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## OAKLAND CITY COUNCIL

### RESOLUTION NO. 86385 C.M.S.

INTRODUCED BY VICE MAYOR CAMPBELL WASHINGTON  
AND COUNCILMEMBER GUILLEN

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RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION, A PROPOSED ORDINANCE TO AUTHORIZE ISSUANCE OF \$600 MILLION GENERAL OBLIGATION BONDS TO FUND VARIOUS CITY INFRASTRUCTURE AND AFFORDABLE HOUSING PROJECTS; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION; ACTION TAKEN IN RELIANCE ON PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORTS AND CEQA EXEMPTIONS WITHOUT LIMITATION, CEQA GUIDELINES 15162, 15183, 15183.3 and 15378

**WHEREAS**, the City of Oakland has identified critically needed investment in streets and roads, public facilities and affordable housing as integral to ensuring public safety, quality of life for all Oaklanders and the City's long-term economic vitality; and,

**WHEREAS**, the City Council recognizes the need to enhance the City's streets, bike lanes, and related infrastructure in order to create a system that is more safe, reliable, and efficient, and meets future demands; and,

**WHEREAS**, the City Council recognizes that investment in the City's infrastructure, including parks, libraries, public safety buildings, recreation and senior centers is necessary to preserve and enhance the quality of life for all Oaklanders; and,

**WHEREAS**, Oakland is the one of the most expensive housing markets in the country, just behind San Francisco, New York and Boston, and with rising rents outpacing the increase in incomes faster than any other place in the country, protecting Oakland residents from displacement and providing affordable housing opportunities is necessary to preserve the quality of life for all City residents, to protect the City's low income families, seniors and persons with disabilities, and to ensure the City's long term economic vitality; and,

**WHEREAS**, pursuant to Article 34 of the California Constitution, voter approval is necessary in some cases to authorize the City to develop, construct and/or acquire "low rent housing", including housing that will be funded by a City general obligation bond; and

**WHEREAS**, the City has an unfunded capital need of approximately \$2.5 billion; and

**WHEREAS**, the City Council proposes a \$600 million general obligation bond to invest in vital infrastructure projects to improve public safety, protect and provide affordable housing, and preserve the quality of life in all neighborhoods throughout Oakland; and

**WHEREAS**, section 902(e) of the Charter of the City of Oakland provides that contracts for service shall not result in the loss of employment or salary by any person having permanent status in the City's competitive service and such Charter provisions remain applicable to projects funded by this bond measure; and

**WHEREAS**, this bond measure provides enhanced resources for the City's Public Works, Transportation and Parks & Recreation Departments, thereby creating the opportunity to expand the capacity of City staff to undertake various types of capital improvement work; and

**WHEREAS**, in compliance with the California Environmental Quality Act (CEQA), section 15162, the City has completed a review of the proposed projects (the "Projects") and

**WHEREAS**, the proposal relies on previously certified Final Environmental Impact Reports (EIRs) in accordance with, among other provisions CEQA Guidelines section 15162, prepared for planning-level policy documents including, without limitation, the City's General Plan, the Lake Merritt Station Area, Broadway-Valdez, West Oakland, and Central Estuary Specific Plans, and various Redevelopment Plans, and each as a separate and independent basis, is also exempt from CEQA on numerous bases, including, without limitation CEQA Guidelines sections 15183, 15183.3 and 15378, and,

**WHEREAS**, the City Council finds and determines that completion of the Projects is in the public interest and the cost of the Projects will require expenditures of at least \$600 million, an amount greater than the amount allowed by the annual tax levy of the City; and

**WHEREAS**, the City Council finds and determines it is in the best interests of the City of Oakland to submit to the voters this proposed ordinance to incur bonded indebtedness not to exceed \$600 million for the purpose of financing the Projects; now, therefore be it

**RESOLVED**, that the Oakland City Council finds and determines the forgoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

**FURTHER RESOLVED**, that the Oakland City Council does hereby submit to the voters, at the November 8, 2016, Statewide General Election, an Ordinance that reads as follows:

The people of the City of Oakland do ordain as follows:

Section 1. TITLE AND PURPOSE.

