adopted by this Council, a General Municipal Election is called and ordered to be held in the City of Alameda, County of Alameda, State of California, on Tuesday, March 9, 1943; and

WHEREAS, in the opinion of the Council of said city public interest demands that the charter of said city be amended as hereinafter specified and said Council, on its own motion, intends to submit to the qualified electors of said city, as authorized by Section 8, Article XI, of the Constitution of the State of California, seven separate proposals for amending the charter of said city;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA as follows:

That the Council of the City of Alameda, on its own motion, does hereby submit to the electors of said city, to be voted upon at the General Municipal Election to be held therein on March 9, 1943, seven separate proposals for amending the charter of said City of Alameda, which proposals shall be in words and figures as follows, to wit:

PROPOSAL NO. 1

That Sec. 3-10, of Article III, of the charter of the City of Alameda be amended to read as follows:

"Sec. 3-10. All acts of the Council imposing penalties, prescribing public regulations, granting franchises, or providing for the acquisition, transfer,

or lease for a period longer than one year, of real property, shall be by ordinance; provided, however, that the acquisition of real property, or any interest therein, may be authorized by resolution when the purchase price to be paid, together with any obligation imposed on the City in connection with any such acquisition, does not exceed the sum of \$1,000.00, or when such acquisition is to be accomplished by condemnation in eminent domain proceedings, or in connection with public improvements proceedings taken under some law.

No real property of the City shall be leased for a period in excess of one year or sold, except upon the affirmative vote of four members of the Council.

The provisions of this section shall not apply to the acquisition or transfer of real property when, pursuant to procedure established by ordinance or by any code or general law of the State of California, such property has been acquired, or is transferred or acquired, in satisfaction, foreclosure or enforcement of a lien for taxes or special assessments of any character."

PROPOSAL NO. 2

That Sec. 3-12, of Article III, of the charter of the City of Alameda be amended to read as follows:

"Sec. 3-12. No ordinance shall become effective until thirty days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election, or an ordinance determining the amount of money necessary to be raised by taxation, or fixing the rate of taxes to be levied, or an ordinance relating to a street improvement proceeding taken under some law, or an ordinance relating to public improvements or work the cost of which, or any portion of which, is to be borne by special assessments against property benefitted thereby, or an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of the facts constituting its urgency, and is passed by a four-fifths vote of the Council, or an ordinance enacted in the event of great emergency or necessity passed by four votes of the Council and containing a statement of the emergency or necessity. Ordinances for the immediate preservation of the public peace, health or safety and ordinances enacted in the event of great emergency or necessity, when passed as aforesaid, may be introduced and passed at one and the same meeting and at either a regular or special meeting.

No grant of any franchise, however, shall ever be construed as an urgency or emergency measure."

PROPOSAL NO. 3

That Sec. 17-7, of Article XVII, of the charter of the City of Alameda be amended to read as follows:

"Sec. 17-7. Unless otherwise provided by ordinance, the levy and collection of City taxes shall be pursuant to general law for the levy and collection of State and County taxes, and to that end all duties required by general law to be performed by County officers shall be performed by the City officers performing similar duties.

Every tax levied pursuant to law shall be a personal obligation of the person to whom the property or the tax is assessed. Every tax shall be and constitute a lien on the property assessed and, as to taxes on personal property, on the real property in this city of the person to whom the tax is assessed and, as to taxes on improvements, on the taxable land on which such improvements are located and, as to taxes on assessments of possessory interests, on the other taxable real property of the owner in this city. The time when taxes for any fiscal year become a lien on property is at noon on the first Monday in March preceding the beginning of the fiscal year for which the taxes are to be collected.

Except as otherwise provided in this section, the personal obligation is satisfied and the tax lien removed when, but not before,

- (a) the tax is paid or legally cancelled, or
- (b) for non-payment of any taxes, the property is sold to a private purchaser or deeded to the City.

After thirty years succeeding the time, heretofore or hereafter, when any tax becomes a lien, if the lien has not been otherwise removed, the lien ceases to exist and the tax is conclusively presumed to be paid."

