

*Daniel Rossi*

Daniel Rossi (Sep 25, 2025 15:07:50 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**ORDINANCE ESTABLISHING A MIDDLE INCOME JOINT POWERS AUTHORITY BOND FINANCING PROGRAM FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF OAKLAND MIDDLE INCOME HOUSING PROJECTS; AUTHORIZING THE CITY ADMINISTRATOR TO JOIN JOINT POWERS AUTHORITIES, ENTER INTO JOINT EXERCISE OF POWERS AGREEMENTS AND OTHER AGREEMENTS WITH MUNICIPAL FINANCE AGENCIES UNDER THE PROGRAM, AND APPROVE THE ISSUANCE OF REVENUE BONDS BY SAID AGENCIES FOR OAKLAND PROJECTS IDENTIFIED BY THE CITY ADMINISTRATOR, WITHOUT RETURNING TO CITY COUNCIL; AND MAKING RELATED CEQA FINDINGS**

**WHEREAS**, many low- and middle-income Oakland households would benefit from the stability of deed-restricted affordable housing, and the establishment of a Middle Income Joint Power Authority Bond Financing Program could expand the number of deed-restricted affordable homes; and

**WHEREAS**, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), the City and one or more existing municipal finance agencies may enter into joint exercise of powers agreements for the purpose of promoting economic, cultural and community development and in order to exercise any powers common to the member agencies or granted by the Act, including by the issuance of bonds, notes or other evidences of indebtedness; and

**WHEREAS**, the City Council has determined that it is in the public interest and for the public benefit that the City become a member of one or more joint powers authorities in order to facilitate the promotion of economic, cultural and community development activities in the City, including the financing of projects therefor by the joint powers authorities; and

**WHEREAS**, the joint powers authorities the City will join will be authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the acquisition, construction, development and certain related costs of a middle-income multifamily rental housing development within the City; and

**WHEREAS**, it will be in the public interest and for the public benefit that the Council approves the issuance of bonds by the joint powers authorities for the aforesaid purposes; and

**WHEREAS**, bonds issued by the joint powers authorities will not constitute debts, liabilities or obligations of the City; and

**WHEREAS**, Section 219 of the Oakland City Charter requires an ordinance to authorize the borrowing of money by the City; and

**WHEREAS**, creation of the Program and delegating authority to the City Administrator to administer the Program does not commit the City to any particular project, and therefore does not constitute a project under the California Environmental Quality Act (“CEQA”); now, therefore,

The Council of the City of Oakland does ordain as follows:

**SECTION 1.** The City Council hereby establishes the Middle Income Joint Powers Authority Bond Financing Program (the “Program”). The City Council hereby authorizes the City Administrator to establish and revise guidelines for which projects the City will include in the Program

**SECTION 2.** The City Council hereby authorizes the City Administrator on behalf of the City to join one or more joint powers authorities in connection with the Program, to negotiate and enter into any joint exercise of powers agreements in connection with the Program, and to negotiate and enter into any public benefit agreements and other associated documents in connection with the Program.

**SECTION 3.** The City Council hereby authorizes the City Administrator to approve the issuance of revenue bonds for middle income housing projects in Oakland by these joint power authorities, without return to Council, provided that this authorization does not exceed the lesser of 600 total units or six projects. The City shall have no responsibility or liability whatsoever with respect to any such bonds or any other debts, liabilities and obligations issued by any joint powers authority, and such bonds and any other debts, liabilities and obligations of any joint powers authority shall not constitute debts, liabilities or obligations of any members including the City.

**SECTION 4.** Nothing in this Ordinance obliges the City to (1) provide any financing to acquire or construct a project or any refinancing of a project; (2) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation or operation of a project; (3) make any contribution or advance any funds whatsoever to a joint powers authority; or (4), take any further action with respect to a joint powers authority or its membership therein.

**SECTION 5.** Prior to execution, all agreements in connection with this action shall be reviewed and approved as to form and legality by the City Attorney, and executed copies shall be filed with the City Clerk.

**SECTION 6.** The City Council finds that the actions taken under this Ordinance do not constitute a project under CEQA and therefore does not require CEQA review.

**SECTION 7.** The provisions of this Ordinance are severable, and if any clause, sentence, paragraph, provision, or part of this Ordinance, or the application of this Ordinance to any person, is held to be invalid, such holding shall not impair or invalidate the remainder of this Ordinance. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had such provisions not been included.

**SECTION 8.** This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter if adopted by at least six members of the City Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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### **NOTICE AND DIGEST**

This Ordinance establishes a Middle Income Joint Powers Authority Bond Financing Program for the purpose of financing the acquisition, construction and improvement of middle income housing projects within Oakland. This Ordinance authorizes the City Administrator to join joint powers authorities and enter into joint exercise of powers agreements and other agreements with municipal finance agencies under the Program. This Ordinance also approves the issuance of revenue bonds by said municipal finance agencies for Oakland projects identified by the City Administrator, without returning to the City Council. Finally, this Ordinance make findings under the California Environmental Quality Act (CEQA) with respect to this action.