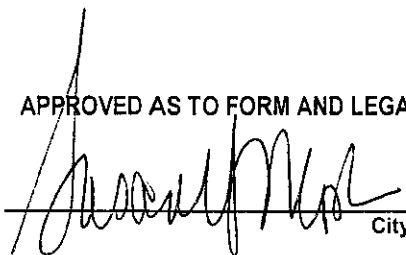


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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____


City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

**AN ORDINANCE OF THE CITY OF OAKLAND ORDERING THE SUBMISSION OF A
BALLOT MEASURE TO INCUR BONDED INDEBTEDNESS NOT TO EXCEED
\$148,000,000 FOR THE PURPOSES OF LIBRARY FACILITY IMPROVEMENTS,
EXPANSION, REPAIRS AND NEW CONSTRUCTION TO THE QUALIFIED VOTERS
OF THE CITY OF OAKLAND AT AN ELECTION TO BE HELD NOVEMBER 7, 2006**

WHEREAS, the Oakland Public Library embarked on the development of a Master Facilities Plan in 2002 in response to the community's need for improved services, with the intent to plan for facilities to support these needs; and

WHEREAS, the Master Facilities Plan responds to recent fiscal crises that resulted in the community's support for its libraries through the passage of Measure Q (voter-approved parcel tax passed in March 2004 which increased funding for Oakland libraries); and

WHEREAS, the City of Oakland adopted the *2006 Draft Master Facilities Plan* that articulates a vision that is based on a highly participatory process and includes overall service recommendations and improvements for a revitalized system; and

WHEREAS, the *2006 Draft Master Facilities Plan* identifies specific improvement to facilities, including capital costs, and implementation strategies for the overall plan, such as funding options and phasing of improvements; and

WHEREAS, the *2006 Draft Master Facilities Plan* states:

“The needs of the Oakland Public Library do not represent a minor deficiency...additional library space is needed citywide in order to provide adequate library services to the diverse and unique population of Oakland. These services include the need for more tailored traditional services, such as collections and reading programs, as well as new services, such as technology access and training and literacy programs, many of which cannot happen in current facilities....”; and

WHEREAS, the residents of the City of Oakland, through opinion surveys, community meetings, focus groups and City Council public hearings, have strongly expressed support for library programs and services for children, pre-teens and teens, educational support for children, tutoring, homework assistance, strong collections, literacy skills, a sense of place, access to technology, employment support, job skills and career information, language and life skills programs and services, a variety of social, recreational, and enrichment programs and services that should be offered at the library; and

WHEREAS, the Oakland Public Libraries are, in many instances, stretched beyond their capacities and have little room to grow and accommodate the many needs of patrons; and

WHEREAS, the Master Plan pinpoints a few under-served areas of the city without good access to any facility, and identifies the need for new facilities to provide equity in services; and

WHEREAS, it is desirable to implement public priorities pursuant to the *2006 Draft Master Facilities Plan*, and develop public library facilities, and to ask voters to approve public investments for the implementation; and

WHEREAS, the vision for the Oakland Public Library system is to improve all the libraries in the system, to supplement the system with new branches in the underserved areas and to revitalize and expand the Main Library; and

WHEREAS, in order to provide for the issuance by the City of Oakland of general obligation bonds to finance improvements and acquisition described in Exhibit A, it is now necessary for the City Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purposes to the qualified voters of the City of Oakland at an election held for that purpose; and

WHEREAS, the City Council therefore desires to submit said ballot measure to the qualified voters of the City at a general municipal election to be held on November 7, 2006.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Oakland does ordain as follows:

Section 1. A municipal election is hereby called and ordered to be held in the City of Oakland on November 7, 2006, at which election there shall be submitted to the qualified voters the ballot measure set forth below in Section 2.

Section 2. The following measure shall appear on the ballot for said municipal election in the following form:

MEASURE ____: To construct a new Main Library at the Henry J. Kaiser Convention Center and to acquire land and construct new branch library facilities and to renovate and expand branch library facilities, shall the City of Oakland issue \$148,000,000 in bonds?

The City Council does hereby submit to the qualified voters of the City of Oakland, at the said municipal election, this Ordinance and the measure set forth above.

