

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:

CALLING A SPECIAL MUNICIPAL BOND )      ORDINANCE NO. 16-01  
ELECTION FOR APPROVAL OF GENERAL )  
OBLIGATION BONDS TO FINANCE )  
ROADWAY AND STORM DRAIN )  
IMPROVEMENTS

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**WHEREAS**, the City Council (the “Council”) of the City of Orinda (the “City”), by resolution duly passed and adopted by affirmative vote of more than two-thirds of all its members at a meeting of the Council duly and regularly held on February 16, 2016, did determine that the public interest and necessity demand the acquisition, construction and completion of the municipal road and drain improvements hereinafter mentioned; and did further determine that the cost of the acquisition, construction and completion of said municipal road and drain improvements will be too great to be paid out of the ordinary annual income and revenue of the City and will require an expenditure greater than the amount allowed therefor by the annual tax levy, and will require the incurring of a bonded indebtedness therefor;

**NOW, THEREFORE**, the City Council of the City of Orinda does ordain as follows:

Section 1. Specifications of Election Order. (a) A special municipal bond election is hereby ordered to be held throughout the City of Orinda on June 7, 2016, for the purpose of submitting to the qualified electors of the City the proposition of incurring bonded indebtedness of the City attached hereto as Exhibit A.

(b) The Registrar of Voters (the “Registrar of Voters”) of the County of Contra Costa (the “County”) is hereby requested to reprint the full text of the measure contained in Exhibit A hereto (the “Measure”) as the ballot measure in all official materials pertaining to the election, including notices of election, notices inviting arguments, and other notices, voter information pamphlets, and the official ballots. In the event the full text of the proposition is not reprinted in the voter information pamphlet, the Registrar of Voters is hereby requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Measure \_\_\_\_\_. If you desire a copy of the measure, please call the

Contra Costa County Registrar of Voters at (925) 335-7800 and a copy will be mailed at no cost to you.”

Section 2. Abbreviation of Proposition: Pursuant to Section 13247 of the Elections Code, the Council hereby directs the Registrar of Voters to use the following abbreviation of the bond proposition on the ballot:

**Orinda Road and Storm Drain Repair Measure.** To repair failing roads and storm drains, restore and upgrade other roadways and storm drains, fix potholes, and improve safety on Orinda public streets, shall the City of Orinda issue twenty five million dollars in bonds, with financial audits, public review of all expenditures, and a citizens’ oversight committee?

Section 3. Required Recitals.

(a) Purpose. The object and specific purpose of incurring the indebtedness is to finance a portion of the cost of acquisition, construction and/or completion of municipal improvements consisting of roadway repairs and improvements and storm drain repairs and improvements, and proceeds of the bonds shall be spent only for such purpose, pursuant to Government Code Section 53410.

(b) Cost of Improvements. The estimated cost of the municipal improvements described in subdivision (a) to be funded from the bonds is \$25,000,000. The City plans to use the bond proceeds to supplement other available City moneys for the municipal road and drain improvements. The estimated cost of the municipal road and drain improvements includes legal and all other fees incidental to or connected with the authorization, issuance and sale of the proposed bonds, the costs of printing the bonds, and all other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(c) Amount of Bonds. The amount of principal of the indebtedness proposed to be incurred for said municipal improvements is \$25,000,000.

(d) Maximum Interest Rate. Said bonds shall bear interest at rates not to exceed the maximum allowed by law at the time of sale of the bonds or any series thereof.

(e) Date of Election. The election will be held on June 7, 2016.

(f) Election Procedures. Except as otherwise provided herein, the manner of holding the election, the forms of the ballots, the procedures for voting for or against the Measure, the procedures for canvassing the vote, and all other procedures for conducting the election, shall be as directed by the Elections Code, or as determined by the Registrar of Voters in accordance with the Elections Code. The City Clerk is hereby authorized and directed to cooperate with the Registrar of Voters and to follow

the procedures and meet all deadlines established by the Registrar of Voters. The Measure shall be approved by the affirmative vote of at least two-thirds of the qualified electors voting on the Measure.

(g) Maximum Maturity of Bonds. The final maturity date of any of the bonds shall not exceed 30 years from the time of incurring the indebtedness evidenced by such bonds or the series of bonds of which such bonds are a part.

(h) Special Bond Proceeds Account; Annual Report to Council. Upon approval of the Measure and the sale of any bonds approved, the Council shall establish an improvement fund or account (which may be an existing fund or account, if appropriate) in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the City Manager shall cause a report to be filed with the Council no later than January 31 of each year, commencing January 31, 2017, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the City Manager shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Council.

Section 4. Request for Consolidation. The Council hereby requests with respect to the special municipal bond election called hereby, that the Board of Supervisors of the County consolidate said election with any other election being conducted on the same date in the same territory or any territory which is in part the same.

The precincts, polling places and officers of election shall be the same as those set forth in any order of the Registrar of Voters or the Board of Supervisors of the County providing for the precincts, polling places and election officers for the general city, county and statewide election to be conducted on the date of the special municipal bond election, as set forth in the notice to be published by the Registrar of Voters pursuant to Sections 12105 and 10417 of the Elections Code.

Section 5. Impartial Analysis. The City Clerk is hereby directed to transmit a copy of the Measure to the City Attorney of the City, who is hereby directed to prepare the impartial analysis of the Measure pursuant to Elections Code Section 9280. The City Attorney shall cause the impartial analysis to be filed with the City Clerk no later than March 18, 2016.

