

MAR 07 2018

RESOLUTION NO. 2018-15

MAR
By: [REDACTED]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE CONSTRUCTION OF CERTAIN MUNICIPAL IMPROVEMENTS AND MAKING FINDINGS RELATING THERETO

CITY OF FOSTER CITY

WHEREAS, the City of Foster City, California (the "City") maintains the levee along the Bayfront, surrounding the majority of the outer perimeter of the City; and

WHEREAS, the Foster City levee system is the City's most valuable asset in providing protection from flood hazards; and

WHEREAS, the City's public levee system is in need of improvements to meet Federal Emergency Management Agency ("FEMA") guidelines in order to retain FEMA accreditation for the City's public levee system and avoid designation of the City as a special flood hazard area by FEMA; and

WHEREAS, the City Council has determined that for the levee system to remain an essential safety element that protects essential city services during storms and high tides, including fire, police, water, electricity, sewer and transportation infrastructure, the City must make critical improvements to our levee; and

WHEREAS, unless the City upgrades the levee to meet the required FEMA standards, Foster City will be designated as a special flood hazard area and homeowners and businesses with federally insured loans will be mandated to purchase flood insurance, while remaining at flood risk; and

WHEREAS, levee improvements will protect Foster City homes, schools, businesses and roads from flooding, and protect the levee from earthquakes; and

WHEREAS, all expenditures will be subject to oversight by a committee, composed of citizens appointed by the City Council, and no funds will go toward administrators' salaries or be taken by the State of California; and

WHEREAS, the City Council has determined that the public interest and necessity demand construction and completion by the City of the public levee system improvements required to retain FEMA accreditation; and

WHEREAS, the City Council desires to implement a single, comprehensive plan to construct these public improvements to enhance public safety and comply with FEMA guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foster City, California that:

SECTION 1. Findings and Determinations.

A. Based upon professional staff and consultant study and evaluation, the City Council finds that the public interest and necessity demand the construction and completion by the City of certain public levee system municipal improvements as required to retain FEMA accreditation, thereby avoiding reclassification of the City as a special flood hazard area.

B. The estimated cost of the municipal improvements set forth in Section 1A is \$90,000,000, which will be provided through a general obligation bond. The construction and completion of the municipal improvements requires an expenditure greater than available in the City's current budget and will require the issuance of a bond therefor, and such issuance is necessary and convenient to carry out the objects, purposes and powers of the City.

SECTION 2. Fiscal Accountability.

The expenditure of bond proceeds to construct the levee system improvements will be subject to strict financial accountability requirements, including review of all expenditures of bond proceeds by a citizens' oversight committee, and annual reports pursuant to Government Code Section 53411. The citizens' oversight committee, composed of citizens appointed by the City Council, will ensure the bond proceeds are spent for their authorized purposes, and meet at least two times per calendar year and will submit at minimum two times a year a written report to the City Council and the public on the bond expenditures.

SECTION 3. No Administrator Salaries.

Proceeds from the sale of the bonds authorized by the City's Public Levee System Measure shall be used only to construct, repair and replace the public improvements specified in the Measure, and not for any other purpose, including administrators' salaries or other operating expenses. By law, all funds can only be spent on municipal improvements.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 20th day of February, 2018, by the following vote:

AYES: Councilmembers Bronitsky, Mahanpour, Perez, Pollard and Mayor Hindi

NOES: None

ABSENT: None

ABSTAIN: None

[Redacted Signature]

SAM HINDI, MAYOR

ATTEST:

[Redacted Signature]

PRISCILLA TAM, CITY CLERK

Priscilla Tam, City Clerk of the City of Foster City does hereby certify that the foregoing is a full, true, and correct copy of the document it purports to be, which document is on file in the Office of the City Clerk.