Section 3. The object and purpose of incurring the indebtedness is to acquire land and construct new library facilities for those areas of the city underserved and without good access to any library facility and to improve, renovate and expand library facilities as outlined in Exhibit A. The estimated cost of the improvements and acquisitions is One Hundred and Forty-Eight Million Dollars (\$148,000,000). This estimated cost includes legal and other fees, the cost of printing the bonds and expenses incidental to or connected with the issuance and sale of the bonds. The improvements, acquisition and construction to be funded by the net proceeds of the bonds shall be limited to those listed in Exhibit A attached to this Ordinance.

Section 4. The amount of the principal of the indebtedness to be incurred is not to exceed One Hundred and Forty-Eight Million Dollars (\$148,000,000). The cost of repayment of the bonds is projected to average no more than \$39.60 per year per \$100,000 of assessed property valuation, provided however that such projection 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 5. The maximum rate of interest to be paid on the indebtedness shall not exceed twelve percent (12%) per annum, or such higher rate as may be established for general obligation bonds of the City by the legislature of the State of California.

Section 6. The net proceeds of the bonds shall be deposited into a special trust account with the Treasury of the City of Oakland and shall be allocated and expended at the direction of the City Council of the City of Oakland for purposes set forth in this Ordinance. The City Council shall order an independent audit of the expenditure of bond proceeds no later than three years from the date of issuance of the bonds for such proceeds to ensure proceeds are being expended for purposes set forth in this Ordinance.

Section 7. The City Council does hereby submit to the qualified voters of the City, at said municipal election, the ordinance and ballot measure set forth in Section 1. The City proposes to rehabilitate, renovate, acquire or construct the improvements referenced herein and to issue and sell general obligation bonds of the City of Oakland pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title IV of the Government Code of the State of California, 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 ballot measure vote in favor thereof. The bonds are to be general obligations of the City of Oakland payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

Section 8. That each ballot used at said election must have printed thereon, in addition to any other matter required by law, the following:

<p>MEASURE _____ : THE NEIGHBORHOOD LIBRARY IMPROVEMENT, EXPANSION, REPAIR, AND CONSTRUCTION MEASURE</p> <p>To construct a new Main Library at the Henry J. Kaiser Convention Center and to acquire land and construct new branch library facilities and to renovate and expand branch library facilities, shall the City of Oakland issue \$148,000,000 in bonds?</p>	<p>YES</p>	<p>NO</p>
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Section 9. All persons qualified to vote at the general municipal election in the City of Oakland upon the date of the election shall be qualified to vote upon the ballot measure submitted at said general election.

Section 10. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six days a week in the City, or once a week for two weeks in a newspaper printed, published and circulated less than six days a week in the City. The first of said publications shall be made, in either event, within fifteen (15) days after the final adoption of this Ordinance. The City Clerk is hereby authorized and directed to make said publications.

Section 11. The City Clerk of the City of Oakland is hereby directed to submit to the City Attorney a certified copy of the ballot measure set forth in this Ordinance. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the ballot measure on the existing law and the operation of the measure, which shall be mailed to the voters with the sample ballot for the special election. Said impartial analysis shall be submitted by the City Attorney to the County Clerk of the County of Alameda for printing before the arguments supporting and opposing the measure are due. The City Attorney’s impartial analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Election Code of the State of California.

Section 12. The Director of Finance is hereby directed to prepare or cause to be prepared a statement, which shall be mailed to the voters with the sample ballot for the special election. This statement shall include:

- (1) The best estimate from official sources of the tax rate, which would be required to be levied to fund the bond issue during the first fiscal year after the first sale of the bonds based on assessed valuations available at the time of the special election or a projection based on experience within the same jurisdiction or other demonstrable factors.
- (2) The best estimate from official sources of the tax rate which would be required to be levied to fund the bond issue during the first fiscal year after the last sale of the bonds if the bonds are proposed

to be sold in series and an estimate of the year in which the rate will apply, based on assessed valuations available at the time of the special election or a projection based on experience within the same jurisdiction or other demonstrable factors.

- (3) The best estimate from official sources of the highest tax rate which would be required to be levied to fund the bond issue and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the special election or a projection based on experience within the same jurisdiction or other demonstrable factors.

Section 13. The special municipal election called for by this Ordinance shall be, and is hereby ordered consolidated with the statewide general election to be held within the City of Oakland on November 7, 2006. The elections hereby consolidated shall be held in all respects as if there were only one election and only one form of ballot shall be used. All persons qualified to vote at the general statewide election in the City of Oakland upon the date of the election herein provided for shall be qualified to vote on the ballot measure submitted at said special election. Ballots for the election shall be provided in the form and in the number provided by law.

