

RESOLUTION NO. 12345

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
CALLING AN ELECTION, ORDERING THE SUBMISSION OF THE
PROPOSITION OF INCURRING BONDED INDEBTEDNESS TO THE
QUALIFIED VOTERS OF THE CITY AND MAKING CERTAIN
REQUESTS TO THE BOARD OF SUPERVISORS
OF THE COUNTY AND THE COUNTY REGISTRAR**

WHEREAS, on the date hereof, the City Council of the City of Campbell (the "City") adopted, by a two-thirds vote of all its members, a resolution entitled "Resolution of the City Council of the City of Campbell Determining that the Public Interest and Necessity Demand the Acquisition, Construction and Improvement of Certain Municipal Improvement Projects, and Their Financing Through the Issuance of General Obligation Bonds," pursuant to which the City Council has found and determined that the public interest and necessity demand the issuance of general obligation bonds to finance the cost of acquisition, construction and improvement of municipal improvements (the "Improvements"); and

WHEREAS, the City Council desires to submit to the approval of the qualified voters in the City the incurrence of bonded indebtedness for the purpose of financing the Improvements on November 6, 2018; and

WHEREAS, it is necessary to request that the Santa Clara County Board of Supervisors consolidate such election with the general election to be held on the same date; and

WHEREAS, the City Council desires to have the Santa Clara County Registrar of voters render certain services in connection with the consolidated election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAMPBELL AS FOLLOWS:

Section 1. Call for Election. The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring bonded indebtedness (the "Bonds") for the purposes set forth in this Resolution, at the regular election to be held on November 6, 2018.

Section 2. Consolidation; Manner of Conducting Election. The bond election hereby called for November 6, 2018, is requested to be 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 with which it is consolidated, as specified herein. The Board of Supervisors of Santa Clara County and the Santa Clara County Registrar of Voters, 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, held and conducted in the manner prescribed in Section 10418 of the California Elections Code.

Section 3. Ballot Proposition. The City Council hereby submits a measure to the qualified voters of the City, at the regular election to be held on November 6, 2018, pertaining to Ordinance 2235 (the "Ordinance"), a proposition on issuing the Bonds. The exact form of the measure to appear on the ballot is as follows:

To provide a police emergency operations center that is fully operational during a disaster and an innovative library in seismically safe, accessible, and energy-efficient facilities meeting current safety codes, shall the City of Campbell's measure to issue \$50,000,000 in general obligation bonds with projected levies of \$0.019 per \$100 (\$19 per \$100,000) of assessed value, generating an estimated average of \$3,025,000 annually to repay bonds through maturity, with citizen oversight and all funds spent locally, be adopted?	YES
	NO

Section 4. Object and Purpose of Bonds. The object and purpose of issuing the Bonds is to finance the costs of the Improvements.

The Improvements shall include, without limitation:

- A police station and a library that are innovative, seismically safe and accessible;
- A new police operations building and 9-1-1 emergency dispatch center that would remain fully operational during a disaster, would be seismically safe, would utilize up-to-date crime fighting technology, and be able to adapt to future needs resulting from new technology and operational standards;
- A safe, energy-efficient library that meets earthquake and fire codes, facilitating the collaborative and efficient use of space, which may result in longer operating hours, with space for senior reading, after-school homework programs, children's story times and a children's collection, summer reading programs, and public access computers and computer lab, ensuring access for senior and disabled residents;
- Renovate and make seismically safe existing police building for other City purposes.

Each of the Improvements listed above includes all work necessary and incidental to the specific projects described above. Examples of such costs include, but are not limited to: costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; a customary construction contingency; demolition and disposal of existing structures; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; interim facilities for municipal functions, including modular facilities; addressing unforeseen conditions revealed by construction or renovation, and other necessary improvements required to comply with existing building codes; access requirements of the Americans with Disabilities Act; costs of the election; bond issuance costs; and project administration during the duration of such projects, as permitted by law. The final cost of each Improvement will be determined as plans

are finalized, construction bids are awarded, and projects are completed, and therefore there is no guarantee that each of the listed Improvements will be completed.

Section 5. Ordinance. The complete text of the Ordinance set forth as Exhibit A hereto shall be published in the ballot materials provided to the voters;

Section 6. Impartial Analysis. Pursuant to Section 9280 of the California Elections Code, the City Clerk is hereby directed to submit a copy of the Ordinance to the City Attorney, and the City Attorney or a 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 be submitted by the City Attorney on or before August 21, 2018, shall not exceed 500 words in length and shall comply in all respects with applicable provisions of the California Elections Code.

