

ORDINANCE NO. 2235

**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.

I, Wendy Wood, hereby certify that the foregoing Ordinance No. 2235 was introduced on July 17, 2018, and adopted at a regular meeting of the Campbell City Council on July 31, 2018, by the following vote:

AYES: Councilmembers: Gibbons, Landry, Cristina, Waterman

NOES: Councilmembers: None

ABSENT: Councilmembers: None

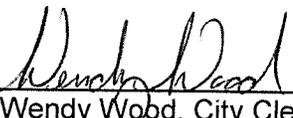
RECUSED: Councilmembers: Resnikoff

APPROVED:



Rich Waterman, Vice Mayor

ATTEST:



Wendy Wood, City Clerk