

ORDINANCE NO. 807 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA, CALIFORNIA  
CALLING A SPECIAL ELECTION AND ORDERING THE SUBMISSION OF A  
PROPOSITION INCURRING BONDED DEBT FOR THE PURPOSE OF THE  
CONSTRUCTION OF A NEW PUBLIC LIBRARY AT THE GENERAL ELECTION TO  
BE HELD ON NOVEMBER 8, 2016**

**WHEREAS**, the City has been working toward constructing a new, single, up-to-date library to meet our community's needs for more than a decade, beginning in the late 1990s when the City joined a number of other cities and San Mateo County to form the San Mateo County Library Joint Powers Authority (the "Library JPA");

**WHEREAS**, the Library JPA Board envisioned each community having one library that could optimize the service resources available, though the Library JPA Board recognized that several cities, including Pacifica, had two library facilities and would need time to transition to one facility;

**WHEREAS**, as part of joining the Library JPA, Pacifica agreed to move toward combining library services into a single facility designed to meet the needs of the entire community, and since that time, the Pacifica Library Foundation, the Pacifica Friends of the Library, the Library JPA, and the City have been working together to take the steps needed to make a new library a reality;

**WHEREAS**, on July 21, 2016, the City Council adopted, by a two-thirds vote of all its members, a resolution entitled "A Resolution Of The City Council Of The City Of Pacifica, California, Determining That The Public Interest And Necessity Demand The Construction Of A New Public Library And Its Financing Through The Issuance Of General Obligation Bonds" (the "Resolution of Necessity") pursuant to which the City Council has found and determined to issue its general obligation bonds to finance the construction of a new Pacifica Public Library ("Library");

**WHEREAS**, in order to provide for the issuance by the City of general obligation bonds to finance the improvements 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 special municipal election; and

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

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFICA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds that all the facts, findings and conclusions set forth above are true and correct and material to this Ordinance.

**SECTION 2.** *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 regular election to be held on November 8, 2016.

**SECTION 3.** *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:

**NEW PACIFICA PUBLIC LIBRARY EDUCATIONAL RESOURCE AND SAFETY MEASURE.** To build a new Library that will eliminate building deficiencies like leaky roofs and deteriorating electrical wiring; improve earthquake/fire safety and disability access; enable modern computer technology and internet access; and provide safe spaces and study areas for teens and children seven days a week; shall the City of Pacifica issue \$33,500,000 in general obligation bonds at legal rates, subject to financial audits and citizens' oversight?

**SECTION 4.** *Object and Purpose of Bonds.* The object and specific single purpose of issuing the Bonds is the design and construction of the Library, and the proceeds of the Bonds may only be applied to that purpose.

**SECTION 5.** *Estimated Cost of Library.* The estimated cost of the Library is \$33,500,000. The estimated cost includes legal or other fees, and other costs and expenses, which are incidental to or connected with the authorization, issuance and sale of the Bonds.

**SECTION 6.** *Principal Amount of Bonds.* The amount of the principal of the Bonds shall not exceed \$33,500,000.

**SECTION 7.** *Maximum Interest Rate.* The maximum rate of interest to be paid on the Bonds shall be 8% per annum.

**SECTION 8.** *Issuance and Sale of Bonds.* The City proposes to, construct the Library 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 the 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.

**SECTION 9.** *Manner of Conducting Election.* The bond election hereby called for November 8, 2016 is hereby ordered consolidated with the election called in Resolution No. 44-2016, adopted on July 11, 2016, 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 San Mateo County and the San Mateo County Elections Official are hereby requested to order the consolidation of the bond election hereby called with any other election to be held within the City on said date. The City Council hereby adopts the provisions of subdivision (a) of Section 9285 of the California Elections Code.

**SECTION 10.** *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.

**SECTION 11.** *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 chief fiscal officer of the City shall file a report with the City Council no later than January 1, 2017, 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.

**SECTION 12.** *Establishment of Oversight Committee; Public Input.* In the event the ballot proposition is passed by two-thirds of all qualified voters voting on the proposition, the City Council shall establish and appoint members to an oversight committee, which shall have responsibility for reviewing and reporting on the expenditure of the proceeds of the Bonds. In addition, the City Council shall seek input from the public regarding the scope and design of the improvements to be financed from the proceeds of the Bonds

**SECTION 13.** *Ballot Arguments; Tax Rate Statement.* Any and all members of the City Council are hereby authorized (but not required) to act as an author of any ballot argument in support of the ballot measure which is prepared in connection with the election, including a rebuttal to any argument in opposition to the ballot measure.

The City Manager is hereby authorized to execute any Tax Rate Statement to be included as part of the official ballot measure.

**SECTION 14.** *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.

**SECTION 15.** *Official Actions.* The City Manager, 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.

**SECTION 16.** *Publication of Ordinance.* Pursuant to California Government Code section 43611 this Ordinance shall be published once a day for at least seven days in a newspaper published at least six days a week in the City, or once a week for two weeks in a newspaper published less than six days a week in the City. The first of said publications shall, in either event, be within 15 days after the adoption of this Ordinance.

**SECTION 17.** *Environmental Review.* This ordinance is exempt from the provisions of the California Environmental Quality Act because it is not a project, and because there is no possibility that the ordinance may have a significant effect on the environment. The environmental review of the Library itself is included in the Final Environmental Impact Report for Redevelopment of the Beach Boulevard Property, which was certified on July 15, 2013.

**SECTION 18.** *Effective Date.* This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to California Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this Council.

**SECTION 19.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 20.** The City Clerk shall certify as to the adoption of this Ordinance and shall publish a copy of this Ordinance in the manner as required by law.



This ordinance was introduced on the 11<sup>th</sup> day of July 2016 and passed and adopted on the 25<sup>th</sup> day of July, 2016 at a regular meeting of the City Council of the City of Pacifica by the following vote:

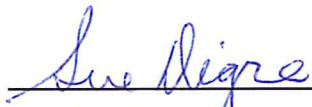
AYES: Keener, Ervin, O'Neill, Digre

NOES: None

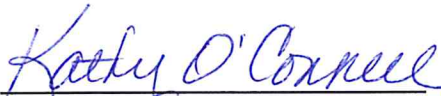
ABSENT: Nihart

ABSTAIN: None



**CITY OF PACIFICA**

By:   
Sue Digre, Mayor

**ATTEST**

By:   
Kathy O'Connell, City Clerk

**APPROVED AS TO FORM**

By:   
 Michelle Kenyon, City Attorney