Section 7. Ballot Arguments; Tax Rate Statement. As provided in Section 9282 of the California Elections Code, any and all members of the City Council are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument, and the City establishes August 13, 2018 as the deadline to file arguments for or against the measure with the City Clerk, and August 20, 2018 as the deadline to file rebuttal arguments with the City Clerk. In addition, pursuant to Section 9401 of the California Elections Code, the Finance Director of the City is hereby authorized to finalize and execute a Tax Rate Statement, and to file the Tax Rate Statement with the Santa Clara County Registrar of Voters.

Section 8. Ballots. The City Council hereby requests the Board of Supervisors of the County of Santa Clara to order the County Clerk and Registrar of Voters to:

- a. Set forth in all sample ballots that are to be mail to voters in the City the statement set forth in Section 3 of this Resolution, and to mail with the sample ballots copies of all arguments and rebuttals for and against the measure, as well as a copy of the full text of the Ordinance set forth in Exhibit A to this Resolution;
- b. Provide absent voter ballots for the special municipal election for use of the voters of the City that are entitled thereto, in the manner provided by law; and
- c. Prepare and supply indices to precinct information, assist in the canvass of returns, and provide services to complete the official canvass of returns.

Section 9. Canvass of Election. The City Council hereby authorizes the County Clerk and Registrar of Voters to canvass or cause to be canvassed, as provided by law, the returns of the general municipal election with respect to the votes cast on the measure, and to certify such canvass of the votes cast.

Section 10. Transmittal of Resolution. The City Council hereby authorizes and directs the City Clerk to submit a certified copy of this Resolution to the County Clerk and Registrar of Voters for the County of Santa Clara, and to prepare, execute and transmit to the County all documents necessary to carry out the purposes of this Resolution.

Section 11. Measure Synopsis. The City Council hereby directs the City Clerk to publish a synopsis of the measure pursuant to Elections Code section 12111.

Section 12. County Election Costs. The City Manager is hereby authorized to reimburse Santa Clara County in full for the costs of conducting said election and services actually performed, upon presentation of a bill from Santa Clara County.

Section 13. Official Actions. The Mayor, the City Manager, the Finance Director, the City Clerk, and 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.

PASSED AND ADOPTED this 17th day of July, 2018, by the following roll call vote:

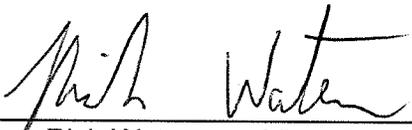
AYES: Councilmembers: Gibbons, Landry, Cristina, Waterman

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSENT: Councilmembers: Resnikoff

APPROVED:



Rich Waterman, Vice Mayor

ATTEST:



Wendy Wood, City Clerk

EXHIBIT A

ORDINANCE OF THE CITY OF CAMPBELL ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS TO THE QUALIFIED VOTERS OF THE CITY OF CAMPBELL AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN MUNICIPAL IMPROVEMENT PROJECTS

WHEREAS, the Campbell Police Department 9-1-1 Dispatch and Emergency Response Center are housed in a portion of Campbell City Hall that does not meet current seismic standards and lacks the space to provide essential emergency services; and

WHEREAS, Campbell police officers are currently working out of a modular/temporary facility that does not meet current seismic, operational, or accessibility standards, regularly experiences building system failures due to the age and condition of existing infrastructure and building systems, including HVAC, plumbing, electrical, and sewer systems, and does not contain a restroom facility; and

WHEREAS, providing a state-of-the-art police operations center will allow police officers to respond quickly and efficiently in the event of a major earthquake or other disaster and utilize modern policing technology; and

WHEREAS, the Campbell Library was built over 40 years ago, does not meet current seismic, operational, or accessibility standards, regularly experiences building system failures due to the age and condition of existing infrastructure and building systems, including HVAC, plumbing, electrical, and sewer systems, and an elevator system that is subject to an increasing amount of time out of service; and

WHEREAS, the current configuration of the Campbell Library facility restricts and limits the efficient use of space to provide library services to the community, including children and senior programs, space for community programming, and computer access; and

WHEREAS, providing a safer and more energy efficient library facility would include a new technology center, improved access for senior and disabled residents, increased space and functionality to provide additional services, and potentially extend hours of service to the Campbell community; and

WHEREAS, on July 17, 2018, the City Council adopted, by a two-thirds vote of all its members, a resolution (the "Resolution") entitled "Resolution of the City Council of the City of Campbell Determining that the Public Interest and Necessity Demand the Acquisition, Construction and Improvement of Certain Municipal Improvement Projects, and Their Financing Through the Issuance of General Obligation Bonds," pursuant to which the City Council has found and determined that the public interest and necessity demand the issuance of general obligation bonds to finance the cost of acquisition, construction and improvement of municipal improvements (the "Improvements"); and