(A) Title. This Ordinance shall be referred to as the "2016 Infrastructure Bond."

(B) Purpose. The object and purpose of the authorized indebtedness will be to acquire and make improvements to real property such as improvement and rehabilitation of streets, sidewalks and related infrastructure, renovation and rehabilitation of City facilities including libraries, public safety, recreation, and other buildings, and acquisition, improvement, rehabilitation, preservation, construction and repair of affordable housing.

Section 2. IMPROVEMENT PROJECT PLAN.

(A) Projects to be funded by the total \$600 million in bonds include the following:

1. Streets and Roads Projects, in the amount of \$350 million, including projects consistent with:

(a) Street paving and reconstruction

(b) Bicycle and pedestrian improvements; bikeways, sidewalks, paths, stairs, streetscape, curb ramps

(d) Traffic calming improvements

2. Facilities Projects in the amount of \$150 million, including projects consistent with:

(a) Fire facilities (in the amount of \$40 million)

(b) Police facilities (in the amount of \$40 million)

(c) Libraries (in the amount of \$15 million)

(d) Parks, Recreation and Senior Facilities (in the amount of \$35 million)

(e) Water, energy and seismic improvements consistent with the City's Energy and Climate Action Plan (in the amount of \$20 million)

3. Anti-Displacement and Affordable Housing Preservation Projects in the amount of \$100 million:

(a) Funds may be spent on the acquisition, rehabilitation, or new construction of affordable housing as set forth in the Affordable Housing Bond Law Ordinance.

(B) Proceeds from the sale of the bonds authorized by this measure shall be used only for the purposes and projects set forth in Section 1. Proceeds of the bonds may be used to pay or reimburse the City for the costs of City staff when they are performing work on or necessary and incidental to the bond projects. The City may apply bond proceeds designated for affordable housing projects directly to acquire, rehabilitate, preserve or construct affordable housing and/or indirectly as loans, grants, or other disbursements to qualified individuals, non-profit business entities, corporations, partnerships, associations, and government agencies for such affordable housing projects.

(C) The City proposes to finance some or all of the projects described above with proceeds of the bonds. Projects will be completed as needed according to City Council established priorities, including those set forth within the City's Capital Improvement Plan and additionally, prior to each issuance of bonds, the City Council shall identify for the specific projects included in such issuance:

1. How the projects address social and geographic equity, provide greater benefit to under-served populations and in geographic areas of greatest need;

2. How the projects address improvements to the City's existing core capital assets;

3. How the projects maintain or decrease the City's existing operations and maintenance costs; and

4. How the projects address improvements to energy consumption, resiliency and mobility.

5. The order in which the projects appear in Section A above is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including state or other grants for eligible projects, have not been secured. Until sources of funding and the costs of all projects are known, the City Council cannot determine the amount of bond proceeds that will be available to spend on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all described projects. Completion of some projects may be subject to additional environmental or other government approvals by state or local officials. For these reasons, inclusion of a project in the description above is not a guarantee that the project will be funded or completed.

(D) Contractors and City departments shall comply with all applicable City laws when awarding contracts or performing work funded with the proceeds of Bonds authorized by this measure.

(E) After ten (10) years from enactment of this measure, if the remaining funds designated in any of the categories set forth in Section 2(A) above have not been obligated or expended, a maximum of ten percent (10%) of the funds within each category can be transferred to any other categories included in this measure through a City Council Resolution.

### Section 3. TAX AND INDEBTEDNESS.

To provide financing for the purposes and projects identified in Section 1 of this Ordinance, the City shall be authorized to issue and sell bonds in an amount up to Six Hundred Million Dollars (\$600,000,000) in aggregate principal amount subject to the accountability safeguards specified in Section 6. The City's first bond issuance will be for an amount no more than \$200 million.