Section 14. The City Clerk is hereby directed to file with the Board of Supervisors of the County of Alameda a certified copy of this Ordinance immediately upon its adoption.

Section 15. This Ordinance shall become effective immediately upon its final adoption by a two-thirds vote of all members of the City Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

**THE NEIGHBORHOOD LIBRARY IMPROVEMENT, REPAIR, AND
CONSTRUCTION MEASURE**

**\$148,000,000
\$39.60 per \$100K AV**

Option	Bondable Cost	Libraries	Development Strategies	Deviation from Master Plan
3a	\$148,000,000** \$39.60/ \$100 AV*	19 Branches Main Library at Kaiser	Expansion: Asian, Dimond, Lakeview, Martin Luther King, Jr., Piedmont Ave, West Oakland <i>per the Master Plan</i> Service Upgrades: AAMLO, Chavez, Brookfield, Eastmont, Elmhurst, Golden Gate, Melrose, Montclair, Rockridge (mechanical, electrical, HVAC), Temescal <i>per the Master Plan</i> New Libraries: Laurel, Oak Knoll (funded by developer), 81 st Avenue <i>per the Master Plan</i> New Main: Reduced expansion of Main at Kaiser: 110,000 sq. ft./40,000 sq. ft. for future expansion and finish (Option is to leave 1-2 floors unfinished).	No expansion of Brookfield, Eastmont, Rockridge Service Upgrades to all libraries No new libraries in Hoover, San Antonio Main Library reduced from 160,000 sq ft to 150,000 sq ft and finished at 110,000 sq ft (40,000 sq ft for future finish)

*Estimated based on conservative market assumptions. Actual cost per \$100,000 of assessed valuation will be dependent on prevailing market conditions at the time of bond issuance.

** Total Library Improvement Program:	\$163 Million
Grants/Private Fundraising:	\$ 15 Million
Total Bond Amount:	\$148 Million

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

DETERMINING AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND LIBRARY FACILITY IMPROVEMENTS, REPAIRS AND NEW LIBRARY CONSTRUCTION TO BE FINANCED THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$148,000,000

RESOLVED, By the City Council of the City of Oakland:

Section 1. It is hereby determined and declared that the public interest and necessity demand the rehabilitation, improvement, land acquisition, construction or reconstruction by the City of Oakland of library facilities for and related to the provision of library services including facility improvements for the libraries and all other works, property and structures as listed in Exhibit A attached to this Resolution and as necessary or convenient for the foregoing purposes.

Section 2. The cost of said improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City of Oakland and will require expenditure greater than the amount allowed therefore by the annual tax levy.

Section 3. it is necessary to incur a bonded indebtedness in the amount not to exceed \$148,000,000 to pay for the costs of the said municipal improvement, including legal or other fees incidental to or connected with the authorization, issuance, sale and/or incurrence, of bonded indebtedness and other costs and expenses incidental to or connected with the authorization, issuance, sale and/or incurrence of bonded indebtedness.

Section 4. This resolution shall take effect immediately.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

NOTICE AND DIGEST

AN ORDINANCE OF THE CITY OF OAKLAND ORDERING THE SUBMISSION OF A BALLOT MEASURE TO INCUR BONDED INDEBTEDNESS NOT TO EXCEED \$148,000,000 FOR THE PURPOSES OF LIBRARY FACILITY IMPROVEMENTS, EXPANSION, REPAIRS AND NEW CONSTRUCTION TO THE QUALIFIED VOTERS OF THE CITY OF OAKLAND AT AN ELECTION TO BE HELD NOVEMBER 7, 2006.

This ordinance submits a ballot measure to the qualified voters at the City of Oakland's November 7, 2006 election authorizing the City of Oakland to issue \$148,000,000 of general obligation bonds for the purpose of: constructing a new Main Library at the Henry J. Kaiser Convention Center and acquiring land and constructing new library facilities for those areas of the city underserved and without good access to any library facility and to improve, renovate and expand library facilities. This ordinance provides that the maximum rate of interest to be paid on the bonds shall not exceed twelve percent (12%) per annum, or such higher rate as may be established for general obligation bonds of the City by the legislature of the State of California and that the net proceeds of the bonds shall be deposited into a special trust account with the treasury of the City of Oakland and shall be allocated and expended at the direction of the City Council of the City of Oakland for purposes set forth in this ordinance.