WHEREAS, in order to provide for the issuance by the City of general obligation bonds to provide financing for the Improvements, it is necessary for the City Council to adopt an

ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at a municipal election; and

WHEREAS, the City Council desires to submit said ballot measure to the qualified voters of the City at the regular election to be held in the City on November 6, 2018, and to consolidate the bond election with other elections held within the City on that date;

NOW, THEREFORE, IT IS ORDAINED by the City Council of the City of Campbell as follows:

Section 1. Call for Election. The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring bonded indebtedness (the "Bonds") for the purposes set forth in this Ordinance, at the regular election to be held on November 6, 2018.

Section 2. Ballot Proposition. The City Council hereby submits to the qualified voters of the City, at the regular election to be held on November 6, 2018, a proposition on issuing the Bonds in substantially the following form:

To provide a police emergency operations center that is fully operational during a disaster and an innovative library in seismically safe, accessible, and energy-efficient facilities meeting current safety codes, shall the City of Campbell's measure to issue \$50,000,000 in general obligation bonds with projected levies of \$0.019 per \$100 (\$19 per \$100,000) of assessed value, generating an estimated average of \$3,025,000 annually to repay bonds through maturity, with citizen oversight and all funds spent locally, be adopted?

Section 3. Object and Purpose of Bonds. The object and purpose of issuing the Bonds is to finance the costs of the Improvements.

The Improvements shall include, without limitation:

- A police station and a library that are innovative, seismically safe and accessible;
- A new police operations building and 9-1-1 emergency dispatch center that would remain fully operational during a disaster, would be seismically safe, would utilize up-to-date crime fighting technology, and be able to adapt to future needs resulting from new technology and operational standards;
- A safe, energy-efficient library that meets earthquake and fire codes, facilitating the collaborative and efficient use of space, which may result in longer operating hours, with space for senior reading, after-school homework programs, children's story times and a children's collection, summer reading programs, and public access computers and computer lab, ensuring access for senior and disabled residents;
- Renovate and make seismically safe existing police building for other City purposes.

Each of the Improvements listed above includes all work necessary and incidental to the specific projects described above. Examples of such costs include, but are not limited to: costs

of design, engineering, architect and other professional services, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; a customary construction contingency; demolition and disposal of existing structures; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; interim facilities for municipal functions, including modular facilities; addressing unforeseen conditions revealed by construction or renovation, and other necessary improvements required to comply with existing building codes; access requirements of the Americans with Disabilities Act; costs of the election; bond issuance costs; and project administration during the duration of such projects, as permitted by law. The final cost of each Improvement will be determined as plans are finalized, construction bids are awarded, and projects are completed, and therefore there is no guarantee that each of the listed Improvements will be completed.

Section 4. Estimated Cost of Improvements. The estimated cost of the Improvements is \$50,000,000. The estimated cost includes legal or other fees, the costs of printing the Bonds, and other costs and expenses incidental to or connected with the authorization, issuance and sale of the Bonds.

Section 5. Principal Amount of Bonds. The amount of the principal of the Bonds shall not exceed \$50,000,000.

Section 6. Maximum Interest Rate. The maximum rate of interest to be paid on the Bonds shall be 12% per annum, though the City expects to issue the bonds at prevailing market rates. 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.

Section 7. Issuance and Sale of Bonds. The City proposes 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 ad valorem taxes levied and collected in the manner prescribed by laws of the State of California. All of the Bonds shall be equally and ratably secured, without priority, by the taxing power of the City.

Section 8. Manner of Conducting Election. The election held on November 6, 2018 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 with which it is consolidated, as specified herein.

Section 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.

Section 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 and applied solely for the purpose of financing the Improvements.
- (b) The Finance Director of the City shall file a report with the City Council at least annually showing the amount of Bond proceeds collected and expended, and the status of the Improvements.

Section 11. Establishment of Oversight Committee. 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.

Section 12. Official Actions. The Mayor, the City Manager, the Finance Director, the City Clerk, and 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 13. Publication of Ordinance. 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 14. Projections. The City Council hereby finds that the estimates and projections contained in the Tax Rate Statement and in the measure have been made based on currently available information, but depend on a number of variables which are subject to variation. Such estimates and projections have been made in good faith, and are not binding or intended to be limitations on the terms of the bonds.

Section 15. Effective Date. This Ordinance shall become effective immediately upon its adoption by two-thirds vote of all the members of this City Council.

* * * * *