PROPOSAL NO. 4

That Sec. 17-9, of Article XVII, of the charter of the City of Alameda be amended to read as follows:

"Sec. 17-9. All charges, fees, commissions and percentages collected or received by any officer or employee of the City in the performance of any official duty as such officer or employee, or in the performance of the duties of any office held ex officio, shall be the property of the City; provided,

that the Council may by ordinance provide that the Health Officer of the City shall be entitled to receive and retain the fees provided by law to be paid by the State or County to Local Registrars of Vital Statistics for the registration of birth and death certificates."

PROPOSAL NO. 5

That Sec. 19-3, of Article XIX, of the charter of the City of Alameda be amended to read as follows:

"Sec. 19-3. The provisions of the Elections Code and the Constitution of the State of California relating to the qualifications of electors and voters shall govern in all municipal elections. Except as otherwise provided in this charter or in any ordinance enacted by the affirmative vote of four members of the Council, the provisions and procedure provided in the Elections Code and the general law of the State of California, now in effect and as hereafter amended or codified, for election in chartered cities and municipalities generally, and in all respects not so provided, then the present and future provisions of said code or laws governing County elections generally, insofar as they may be applicable, shall govern all elections in this City. The Council and the City Clerk, respectively, shall exercise the powers and perform the duties conferred or imposed by law on Boards of Supervisors and County Clerks, respectively, concerning elections.

For the purpose of this article, all seats or positions on the Council shall be considered as a single office for which as many persons are to be selected as there are full and unexpired terms to be filled.

No election, either general or special, shall be set aside for any error, irregularity or defect in the proceedings leading up to said election or in said election when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured."

PROPOSAL NO. 6

That there be added to Article XIX of the charter of the City of Alameda a new section to be known as Sec. 19-15 and which shall read as follows:

"Sec. 19-15. No person shall be entitled to vote at any City election unless he shall be registered as a voter in the office of the County Clerk of Ala-

meda County and unless he would have been entitled to vote in a precinct in this city at a State or County election held on the same day as such City election.

The registers used at all City elections or in connection with the certification of any petition provided by law shall be the books of current affidavits of registration kept in the office of the County Clerk of Alameda County for voters within this city."

PROPOSAL NO. 7

That there be added to Article XIX of the charter of the City of Alameda a new section to be known as Sec. 19-16 and which shall read as follows:

"Sec. 19-16. At any time not later than twenty days before any election, and without reference to any procedure provided therefor in the Elections Code, the Council may divide the City into election precincts and may change the boundaries of, create new, or consolidate established precincts. In the ordinance or resolution establishing, changing or consolidating precincts the boundaries thereof may be defined by reference to exterior descriptions or delineations on precinct maps or both, or by reference to orders or resolutions of the Board of Supervisors of the County of Alameda last theretofore establishing precincts within the City for holding general State and County elections. Unless precincts be established as herein provided, they shall remain as last theretofore established within the City by said Board of Supervisors for holding general State and County elections.

In case a City election is consolidated with a State or County election the precincts and polling places for such municipal election shall be as established within the City by the Board of Supervisors of the County of Alameda for the holding of such State or County election. It shall not be necessary to set forth in any ordinance or resolution calling or relating to such consolidated municipal election the election officers for the several precinct boards, but reference may be made to the resolution or ordinance of said Board of Supervisors appointing election officers for such State or County election.

At all municipal elections the election officers for each precinct board shall consist of one inspector, one judge and two clerks, except that the Council

may determine that one inspector, one judge and one clerk is sufficient."

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby, directed to cause such proposals for amending such charter to be published once in the Alameda Times-Star, a daily newspaper of general circulation, published and circulated in said city, and the official newspaper of said city; that said City Clerk shall cause copies of said proposals to be printed in convenient pamphlet form, and in type of not less than ten point, and shall cause copies thereof to be mailed to each of the qualified electors of said city, and shall also, until the day fixed for said election, advertise in the aforesaid newspaper a notice that such copies may be had at the office of said City Clerk, in the City Hall, upon application therefor, all in the manner required by the Constitution of the State of California.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted by the Council of the City of Alameda in adjourned regular meeting assembled on the 25th day of January, 1943, by the following vote, to wit:

AYES: Councilmen Branscheid, Howe, Jones, Maurer and President Godfrey (5).

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 25th day of January, 1943.

(SEAL)

LOREME R. BEATIE,
City Clerk of the City of Alameda.

Printed by order of the City Council.

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