Section 6. Primary Arguments. Arguments in favor of or against the Measure shall be submitted to the office of the City Clerk no later than March 18, 2016. The City Council authorizes the following member(s) of its body:

Victoria Smith

Dean Orr

to file a written argument not exceeding 300 words regarding the Measure as specified above, accompanied by the printed name(s) and signature(s) of the persons submitting it, in accordance with Article 4 of Chapter 3 of Division 9 of the Elections Code.

Section 7. Tax Rate Statement. The Finance Director of the City is hereby authorized and directed to cause to be prepared a tax rate statement as required by Elections Code Section 9401 in connection with the Measure. The Finance Director shall cause the Tax Rate Statement to be filed with the Registrar of Voters at the same time as this Ordinance is filed, and in any event no later than March 11, 2016.

Section 8. Rebuttal Arguments. The Council has adopted the provisions of Elections Code Section 9285(a) for elections on City measures, and will accept rebuttal arguments on the Measure. If both primary arguments in favor of and against the Measure are submitted, rebuttal arguments must be filed with the City Clerk no later than March 28, 2016.

Section 9. Notice of Election. Notice of the election shall be given:

(a) by publication of the full text of this ordinance in the Contra Costa Times, a newspaper published at least six days per week in the City, once a day for at least seven days beginning no later than March 16, 2016, and the City Clerk is hereby ordered and directed to cause this ordinance to be so published; and

(b) by publication of a combined Notice of Election, Synopsis of the Measure and Notice to File Arguments, pursuant to Elections Code Sections 9163, 9286(b) and 12111, not later than March 16, 2016, and the Registrar of Voters is hereby requested to serve as filing authority for the notices described in this subsection (b).

Section 10. Filing with Registrar of Voters. The City Clerk is hereby authorized and directed to file a certified copy of this Ordinance with the Registrar of Voters as soon as practicable after the adoption hereof, and in any event no later than March 11, 2016.

Section 11. Effective Date. A two-thirds vote of all of the members of the Council is required for approval of this ordinance. Being an ordinance calling and ordering an election, this ordinance shall take effect from and after its final passage and approval.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Orinda held on February 16, 2016, and adopted and ordered published at a regular meeting of the Council held on March 1, 2016, by the following vote:

AYES:	COUNCILMEMBERS:	Gee, Orr, Worth and Mayor Smith
NOES:	COUNCILMEMBERS:	Phillips
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

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Victoria Smith, Mayor

ATTEST:

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Michele L. Olsen, City Clerk

CLERK'S CERTIFICATE

I, the undersigned City Clerk of the City of Orinda, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of an ordinance introduced at a regular meeting of the City Council of the City of Orinda duly and regularly held at 22 Orinda Way, on February 16, 2016, and duly adopted by the City Council at a regular meeting of the City Council duly and regularly held at the regular meeting place thereof on March 1, 2016, of which meeting all of the members of the City Council had due notice and at which a quorum thereof was present and acting throughout.

At said meeting the ordinance was introduced by Council Member Worth and read by title only, and was thereupon, upon motion of Council Member Worth, seconded by Council Member Orr, adopted by the following vote:

AYES:           Gee, Orr, Worth and Mayor Smith

NOES:           Phillips

ABSENT:       None

I have carefully compared the attached with the original minutes of the meeting on file and of record in my office and the attached is a full, true and correct copy of the original ordinance adopted at the meeting and entered in the minutes.

The ordinance has not been amended, modified or rescinded since the date of its introduction and adoption and is now in full force and effect.

Dated: March 1, 2016.

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City Clerk, City of Orinda

## EXHIBIT A

### ORINDA ROAD AND STORM DRAIN REPAIR BOND MEASURE

This Proposition may be known as the “Orinda Road and Storm Drain Repair Bond Measure” or as “Measure \_\_\_\_”. *[designation to be assigned by County Registrar of Voters]*

#### PROPOSITION

By approval of this proposition by at least two-thirds of the registered voters voting on the proposition, the City of Orinda shall be authorized to issue and sell \$25,000,000 in bonds to provide financing for a portion of the cost of acquisition, construction and/or completion of municipal improvements consisting of repairs and improvements to roadways and storm drains.

Proceeds from the sale of bonds authorized by this proposition shall be used only for the purposes set forth in the paragraph above, subject to each of the accountability safeguards specified below.

#### ACCOUNTABILITY SAFEGUARDS

Citizens' Infrastructure Oversight Commission (CIOC). On March 20, 2007, the City Council created the City Infrastructure Commission which advises the City Council with regard to infrastructure needs and improvements. On March 4, 2014, the City Council expanded the responsibilities of the City Infrastructure Commission and charged it with, among other things, (a) making recommendations to the City Council with respect to infrastructure project priorities and scope and (b) reviewing bond expenditures and reporting to the public whether bond proceeds are expended only for the projects approved by the City Council and authorized by voters. The City Infrastructure Commission complies with the Brown Act, including posting of all agendas, conducting open meetings, and approving its meeting minutes.

Special Bond Proceeds Account; Annual Report to Council. Upon approval of the Measure and the sale of any bonds approved, the Council shall establish an improvement fund or account (which may be an existing fund or account, if appropriate) in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the City Manager shall cause a report to be filed with the Council no later than January 31 of each year, commencing January 31, 2017, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the City Manager shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Council.