

ORDINANCE NO. 2016-03

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ORDERING THE SUBMISSION OF A GENERAL OBLIGATION BOND PROPOSITION TO THE QUALIFIED VOTERS OF THE CITY OF EL CERRITO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF THE LAND ACQUISITION (OR LEASE), DESIGN, CONSTRUCTION, FURNISHING, EQUIPPING, AND SUPPLYING OF A SAFE, MODERN LIBRARY PROJECT

WHEREAS, the El Cerrito Library currently does not meet the space, technological, educational, or safety needs of El Cerrito residents; and

WHEREAS, the El Cerrito Library was built in 1948 and does not currently meet the earthquake safety standards for libraries built today; and

WHEREAS, library community priorities include a safe, energy-efficient library that meets earthquake and fire codes, updated wiring to accommodate computers and technology, a children's area with space for children's story times, space for public access computers, a computer learning center, and free wi-fi, and improved access for seniors and disabled residents; and

WHEREAS, the current library is dilapidated, cramped, and substandard relative to its high usage and does not meet national standards for meeting space and seating for a community the size of El Cerrito ; and

WHEREAS, the 2014 Updated Library Needs Assessment commissioned by the City found that a significant increase in space and a well-designed, efficient, technologically-current building are necessary to provide El Cerrito residents with a library that meets El Cerrito residents' library service needs and recommended a minimum 21,000 square foot library in order to meet both current and projected library service needs; and

WHEREAS, the proceeds of the tax levied to finance the General Obligation Bonds will be placed into a special account and those funds can be used only for the purposes of the measure and the City's Finance Director must annually prepare a report regarding the amount of funds collected and expended and the status of the Safe Modern El Cerrito Library project; and

WHEREAS, each year, the City's Financial Advisory Board will review the annual report to ensure that bond proceeds are being expended in compliance with the purposes of the measure and the Safe Modern El Cerrito Library Project; and

WHEREAS, the fiscal accountability safeguards will ensure funds are used efficiently, effectively and as promised to voters; and

WHEREAS, on July 19, 2016, the City Council adopted, by a two-thirds vote of all its members, a resolution entitled "Resolution of the City Council of the City of El Cerrito Determining that the Public Interest and Necessity Demand the Land Acquisition (or Lease), Design, Construction, Equipping, and Furnishing of a Safe, Modern Library Project with Financing through the Issuance of General Obligation Bonds" (the "Resolution of Necessity"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the City Library Project (as described in the Resolution of Necessity), it is necessary for the City Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at a regular municipal election; and

WHEREAS, the City Council desires to submit said ballot measure to the qualified voters of the City at an election to be held in the City on November 8, 2016, and to consolidate the bond election with the general statewide election held within the City on that date; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN as follows:

1. Call for Election. The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring a bonded debt (the "Bonds") for the purpose set forth in this Ordinance, at the general municipal election to be held on November 8, 2016. . The proposition shall be approved if at least two-thirds of the voters voting on the question vote in favor of it.

2. Ballot Proposition. The City Council hereby submits to the qualified voters of the City, at the regular election to be held on November 8, 2016, a proposition on issuing the Bonds in substantially the following form:

To replace the 67 year old El Cerrito Library with a safe, energy efficient, 21st century library that meets earthquake and fire codes with space for a children's area for story times/books; public access computers/computer learning center; up-to-date book/resource collections; and improved senior/disabled access, shall El Cerrito issue \$30,000,000 in bonds at legal rates for 33 years, as the Voter Guide describes, requiring independent citizen oversight, and all funds for El Cerrito Library?

3. Object and Purpose of Bonds. The object and specific single purpose of issuing the Bonds is the acquisition and construction of the Safe Modern El Cerrito Library Project (the "Project"). The proceeds of the Bonds may only be expended for the specific purposes set forth in the ballot proposition and for the Project described by this Ordinance. The Project consists of the elements listed below as well as similar

substitute elements that further the creation of a safe, modern El Cerrito Library, as described in the 2014 Updated Library Needs Assessment, and the goal of creating a facility that provides adequate space to meet all of the programming needs of a high-usage community the size of El Cerrito :

(a) Acquisition (including lease) of land for a safe, modern El Cerrito Library and associated public facilities that can be used for educational and recreational programming.

(b) Constructing a safe, modern El Cerrito Library and associated public facilities that can be used for educational and recreational programming that are energy-efficient; meet earthquake and fire codes; and include without limitation updated wiring to accommodate computers and technology, a children's area with space for children's story times, space for public access computers, a computer learning center, free wi-fi, and improved access for seniors and disabled residents.

(c) Furnishing, equipping, and supplying a safe, modern El Cerrito Library and associated public facilities that can be used for educational and recreational programming.

4. Estimated Cost of the City Library Project. The estimated cost of the Safe Modern El Cerrito Library Project is \$30,000,000. The estimated costs include provision for legal or other fees, and other costs and expenses, which are incidental to or connected with the authorization, issuance and sale of the Bonds.

5. Principal Amount of Bonds. The amount of the principal of the Bonds shall not exceed \$30,000,000.

6. Maximum Interest Rate. The maximum rate of interest to be paid on the Bonds shall be 8% per annum. Said interest shall be payable semiannually except that interest for the first year after the date of the Bonds may be made payable at the end of said year.