[Redacted Signature]

Priscilla Tam, City Clerk

3/6/18

Date

MAR 07 2018

ORDINANCE NO. 613

By: [REDACTED] Clerk

AN ORDINANCE OF THE CITY OF FOSTER CITY CALLING AN ALL-MAIL-BALLOT MUNICIPAL BOND ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY A MEASURE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY FOR THE ACQUISITION, CONSTRUCTION, REPAIR AND REPLACEMENT OF PUBLIC LEVEE SYSTEM; DECLARING THE ESTIMATED COST OF THE MUNICIPAL IMPROVEMENTS, THE AMOUNT OF THE PRINCIPAL OF THE INDEBTEDNESS TO BE INCURRED THEREFOR, AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON; MAKING PROVISION FOR THE LEVY AND COLLECTION OF TAXES; FIXING THE DATE OF THE ELECTION AS JUNE 5, 2018 AND THE MANNER OF HOLDING THE SAME; AND PROVIDING FOR NOTICE THEREOF

CITY OF FOSTER CITY

WHEREAS, the City of Foster City, California (the "City") maintains the levee along the Bayfront, surrounding the majority of the outer perimeter of the City; and

WHEREAS, the City's levee system is its most valuable asset in providing protection from flood hazards; and

WHEREAS, although the levee system has withstood challenges so far, the Federal Emergency Management Agency (FEMA) has determined that the City's levee system will not meet FEMA requirements into future years; and

WHEREAS, the City Council (the "City Council") has determined that the City's public levee system is in need of improvements to meet Federal Emergency Management Agency ("FEMA") guidelines in order to retain FEMA accreditation and avoid designation of the City as a special flood hazard area by FEMA; and

WHEREAS, the City Council has determined that for the levee system to remain an essential safety element that protects essential City services during storms and high tides, including fire, police, water, sewer and transportation infrastructure, the City must make critical improvements to the levee; and

WHEREAS, unless the City upgrades the levee to meet the required FEMA standards, Foster City will be designated as a special flood hazard area and homeowners and businesses with federally insured loans will be mandated to purchase flood insurance, while remaining at flood risk; and

WHEREAS, levee improvements will protect the City's homes, schools, businesses and roads from flooding, and protect the levee from earthquakes; and

WHEREAS, the City Council has determined that the public interest and necessity demand the construction and completion by the City of the public levee system improvements required to retain FEMA accreditation; and

WHEREAS, after study of alternatives, the City Council has determined that it is advisable to provide the funding for the acquisition and construction of the levee improvements by means of general obligation bonds; and

WHEREAS, all expenditures will be subject to oversight by a committee, composed of citizens appointed by the City Council, and no funds will go toward administrators' salaries or be taken by the State of California; and

WHEREAS, Section 1(b) of Article XIII A of the California Constitution excepts from the general one percent (1%) of full cash value limitation those *ad valorem* taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds (2/3) of the votes cast by voters on the proposition; and

WHEREAS, in the judgment of the City Council, it is advisable to call an election on the question of whether bonds shall be issued and sold and ad valorem taxes be levied for the object and purpose set forth below.

NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct.

SECTION 2. Ordering Election. A municipal bond election shall be and is hereby ordered and will be held in the City on Tuesday, June 5, 2018, at which election shall be submitted to the qualified electors of the City the question of incurring a bonded indebtedness of the City for the object and purpose set forth in the following proposition:

PROPOSITION ():

To improve the levee protecting essential city services, including fire, police, water, sewer, transportation infrastructure; protect Foster City homes, schools, businesses from flooding; avoid both Foster City being designated a FEMA special flood hazard area and flood insurance requirements for residents/businesses; shall Foster City issue \$90,000,000 in bonds at legal rates, levy approximately \$40 per \$100,000 assessed valuation, averaging \$5,171,000 collected annually while bonds are outstanding, with citizens' oversight, no funds for administrators, all funds staying local?

The estimated cost of the municipal improvements set forth in the measure is \$90,000,000, including costs authorized pursuant to California Government Code Section 43610.1(a) and (b), which may be paid from the proceeds of the sale of the bonds. The City Manager, upon consultation with the City Attorney and bond counsel to the City, is hereby authorized and directed to make any changes to the text of the measure as may be convenient or necessary to comply with the intent of this Ordinance, the requirements of election officials, and requirements of law.

SECTION 3. Submission to Qualified Electors. The Council does hereby submit to the qualified electors of the City at the municipal bond election the measure set forth in Section 2 of this ordinance, and designates and refers to the measure in the form of ballot hereinafter prescribed for use at the election.

(a) The municipal bond election shall be held and conducted, and the votes thereof canvassed, and the returns thereof made, and the result thereof ascertained and determined, as herein provided; and in all particulars not prescribed by this ordinance, the election shall be held as provided by law for the holding of municipal elections in the City.

