

JUL 18 2011

MARK CHURCH, Chief Elections Officer

ORIGINAL

By


DEPUTY CLERK

RESOLUTION NO. 15132

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD
CITY SUBMITTING CERTAIN CHARTER AMENDMENTS TO THE
VOTERS AMENDMENTS FOR THE NOVEMBER 8, 2011 ELECTION**

WHEREAS, pursuant to the authority provided by Article XI, Section 3 of the Constitution, Section 34458 of the Government Code and Section 9255(a)(2) of the Elections Code of the State of California, the City Council of the City of Redwood City desires to submit to the voters proposed Charter amendments relating to the acquisition and disposal of property; and

WHEREAS, under the provisions of the Redwood City Charter, and by its Resolution No. 15111, approved May 23, 2011, the City Council has called a municipal election on November 8, 2011 (the "Election"), and requested the assistance of the county elections office; and

WHEREAS, the following is a summary of provisions of current Section 3 ½ of the Charter, entitled, "Acquisition and Disposal of Property":

The section provides in pertinent part the conditions for acquiring property and for the sale and lease of property under the jurisdiction of the City Council and property under the jurisdiction of the Port Commissioners.

Before purchasing real property worth \$2,000 or more, the City must first publish a notice in the paper unless general law is to be used to condemn property or the property is needed in connection with a public improvement.

Sale of City-owned real or personal property under the jurisdiction of the City Council requires a two-week published notice, an appraisal, and sale to the highest responsible bidder for no less than 90% of the assessed value at a public auction or sealed bids to the Council. This section also sets forth more specific conditions for sale of property depending on value:

- City real property having an appraised value of two hundred and fifty dollars (\$250) may be sold without public notice.
- City personal property having a value of five thousand dollars (\$5,000) may be sold without notice for any reasonable amount.
- City real property having an appraised value of less than \$75,000 may be authorized by 5/7th vote of the City Council by resolution.
- City real property having an appraised value in excess of \$75,000 may be authorized only by ordinance adopted by 5/7th vote of the City Council.
- Any ordinance required by this section is subject to the referendum provisions of the Charter.

The conditions for sale of City property under the Port's jurisdiction are the same for the sale of City property under the City Council's jurisdiction.

Leases are handled differently. Lease of more than one month of property under the City Council's jurisdiction shall be authorized by City Council resolution, and leases for a lesser period of time may be authorized by motion. Lease of real property under the Port's jurisdiction is pursuant to Section 48a of the Charter. Sale of lease of harbor lands is addressed separately in Section 48 of the Charter.

City property may be exchanged for other property when the value of the property to be received equals or exceeds the value of property to be disposed of by the city; and

WHEREAS, the proposed Charter amendment would revise Section 3 ½, so that it is applicable only to the property under the City Council's jurisdiction, and provide the City with the same rights as general cities to purchase, lease, receive, hold, and dispose of real and personal property for the common benefit, subject to any additional provisions that the City Council might enact by ordinance. A new Section 3 ¾ would be added to maintain the requirements that have been applicable to the Port under Charter Section 3 ½. A minor amendment would be made to Section 48a to ensure that it properly cross-references new Section 3-3/4; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendments to the voters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redwood City as follows:

1. That the City Council, pursuant to the right and authority under California law, hereby orders that the following question be submitted to the qualified electors of the City of Redwood City at the November 8, 2011 election:

Shall the City Charter be amended so that the City of Redwood City may, like the majority of cities subject to the general laws of the state, buy, sell, lease, and dispose of its real and personal property for the common benefit with the approval of a majority of its City Council, and enact additional rules by ordinance for this purpose?	10 4	YES	
	10 7	NO	

This question requires the approval of a majority of those casting votes.

3. The complete text of the Charter amendments is attached hereto as **Attachment A**, and the complete text is not to be printed in the voter pamphlet. The full text of the Charter amendments shall be made available to any voter on request. (*Cal. Elections Code §§ 9223 and 9280*)
4. The City Clerk is instructed to transmit the Measure to the City Attorney along with a request that an impartial analysis be prepared for inclusion in the Voters' Pamphlet materials. Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis, which shall be filed with the City Clerk's office no later than August 29, 2011.

Arguments for and against the Measure may be submitted to the City Clerk's office located at 1017 Middlefield, Redwood City, CA 94063, until 5 p.m. on August 19, 2011. Rebuttal arguments will be permitted and must be received in the City Clerk's office by 5:00 pm on August 29, 2011. The City Council adopts the provisions of Elections Code Section 9285 (a), a copy of which is attached hereto as **Attachment B**, regarding rebuttal ballot arguments.

If there is any inconsistency between this Resolution and the schedule of the County Clerk for filing the impartial analysis and the arguments, the schedule of the Clerk of San Mateo County controls.

5. In all particulars not recited in this Resolution, the Election shall be held and conducted as provided by law for holding municipal elections.
6. Notice of the time and place of holding of the Election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the Election in the time, form, and manner as required by law.
7. The City Clerk is hereby authorized to do all things necessary and proper to implement the provisions of this Resolution, including certifying the passage and adoption of this Resolution and entering it into the book of original Resolutions.
8. The proposed Resolution is not subject to CEQA because it is not a "project" pursuant to Public Resource Code Section 21065 and Section 15378(b)(4) of the CEQA Guidelines.