The City's best estimate of the ad valorem tax rate required to be levied on all taxable property in the City to pay debt service on the total amount of the proposed bonds (\$600 million) is projected to average no more than \$69 per year per \$100,000 of assessed property valuation. Such estimation shall not be construed to limit the power and duty of the City Council to cause to be levied and collected a tax sufficient to pay debt service on the bonds in any fiscal year.

### Section 4. DEPOSIT OF BOND PROCEEDS.

The net proceeds of the bonds shall be deposited into a special trust account with or established by the treasury of the City of Oakland and shall be allocated and expended at the direction of the City Council for purposes set forth in Section 1 of this Ordinance.

### Section 5. FINANCIAL AUDITS AND CITIZEN OVERSIGHT.

As long as any authorized bond proceeds have not been spent, an annual audit shall be performed to ensure accountability and proper disbursement of the bond proceeds in accordance with the objectives stated herein and in compliance with California Government Code sections 53410(c), 53410(d) and 53411.

The City Council shall establish a new Board or Commission or assign to an existing Board or Commission the responsibility for citizen oversight of this measure. This Board or Commission shall review relevant financial and operational reports related to the expenditure of bond proceeds and provide reports to the City Council when necessary. In addition, the Board or Commission should evaluate the impacts and outcomes of bond expenditures on the bond measure's stated goals, including social equity, anti-displacement and affordable housing.

### Section 6. DEBT-SERVICE FUND.

For the purpose of paying the principal and interest on the bonds, the City shall, annually levy and collect a tax sufficient to pay the annual interest on such bonds as it becomes due and such part of the principal that will become due before the proceeds of the next general tax levy is available for the payment of such principal. The City shall establish and separately maintain such collected tax revenues in a Debt-Service fund until the bonds and the interest thereon are fully paid, or until a sum is set apart to pay all amounts that will be due to cover the principal and interest on the bonds in the Treasury of the City of Oakland or held on behalf of the City.

Section 7. Blank

Section 8. ARTICLE 34 AUTHORIZATION.

Pursuant to Article 34 of the California Constitution, the City is authorized to develop, construct and/or acquire up to 2000 rental housing units for low-income households throughout the City if the City is assisting the development, construction and/or acquisition of such units in whole or in part using proceeds from the bonds authorized by this measure.

Section 9. CITY AFFORDABLE HOUSING BOND LAW.

The City shall issue the bonds pursuant to the rules and procedures established by City Affordable Housing Bond Law.

Section 10. EFFECTIVE DATE.

The taxes imposed by this Ordinance shall become effective on January 1, 2017.

Section 11. DUTIES OF THE DIRECTOR OF FINANCE.

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Ordinance. The Director of Finance is charged with the enforcement of this Ordinance and may adopt rules and regulations relating to such enforcement.

Section 12. TERM OF TAX IMPOSITION.

The ad valorem taxes enacted by this Ordinance shall be imposed and levied until the authorized indebtedness is fully paid. The City shall place delinquencies on subsequent tax bills.

Section 13. SAVINGS CLAUSE.

If a court of competent jurisdiction finds that any provision, sentence, clause, section or part of this Ordinance is unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Ordinance, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that the Council would have adopted this Ordinance if such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof was not included herein.

Section 14. COMPLIANCE

Under Section 53410 of the California Government Code, the bonds shall be for the specific purposes authorized in this Ordinance and the proceeds of such bonds will be applied only for such specific purposes. The City will comply with the requirements of Sections 53410(c) and 53410(d) of the California Government Code.

#### Section 15. REIMBURSEMENTS

The City shall be reimbursed for expenditures the City incurred or expected to incur prior to the issuance and sale of any series of the Bonds in connection with the Project. The City Council hereby declares the City's intent to reimburse the City with the proceeds of the bonds for expenditures with respect to the Project (the "Expenditures" or "Expenditure") that are made on and after the date that is no more than 60 days prior to the passage of the Ordinance. The City reasonably expects on the date hereof that it will reimburse the eligible Expenditures with the proceeds of the Bonds.

Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City. The maximum aggregate principal amount of the Bonds expected to be issued for the Project is \$600 million. The City shall make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the applicable series of bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the related portion of the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City may make exceptions for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and Expenditures for construction projects of at least 5 years.

#### Section 16. EFFECTIVE DATE.

This Ordinance shall be effective only if it is approved by two-thirds of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council.

; and be it

**FURTHER RESOLVED**, that each ballot used at said election shall have printed therein, in addition to any other matter required by law, the following:

**A PROPOSED ORDINANCE AUTHORIZING THE ISSUANCE OF  
INFRASTRUCTURE BONDS IN AN AMOUNT NOT TO EXCEED \$600  
MILLION TO IMPROVE PUBLIC SAFETY AND INVEST IN  
NEIGHBORHOODS.**

MEASURE \_\_\_\_\_

Measure _____. To improve public safety and invest in neighborhoods throughout Oakland by re-paving streets to remove potholes, rebuilding cracked and deteriorating sidewalks, funding bicycle and pedestrian safety improvements, funding affordable housing for Oaklanders, and providing funds for facility improvements, such as, neighborhood recreation centers, playgrounds, and libraries, shall the City of Oakland issue \$600 million in bonds, subject to independent citizen oversight and regular audits?	Yes	
	No	

; and be it

**FURTHER RESOLVED**, that the City Council does hereby submit to the qualified voters of the City, at the November 8, 2016 election, the ordinance and ballot measure set forth herein; and be it

**FURTHER RESOLVED**, that the City proposes to rehabilitate, renovate, acquire or construct the real property and real property improvements herein and to issue and sell general obligation bonds of the City of Oakland, in one or more series, in the maximum amount and for the objects and purposes set forth herein if two-thirds of all qualified voters voting on the ballot measure vote in favor thereof; and be it

**FURTHER RESOLVED**, that the bonds are to be general obligations of the City of Oakland payable and secured by taxes levied and collected in the manner prescribed by the laws of the State of California; and that all said bonds are to be equally and ratably secured, without priority, by the taxing power of the City; and be it

**FURTHER RESOLVED**, that the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") to file certified copies of this Resolution with the Alameda County Clerk at least 88 days prior to November 8, 2016; and be it

**FURTHER RESOLVED**, that the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the



foregoing recitals and measure language to be voted on by the voters of the qualified electors of the City of Oakland; and be it

**FURTHER RESOLVED**, that the City Clerk hereby is directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Oakland, Chapter 3 of the Oakland Municipal Code, the Government Code and the Elections Code of the State of California; and be it

**FURTHER RESOLVED**, that in accordance with the Elections Code and the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Ordinance and rebuttals, and said date shall be posted in the Office of the City Clerk; and be it

**FURTHER RESOLVED**, that upon approval by the voters certain sections of this Ordinance may be codified into the City of Oakland Municipal Code at the direction of the City Clerk; and be it

**FURTHER RESOLVED**, that this resolution shall be effective immediately upon approval by five members of the Council.

IN COUNCIL, OAKLAND, CALIFORNIA JUL 19 2016, 2016

PASSED BY THE FOLLOWING VOTE:

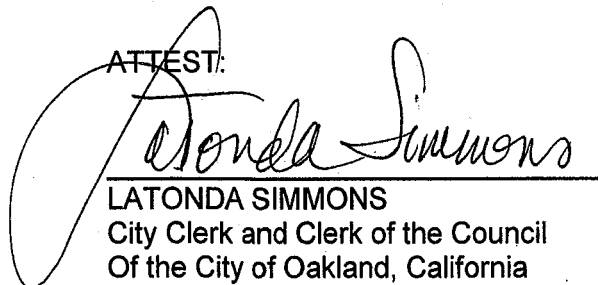
AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL WASHINGTON,  
PRESIDENT GIBSON MCELHANEY — 8

NOES — 0

ABSENT — 0

ABSTENTIONS — 0

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
Of the City of Oakland, California