7. Issuance and Sale of Bonds. The City proposes to acquire and construct the Safe Modern El Cerrito Library Project and to issue and sell the Bonds pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, or Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The Bonds will be general obligations of the City payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of the Bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

8. Consolidation; Manner of Conducting Election. The bond election hereby called for November 8, 2016, is hereby ordered consolidated with any other election to be held within the City on said date. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein. The Board of Supervisors of Contra Costa County and the Contra Costa County Clerk, Elections Division, are hereby requested to order the consolidation of the municipal election hereby called with any other election to be held within the City on said date. The City Council recognizes that the County will incur additional costs in conducting the election called by this resolution, agrees to reimburse the County for those costs, and authorizes and directs the City Manager or his designee to expend the funds necessary to pay for the costs of conducting the election. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418. The City's boundaries have not changed since its previous election.

9. Procedure for Voting on Proposition. Ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with procedures to be adopted by the authorized officers of the County charged with conducting the election.

10. Accountability Requirements. In accordance with Sections 53410 and 53411 of the California Government Code, the City Council hereby adopts the following accountability requirements relating to the Bonds:

(a) A separate account shall be created and held by the City, into which the proceeds of the Bonds are deposited.

(b) The Finance Director of the City shall file a report with the City Council no later than January 1, 2018, and at least once a year thereafter, showing the amount of Bond proceeds collected and expended, and the status of the project to be financed from the proceeds of the Bonds.

(c) The Finance Director of the City shall also file the annual report described in the preceding paragraph to the City's Financial Advisory Board, which will review the annual report to ensure that Bond proceeds are being expended in compliance with the purposes of the measure and the Safe Modern El Cerrito Library Project.

11. Ballot Arguments; Tax Rate Statement; Text of Measure.

(a) The Mayor is hereby authorized to file an argument in support of the ballot measure which is prepared in connection with the election. At the

Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the Mayor is also authorized to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure. Ballot arguments shall not exceed 300 words. Rebuttal arguments shall not exceed 250 words. The deadline for filing ballot arguments is August 24, 2016. The deadline for filing rebuttal arguments is August 29, 2016. Direct and rebuttal arguments shall be filed with the City Clerk's Office.

(b) The Finance Director is hereby authorized to execute any Tax Rate Statement to be included as part of the official ballot measure.

(c) The full text of this Ordinance shall be published in the Voter Information Guide.

12. Impartial Analysis. Pursuant to Section 9280 of the California Elections Code, the City Clerk is hereby directed to submit a copy of this Ordinance to the City Attorney and the City Attorney or his designee is hereby authorized and directed to prepare an impartial analysis of the ballot proposition showing the effect of the ballot proposition on the existing law and the operation of the ballot proposition. Such analysis shall not exceed 500 words in length and shall comply in all respects with applicable provisions of the California Elections Code. The City Attorney's impartial analysis shall be filed with the City Clerk's Office no later than August 19, 2016.

13. Compliance with the California Environmental Quality Act. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). This Ordinance only submits to the voters of El Cerrito the question whether the tax and bonds described by this Ordinance should be approved to fund the Safe Modern El Cerrito Library Project but does not approve the Project. As such, under CEQA Guidelines section 15378(b)(4), this Ordinance and the tax and bonds described herein are not a project within the meaning of CEQA because they create a government funding mechanism that does not involve any commitment to any specific project or service that may result in a potentially significant physical impact on the environment. If revenue from the tax and bonds were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines Section 15060, review of the Ordinance under CEQA is not required. Prior to commencement of any component of the Safe Modern El Cerrito Library Project, any necessary environmental review required by CEQA shall be completed. The City shall perform CEQA analysis for the Safe Modern El Cerrito Library Project prior to approving the Project, if the Project requires analysis under CEQA.


14. Official Actions. The Mayor, the City Manager, the Finance Director and the City Clerk, or any of their designees, are hereby authorized to execute any documents and to perform all acts necessary to place the bond measure on the ballot.

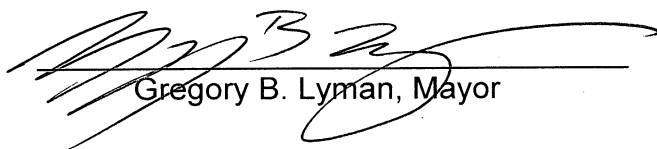
15. Publication of Ordinance. This Ordinance shall be published once a day for at least seven (7) days in a newspaper published at least six (6) days a week in the City, or once a week for two (2) weeks in a newspaper published less than six (6) days a week in the City. The first of said publications shall, in either event, be within fifteen (15) days after the adoption of this Ordinance.

16. Effective Date. This Ordinance shall become effective immediately upon its adoption by two-thirds vote of all the members of this Council (at least four affirmative votes).

I CERTIFY that the foregoing ordinance was introduced upon motion of Councilmember Friedman and seconded by Councilmember Quinto at a regular meeting on July 19, 2016, and was adopted upon motion of Councilmember Abelson and seconded by Councilmember Quinto at a regular meeting on August 2, 2016 by the City Council of the City of El Cerrito who passed this ordinance by the following vote:

AYES: Councilmembers Abelson, Friedman, Quinto and Mayor Lyman
NOES: None
ABSENT: Councilmember Bridges
ABSTAIN: None



Cheryl Morse, City Clerk

Gregory B. Lyman, Mayor