(b) All persons qualified to vote at municipal elections in the City upon the date of the election herein provided for shall be qualified to vote upon the measure submitted at the municipal bond election.

(c) The election shall, if authorized by the County of San Mateo, be conducted exclusively by mail ballot pursuant to Election Code Section 4000 *et seq.*, and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(d) The municipal bond election hereby called shall be consolidated with any other elections to be held in the City on June 5, 2018, all as required by and pursuant to law; and the election precincts, polling places and officers of election within the City for the municipal bond election hereby called shall be set forth in the notice of election officers and polling places for the election to be published by the Registrar of Voters of the County of San Mateo, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers of the municipal bond election hereby called. Only qualified voters of the City shall be permitted to vote at the municipal bond election.

(e) The City Clerk is hereby authorized, instructed and directed to contract for the procurement and furnishing of 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 and to take all other necessary actions to place the measure on the June 5, 2018 ballot.

(f) 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, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code.

(g) On the ballots to be used at the municipal bond election, in addition to all other matters required by law to be printed thereon, shall appear the "full text" of the measure set forth in Section 2 hereof.

¹² (h) ~~The "full text" of the proposed measure shall appear in the Voter Information Pamphlet.~~

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(i) 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 time, form and manner as required by law.

(j) The Council shall confirm the canvass of the municipal bond election and shall cause to be recorded in its minutes a statement of the results of the municipal bond election as ascertained by the canvass at the first available Council meeting following receipt thereof.

SECTION 4. Bonds. The Council proposes to issue and sell bonds of the City, in one or more series, for the object and purpose, but not exceeding the amount, specified in the measure, if two-thirds of the qualified electors voting on such measure at the municipal bond election shall vote in favor of the measure. The maximum principal amount of the bonds shall be \$90,000,000.

The bonds shall bear interest at a rate not to exceed the maximum legal rate per annum, payable semiannually (except that interest for the first year after the date of the bonds may be made payable at the end of said year), except as may otherwise be permitted by law. The proceeds of the bonds shall be applied only to the specific purpose identified in the measure set forth in Section 2 of the Ordinance and shall be deposited into an account created for such purpose pursuant to Government Code Section 53410. The City Manager shall cause the chief fiscal officer of the City to file with the City Council annually a report complying with the provisions of Government Code Section 53411.

SECTION 5. Publication. The City Clerk of the City is hereby directed, upon the passage and adoption of this ordinance, to publish the same once a week for at least two (2) weeks in the Foster City Islander, a newspaper published once a week in the City. No other notice of the election hereby called need be given.

SECTION 6. Effective Immediately. This ordinance shall be forthwith entered upon the minutes of the City Council and in the Ordinance Book of the City. This ordinance, being an ordinance calling and ordering an election, shall take effect from and after its final passage and approval.

SECTION 7. Certification. The City Clerk shall certify the adoption of this Ordinance.

This Ordinance was introduced and read on the 20th day of February, 2018, and passed and adopted on the 5th day of March, 2018, by the following vote:

AYES: Councilmembers Bronitsky, Mahanpour, Perez, Pollard and Mayor Hindi

NOES: None

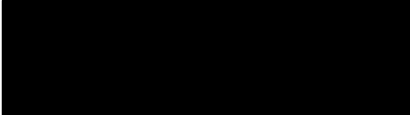
ABSENT: None

ABSTAIN: None



SAM HINDI, MAYOR

ATTEST:



PRISCILLA TAM, CITY CLERK

Priscilla Tam, City Clerk of the City of Foster City does hereby certify that the foregoing is a full, true, and correct copy of the document it purports to be, which document is on file in the Office of the City Clerk.



Priscilla Tam, City Clerk

3/6/18

Date

MAR 07 2018

RESOLUTION NO. 2018-16

MARK CHURCH
By [REDACTED]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, REQUESTING CONSOLIDATION OF ELECTION, SETTING FORTH THE FORM OF THE QUESTION OR PROPOSITION TO BE VOTED UPON, AND PROVIDING OTHER MATTERS

CITY OF FOSTER CITY

WHEREAS, this City Council has commenced proceedings for the calling of a bond election in the City of Foster City (the "City") to be held on June 5, 2018; and

WHEREAS, it is desirable that the bond election be consolidated with the statewide general election to be held on the same date and that within the City the precincts, polling places and election officers for the elections be the same, and that the Board of Supervisors of the County of San Mateo canvass the returns of the City bond election and that the election and the City bond election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foster City, California that:

SECTION 1. That the Board of Supervisors of the County of San Mateo (the "Board of Supervisors") be and is hereby requested to consolidate the bond election to be held in the City on June 5, 2018 with the statewide general election to be held on such date.

