

2009 JUN 30 PM 3: 20

OAKLAND CITY COUNCIL

ORDINANCE NO. 12931 C.M.S.

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE WHETHER TO ISSUE GENERAL OBLIGATION BONDS BY AN OPEN COMPETITIVE SALE OR A NEGOTIATED SALE.

WHEREAS, pursuant to Section 106 of the City Charter, the City of Oakland (the "City") has the right and power to make and enforce laws in respect to municipal affairs; and

WHEREAS, the City Council of the City (the "City Council") on July 15, 2008, unanimously adopted Resolution No. 81462 C.M.S., entitled "Resolution Adopting the City of Oakland's Debt Management Policy and Swap Policy for Fiscal Year 2008-2009;" and

WHEREAS, the goal of the Debt Management Policy and Swap Policy for Fiscal Year 2008-2009 (the "Debt Policy") is to maintain long-term financial flexibility while ensuring the City's capital needs are adequately supported; and

WHEREAS, the Debt Policy permits the issuance of general obligation bonds by competitive sale, or by negotiated sale if it is determined that negotiated sale is most advantageous; and

WHEREAS, the City desires to issue general obligation bonds, by competitive or negotiated sale, to finance various capital improvements; and now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. The City may issue general obligation bonds by competitive or negotiated sale. The Director of Finance (the "Director") is hereby authorized to determine the method of sale of any issue of general obligation bonds. The Director shall consider market conditions, the financial interests of the City or any other relevant factors in determining the method of sale.

SECTION 3. In the event the Director determines to sell general obligation bonds by negotiated sale, the Director is hereby authorized to sell the bonds by negotiated sale pursuant to one or more bond purchase contracts, which contract(s) shall be in such form as the Director shall determine upon consultation with the City Attorney. In order to facilitate the sale of any general obligation bonds by negotiated sale, the Director is hereby authorized to appoint one or more investment banking firms to act as underwriters for any such general obligation bonds in accordance with City policies and procedures.

SECTION 4. The debt service structure and other terms of any general obligation bonds issued pursuant to this Ordinance shall be in accordance with the Debt Policy and as provided in the fiscal agent agreement for such bonds.

SECTION 5. The term of any general obligation bonds issued pursuant to this Ordinance shall not exceed fifty (50) years.

SECTION 6. This ordinance is exempt from the California Environmental Quality Act (see e.g., CEQA Guidelines §§ 15378(d)(2), 15378(d)(4), 15378(d)(5), 15061(B)(3); 15162);

SECTION 7. This ordinance shall be effective on immediately, if passed by the affirmative vote of at least six City Council members; if this ordinance is passed by the affirmative vote of five City Council members it will be effective seven days after final passage.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 19 2009, 2009

PASSED BY THE FOLLOWING VOTE:

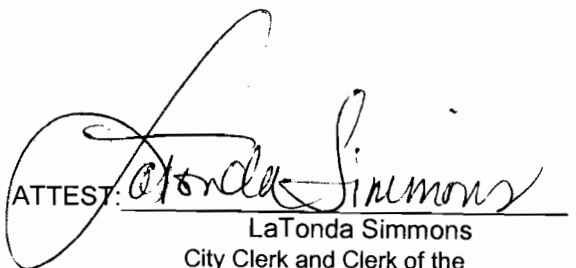
AYES- ~~BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SISK, FINE~~ AND PRESIDENT BRUNNER - 5

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks, Quan, Reid - 3

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California

DATE OF ATTESTATION: 6/30/09