

ORDINANCE NO. 3070

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CALLING A SPECIAL ELECTION AND ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED DEBT FOR THE PURPOSE OF MAKING IMPROVEMENTS TO THE WHITTIER CENTRAL LIBRARY TO THE QUALIFIED VOTERS OF THE CITY OF WHITTIER AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017

WHEREAS, the Whittier Central Library was built in 1959 and is outdated and bursting at seams. Space is limited for books, programs and users;

WHEREAS, the aging library is in poor condition when compared to other libraries. Significant improvements are needed to address cramped and dilapidated conditions; poor lighting; overcrowded shelving; and inadequate electrical capacity including wiring, power outlets, data lines and space for current and new technology;

WHEREAS, the facility has a lack of seating for Library users; lack of community meeting place for the wide variety of library programs now offered by the Library; inadequate space for housing and displaying local history materials and collection; and a critical shortage of work space;

WHEREAS, the Central Library collection on opening day in 1959 was 80,000 items; the collection has now grown to over 230,000 items, an increase of 187%;

WHEREAS, the Central Library annually circulates 450,000 items and receives 750,000 hits on its web site and electronic databases;

WHEREAS, the number of annual visitors to the Central Library has grown to over 600,000 visits every year;

WHEREAS, an expanded and renovated Central Library will help support the economic vitality of the community by helping residents of all ages and backgrounds learn to read, prepare for jobs, use computers and succeed in school;

WHEREAS, an expanded and renovated Central Library will offer after-school and summer programs for youth and teens to keep them off the streets, out of trouble, and away from drugs and gangs;

WHEREAS, the City attempted to secure funding for building a new library facility in all three rounds of the 2000 construction bond funding of the California State Library's Library Bond Act. The process was extremely competitive and the Library's application was not funded;

WHEREAS, on July 25, 2017, this Council adopted, by a two-thirds vote of all the members of this Council, a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE MAKING OF IMPROVEMENTS TO THE WHITTIER CENTRAL LIBRARY AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS";

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of improving the Whittier Central Library and, it is necessary for this Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election;

WHEREAS, Section 1001 of the City Charter allows for a Special Municipal Election to be held in conformance with the Charter and/or any other applicable law related to general law cities;

WHEREAS, Section 1002 of the City Charter provides a Special Municipal Election shall be held in accordance with the provisions of the California Elections Code of the state of California insofar as those provisions do not conflict with the charter;

WHEREAS, under the provisions of the City Charter, the City Council has determined that a Special Municipal Election shall be held November 7, 2017, to submit to the voters a measure for the purpose of funding the improvement of the Central Library and related parking improvements; and

WHEREAS, the City Council desires to submit to the voters at the election a proposition of incurring bonded indebtedness as hereinafter set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Ballot Proposition. That the following question shall be submitted to the voters of the City at the Special Municipal Election to be held on November 7, 2017:

<p>"To expand 58-year-old Whittier Central Library to meet 21st century needs, including: providing a children's area for story times, parent/child reading, and children's book collections/technology; improving senior/disabled access; expanding/updating computer/technology center; space for up-to-date book/resource collections; relocating the Veterans Resource Center for better service; and related improvements; shall the City of Whittier issue \$22,000,000 in bonds at legal rates, requiring independent citizen oversight, and all funds for Whittier Central Library only?"</p>	<p>YES</p> <hr/> <p>NO</p>
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SECTION 2. Object and Purpose of Bonds. The object and purpose of incurring the indebtedness is to finance the costs of providing and/or enhancing the following features of the Whittier Central Library:

- Expanded children area for story times, parent and child reading, and children's books
- Improved senior and disabled access
- Expanded computer and technology Center
- Relocated Veterans Resource Center for better visibility
- Installation of energy efficient lighting
- Provide a homework center with 30 computers
- Provide additional parking capacity for Library users
- Expanded community and meeting room

The foregoing improvements are referred to herein as the "Project."

SECTION 3. Estimated Cost of Improvements. The estimated cost of the portion of the costs of the Project to be paid for from the City's general obligations bonds is \$22,000,000. The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of \$22,000,000 will be paid for from other funds of the City.

SECTION 4. Principal Amount of Bonds. The amount of the principal of the indebtedness to be incurred is not to exceed twenty-two million dollars (\$22,000,000).

SECTION 5. Maximum Interest Rate. The maximum rate of interest to be paid on the indebtedness shall be twelve percent (12%) per annum.

SECTION 6. Issuance and Sale of Bonds. This City Council does hereby call a Special Municipal Election on Tuesday, November 7, 2017, and submit to the qualified voters of the City, at said Special Municipal Election, the proposition set forth in Section 1 hereof. The City proposes to construct and complete the Project, and to issue and sell general obligation bonds of the City pursuant to Article I, commencing with section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, 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 proposition set forth above vote in favor thereof. The bonds are to be general obligations of the City, 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 7. Consolidation; Manner of Conducting Election. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Los Angeles (the "County") is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Special Election on Tuesday, November 7, 2017, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Procedure for Voting on Proposition. Ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with procedures to be adopted by the authorized officers of the County charged with conducting the election.

SECTION 9. Time and Place of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10. Publication of Ordinance. 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, in either event, be within 15 days after the adoption of this Ordinance. The City Clerk is hereby authorized and directed to make said publications and to transmit, for receipt no later than August 11, 2017, a certified copy of this Ordinance to the Board of Supervisors (the "Board of Supervisors") of the County, and a copy with the County Clerk and the County Registrar of Voters.

SECTION 11. Canvassing Election Returns. The Board of Supervisors is hereby authorized to canvass the returns of said City Bond Election.