SECTION 2. That the exact form of each proposition to be voted upon at the bond election as the same shall appear on the ballot is as follows:

MEASURE ():

To improve the levee protecting essential city services, 8
including fire, police, water, sewer, transportation 6
infrastructure; protect Foster City homes, schools, businesses 5 6
from flooding; avoid both Foster City being designated a 8
FEMA special flood hazard area and flood insurance 8
requirements for residents/businesses; shall Foster City issue 7
\$90,000,000 in bonds at legal rates, levy approximately \$40 7
per \$100,000 assessed valuation, averaging \$5,171,000 6
collected annually while bonds are outstanding, with citizens' 8
oversight, no funds for administrators, all funds staying local? 9

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SECTION 3. That the Board of Supervisors is hereby authorized to canvass the returns of the City bond election, and that the bond election and the other elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 5. That the Board of Supervisors is hereby requested to issue to all officers of the County of San Mateo (the "County") charged with duties pertaining to the other election instructions to take any and all steps necessary for the holding of the consolidated elections. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors of the County is requested to permit the Registrar of Voters and County Clerk as County Elections Official to render all services specified by Section 10400 *et seq.* of the Elections Code relating to the election, for which services the City agrees to reimburse the County, such services to include the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).

SECTION 6. That the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened at 7:00 a.m. and closed at 8:00 p.m. on election day, ballots counted and returned, returns canvassed, and all other proceeding in connection with the election shall be regulated and done by the County Clerk of the County in accordance with the provisions of law regulating the elections so consolidated.

SECTION 7. That the City Clerk is hereby authorized to execute a service agreement with the County to render specified services to the City relating to the June 5, 2018 Election.

SECTION 8. That the City Clerk of the City is hereby directed to file a certified copy of this resolution with the Registrar of Voters of the County as soon as possible and in no event later than 88 days prior to the date set for the elections.

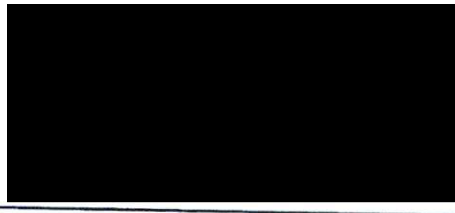
PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 5th day of March, 2018, by the following vote:

AYES: Councilmembers Bronitsky, Mahanpour, Perez, Pollard and Mayor Hindi

NOES: None

ABSENT: None

ABSTAIN: None



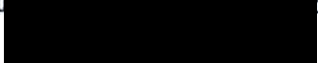
SAM HINDI, MAYOR

ATTEST:



PRISCILLA TAM, CITY CLERK

Priscilla Tam, City Clerk of the City of Foster City does hereby certify that the foregoing is a full, true, and correct copy of the document it purports to be. This document is on file in the Office of the City Clerk.



Priscilla Tam, City Clerk

3/6/18

Date

MAR 07 2018

RESOLUTION NO. 2018-17

MA [REDACTED]
By [REDACTED]
DEPUTY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, (i) APPROVING THE TAX RATE STATEMENT TO BE MAILED TO VOTERS IN THE CITY OF FOSTER CITY PURSUANT TO SECTION 9400 OF THE ELECTIONS CODE (JUNE 5, 2018 PUBLIC LEVEE SYSTEM MEASURE), (ii) AUTHORIZING ITS MEMBERS TO FILE WRITTEN ARGUMENTS IN FAVOR OF CITY MEASURE, (iii) DIRECTING PREPARATION OF IMPARTIAL ANALYSIS FOR CITY MEASURE AND (iv) AUTHORIZING CERTAIN OF ITS MEMBERS TO FILE WRITTEN REBUTTALS FOR CITY MEASURE

CITY OF FOSTER CITY

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Foster City, California that:

Recitals.

The City Council has introduced Ordinance No. 613, calling an election in the City on the Public Levee System Measure for the authorization of up to \$90,000,000 of bonds; and

Pursuant to Section 9400, et seq., of the Elections Code, the City Council is required to prepare a tax statement which shall be included in the election notices sent to the voters in the City.