* * *

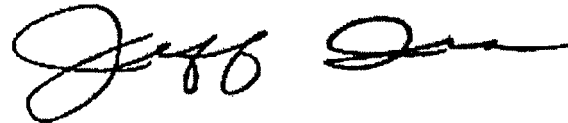
Passed and adopted by the Council of the City of Redwood City at a Joint City Council/Redevelopment Agency Board Meeting thereof held on the 11th of July, 2011 by the following votes:

A YES, and in favor of the passage and adoption of the foregoing resolution,
Council members: Aguirre, Bain, Gee, Pierce, Seybert and Mayor Ira

NOES: None

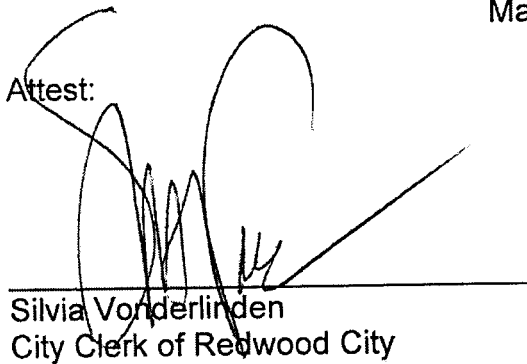
ABSTAIN: None

ABSENT: Foust



JEFF IRA
Mayor of the City of Redwood City

Attest:



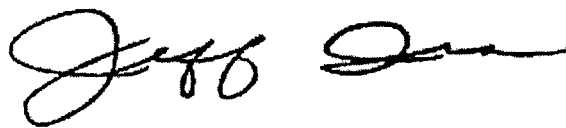
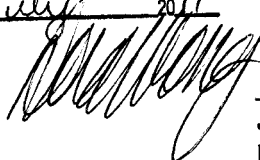
Silvia Vonderlinden
City Clerk of Redwood City

I hereby approve the foregoing
resolution this 12th day of July 2011.

CITY OF REDWOOD CITY
Dora Wong, Office of the City Clerk of the City of Redwood City
does hereby certify that the above and foregoing is a full true and
correct copy of Resolution

15132
In Witness Whereof, I have hereunto set my hand and the seal of
said City this 12 day of July, 2011

Dora Wong
Deputy City Clerk



JEFF IRA
Mayor of the City of Redwood City

Attachment A**Section 3-1/2. ACQUISITION AND DISPOSAL OF PROPERTY BY CITY:**

Subject to any additional provisions that the City Council may enact by ordinance, the City may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit.

Section 3-3/4. ACQUISITION AND DISPOSAL OF PROPERTY BY PORT:

The following applies to real and personal property under the jurisdiction of the Board of Port Commissioners, and does not apply to property under the jurisdiction of the City:

Public notice shall be given by publication in the official newspaper once at least five (5) days prior to the acquisition of any real property by the Board of Port Commissioners when the purchase price to be paid by the Port equals or exceeds the sum of two thousand dollars (\$2,000), unless such acquisition is to be accomplished pursuant to the general laws of the State by condemnation in eminent domain proceedings or unless such acquisition is necessary in connection with public improvement proceedings accomplished pursuant to law.

Any sale or lease of property under the jurisdiction of the Board of Port Commissioners, shall be accomplished in accordance with the following procedure:

(a) Public notice of any proposed sale of property shall be given at least once a week for two weeks in the official newspaper. Such notice shall contain a statement that any and all bids may be rejected and the property may be readvertised.

(b) Prior to the sale of any property, the City Assessor shall appraise the same and determine the current market value thereof. With the approval of the Board of Port Commissioners, the City Assessor may obtain the services of other qualified persons to assist in such appraisal.

(c) Every sale of property may be made only to the highest responsible bidder at public auction or upon sealed bids to said Board of Port Commissioners. In all instances where bids are received any and all bids may be rejected and the property re-advertised or removed from the market. No sale of any property shall be made for less than ninety percent (90%) of the appraised value thereof. Every lease of property shall be made in accordance with the provisions of Section 48(a) of this Charter.

(d) Any real property having an appraised value of two hundred fifty dollars (\$250) or less may be sold without public notice or public bid as required by this section; provided, however, that no such property shall be sold for less than ninety percent (90%) of the appraised value thereof. Any personal property having an appraised value of five thousand dollars (\$5,000) or less may be sold without public notice or public bid as required by this section; and, further, such property may be sold for any reasonable amount irrespective of its appraised value.

(e) Any sale of real property having an appraised value of less than seventy-five thousand dollars (\$75,000) shall be authorized only by resolution adopted by the affirmative vote of at least four-fifths (4/5ths) of all members of the Board. Any such sale

Attachment A

of real property having an appraised value of seventy-five thousand dollars (\$75,000) or more shall be authorized only by ordinance of the Board of Port Commissioners adopted by the affirmative vote of at least four-fifths (4/5ths) of all members of the Board. Any ordinance required hereunder shall be subject to the referendum provisions of this Charter

(f) No property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the City Assessor and the value of the property to be received by the Port equals or exceeds the value of the property to be disposed of by the Port.

Section 48a. LEASES:

No sale of any real property under the jurisdiction of the Board of Port Commissioners shall be made except in accordance with the provisions of Section 3-3/4 of this charter and all powers and duties therein imposed on the Council are hereby conferred and imposed on the Board of Port Commissioners with respect to property under its jurisdiction. Every lease of real property under the jurisdiction of the Board of Port Commissioners for a term in excess of one (1) month shall be approved by ordinance after public hearing held on the question of such approval. Such ordinances shall be subject to the referendum provisions of this charter. Every lease of real property under the jurisdiction of the Board of Port Commissioners for a term of one (1) calendar month or less shall be approved by said Board by motion duly made and carried, and may be granted without public notice, hearing, or bid. No lease of real property under the jurisdiction of the Board of Port Commissioners shall be made for a term longer than fifty (50) years.

Attachment B**§ 9285. Copies of arguments to persons who have filed opposing arguments; Rebuttal arguments**

(a)

(1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.