SECTION 12. Election Instructions. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13. Accountability Requirements. As required by section 53410 of the Government Code, a statement in substantially the following form shall be included on the ballot for the Bonds, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the California Government Code, the following accountability measures are hereby made a part of the City's Bond Measure (the "Measure"):

- (a) The specific purpose of the bonds is to finance the costs of improving the Central Library and related parking improvements;
- (b) The proceeds from the sale of the City's bonds will be used only for the purposes specified in the Measure, and not for any other purpose;
- (c) The proceeds of the Bonds will be deposited into a Library Improvement Fund to be held by the City; and
- (d) The City Manager of the City shall file an annual report with the City Council of the City, commencing not later than November 1, 2018, and annually thereafter, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the Project.

In addition to those required measures, the City shall create a citizen's oversight committee to monitor the Project and report to the City Council.

SECTION 14. Estimated Tax Rate. At this time, the best estimate from official sources of the tax rate required to be levied to fund the bond issue is set forth in the Tax rate Statement attached hereto as Exhibit A.

SECTION 15. Reimbursement for Election Costs. That the City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 16. Ballot Form and Content. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 17. Actions and Materials Necessary for Conducting Election. That the City Clerk is authorized, instructed and directed to have the County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The City Manager is authorized to make changes to the ballot language as required by the County Registrar of Voters.

SECTION 18. Election Polls. That the polls for the election shall be open at 7:00 A.M. of the day of the election and shall remain open continuously from that time until 8:00 P.M. of the same day when the polls shall be closed, except as provided in section 14401 of the California Elections Code.

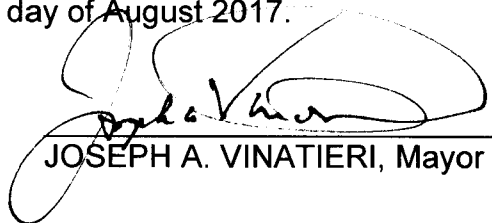
SECTION 19. Ballot Arguments. Pursuant to section 10403 of the California Elections Code, August 11, 2017, is to be the deadline for submission to the Board of Supervisors by a local agency of the ordinance or resolution requesting consolidation with the statewide election and any resolution or ordinance placing a measure on the November 7, 2017, ballot. Pursuant to section 9286 *et seq.* of the California Elections Code, August 18, 2017, at 5:00 P.M. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, absent a resolution pertaining to this election, Municipal Code Chapter 2.56 shall control.

SECTION 20. Rebuttal Arguments. If applicable, by the adoption of a resolution for that purpose, the provisions of resolution shall control, absent resolution direction, Municipal Code Section 2.56.020 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be August 28, 2017, at 5:00 P.M.

SECTION 21. Impartial Analysis. If applicable, by the adoption of a resolution for that purpose, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the deadline of primary arguments.

SECTION 22. Effective Date. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to section 36937(a) of the California Government Code upon its adoption by two-thirds vote of all the members of this City Council.

APPROVED AND ADOPTED this 8th day of August 2017.



JOSEPH A. VINATIERI, Mayor

ATTEST:



KATHRYN A. MARSHALL
City Clerk

Exhibit: A – Tax Rate Statement

**EXHIBIT A
TAX RATE STATEMENT**

An election will be held in the City of Whittier (the "City") on November 7, 2017, to authorize the sale of up to \$22 million in bonds of the City for the specific projects listed in the Ordinance of the City Council of the City authorizing the submission of a proposition therefor to the citizens of the City. If the bonds are authorized, the City expects to sell the bonds in one series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the City. The following information is provided in compliance with sections 9400-9404 of the California Elections Code.

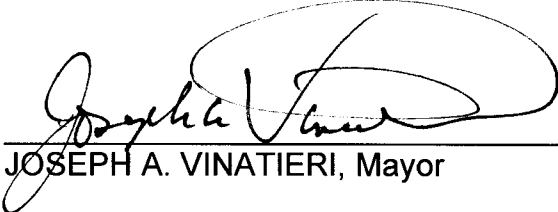
- (1) The best estimate of the tax rate that would be required to be levied to fund the bonds during the first fiscal year after the sale of the bonds based on estimated assessed valuations available at the time of filing of this statement, is \$24 per \$100,000 of assessed valuation in fiscal year 2017-18.
- (2) The best estimate of the highest tax rate that would be required to be levied to fund the bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$24 per \$100,000 of assessed valuation in fiscal year 2017-18.
- (3) The best estimate of the average tax rate which would be required to be levied to fund the bonds during the life of the bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$24 per \$100,000 of assessed valuation.
- (4) The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$31,792,950 (\$22,000,000 of principal and \$9,792,950 of interest). This estimate is based on assumptions regarding future interest rates and the term, timing, structure and amount of each series of bonds.

Voters should note that such estimated tax rates are specific to the repayment of bonds issued under this authorization and are and will be in addition to tax rates levied in connection with other bond authorizations approved or to be approved by the City or any other overlapping public agency.

Voters should note that estimated tax rate is based on the ASSESSED VALUE of taxable property on Los Angeles County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the City's projections and estimates only, which are not binding upon the City. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the City based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the City as determined by the Los Angeles County Assessor in the annual assessment and the equalization process.

Dated: August 8, 2017.



JOSEPH A. VINATIERI, Mayor

CITY OF WHITTIER)
) SS
 STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of said City on the 25th day of July 2017, and adopted at a regular meeting of the City Council of said City on the 8th day of August 2017 by the following roll call vote:

AYES: F. Dutra J. Alvarado
 C. Warner J.A. Vinatieri

NOES: R.L Henderson

ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this 9th day of August 2017.



 KATHRYN A. MARSHALL
 City Clerk

Published as required by law: August 22, 2017.