Best Estimate of Tax Rate. That the best estimate of: (i) the average annual tax rate required to be levied to fund the bond issue over the duration of bond debt service and the final fiscal year in which the tax is anticipated to be collected; (ii) the highest tax rate required to be levied to fund the bond issue and an estimate of the year in which such rate would apply; and (iv) total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold, will be as set forth in Exhibit "A" attached hereto and made a part hereof.

Authorizing Argument for City Measure. That this City Council, being the legislative body of the City, hereby authorizes any and all members of the City Council to file a written argument in Favor or Against the City of Foster City Public Levee System Measure set forth in the recitals hereof in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument by 5:00 p.m., March 16, 2018, the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. Such argument, whether in favor or against, shall not exceed 300 words and be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. In the event that more than one written argument is filed in favor of or against the measure, the City Clerk shall select one of the multiple arguments in accordance with the provision of Elections Code Section 9287.

Section 4. Impartial Analysis. That this City Council, being the legislative body of the City, hereby directs the City Clerk/Elections Officer to transmit a copy of the foregoing measure to the City Attorney for the City, and directs the City Attorney to prepare and submit to the City Clerk an impartial analysis of the foregoing City measure not exceeding 500 words in length by 5:00 p.m., March 26, 2018, all pursuant to California Elections Code Section 9280.

Section 5. Authorizing Rebuttal Argument. That this City Council, being the legislative body of the City, adopts Subdivision (a) of Section 9285 of the California Elections Code and hereby authorizes those persons filing the direct argument in favor of the foregoing City measure to, if deemed advisable in their sole discretion, prepare and submit a rebuttal argument not exceeding 250 words and to file such rebuttal argument with the elections official not later than 5:00 p.m., March 26, 2018, and shall not exceed 250 words in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California.

Section 6. Certification. The City Clerk shall certify the adoption of this Resolution.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 5th day of March, 2018, by the following vote:

AYES: Councilmembers Bronitsky, Mahanpour, Perez, Pollard and Mayor Hindi

NOES: None

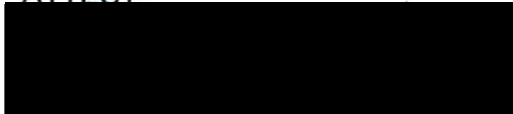
ABSENT: None

ABSTAIN: None



SAM HINDI, MAYOR

ATTEST:



PRISCILLA TAM, CITY CLERK

Priscilla Tam, City Clerk of the City of Foster City does hereby certify that the foregoing is a full, true, and correct copy of the document it purports to be, which document is on file in the Office of the City Clerk.

Priscilla Tam, City Clerk

3/6/18

Date

MAR 14 2018

EXHIBIT A
TAX RATE STATEMENT

By: [REDACTED] Chief Elections Officer
[REDACTED] DEPUTY CLERK

CITY OF FOSTER CITY

An election will be held in the City of Foster City (the "City") on June 5, 2018, to authorize the sale of up to \$90,000,000 in bonds of the City to finance public safety facilities as described in the measure. If the bonds are approved, the City expects to sell the bonds in a single series in calendar year 2018. 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 Elections Code of the State of California.

1. The best estimate of the average annual tax rate that would be required to be levied to fund the bonds over the entire duration of the bond debt service, based on estimated assessed valuation available at the time of the filing of this statement, is \$39.66 per \$100,000 of assessed valuation and the final fiscal year in which such tax is anticipated to be levied is fiscal year 2047-48.

2. The best estimate of the highest tax rate which would be required to be levied to fund the bonds authorized by the measure, based on estimated assessed valuations available at the time of filing of this statement, is \$40.01 per \$100,000 of assessed valuation in fiscal year 2047-48.

3. The best estimate of the total debt service, including the principal and interest, that will be required to repay all bonds authorized by the measure is \$155,122,284.

Voters should note that these estimated tax rates are based on the assessed value of taxable property in the City as shown on the official tax rolls of the County, not on the property's market value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Certain taxpayers may also be eligible to postpone the payment of taxes. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

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 estimates are based upon the City's projections and are not binding upon the City. The dates of sale and the amount of bonds sold at any given time will be determined by the City based on the 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 County Assessor in the annual assessment and the equalization process.

Dated: March 5, 2018

APPROVED BY THE CITY COUNCIL