

AUG 09 2018

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

**CERTIFIED
COPY**

RESOLUTION NO. 18-53

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILLBRAE DETERMINING THAT THE PUBLIC INTEREST
AND NECESSITY DEMANDS THE RESTORATION OF THE
MILLBRAE RECREATION CENTER AND ITS FINANCING
THROUGH THE ISSUANCE OF GENERAL OBLIGATION
BONDS**

WHEREAS, a Millbrae Recreation Center Restoration Measure would provide an accessible, modern community center that meets current earthquake, electrical and fire safety codes; and

WHEREAS, one in five Millbrae residents is 65 or older and thousands of these residents have used recreation programs and classes like quilting, aerobics, painting, Tai Chi, Mahjong and other games before a fire destroyed the Millbrae Recreation Center; and

WHEREAS, a Millbrae Recreation Center Restoration Measure would restore the Millbrae Recreation Center, and provide a quiet, dedicated place where our seniors can engage in the social and physical activities that keep them healthy; and

WHEREAS, the old Millbrae Community Center served thousands of children and youth and a Millbrae Recreation Center Measure would restore a safe place for our children and families to play during out of school time, keeping kids out of trouble and away from the temptation of gang activity and crime; and

WHEREAS, restoration of the Millbrae Recreation Center will also provide space for preschool programs and after-school tutoring and classes in core subjects like math, science, and language; and

WHEREAS, the Millbrae Recreation Center Restoration Measure includes strict fiscal accountability requirements including financial audits and citizen oversight to ensure the funding is spent only on restoring the Millbrae Recreation Center; and

WHEREAS, the City is authorized to issue general obligation bonds to finance municipal improvements pursuant to certain provisions of the California Government Code, including Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 and including Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 (collectively, the "Bond Law"); and

WHEREAS, the City intends to issue its general obligation bonds (the "Bonds") under and pursuant to the Bond Law to finance the cost of the Restoration of the Millbrae Recreation Center to be used for community recreation center purposes consisting of the restoration of the Millbrae Recreation Center at 477 Lincoln Circle which was destroyed by a major structure fire on July 21, 2016 (the "Millbrae Recreation Center"); and

WHEREAS, in order to initiate proceedings under the Bond Law to provide for the financing of the restoration of the Millbrae Recreation Center, the City Council must make certain findings and determinations;

WHEREAS, in accordance with Sections 53410 and 53411 of the California Government Code, the City Council will adopt the following accountability requirements relating to the Bonds: (a) A separate account shall be created and held by the City, into which the proceeds of the Bonds are deposited and (b) the City Manager of the City shall file a report with the City Council no later than January 1, 2019, and at least once a year thereafter, showing the amount of Bond proceeds collected and expended, and the status of the project to be financed from the proceeds of the Bonds.

WHEREAS, in the event the ballot proposition is passed by two-thirds of all qualified voters voting on the proposition, the City Council shall establish and appoint members to an oversight committee, which shall have responsibility for reviewing and reporting on the expenditure of the proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLBRAE AS FOLLOWS:

Section 1. Declaration of Necessity to Issue Bonds. The public interest and necessity demands, and it is the intention of the City Council to require, the Restoration of the Millbrae Recreation Center and to issue the Bonds to finance the cost thereof, subject to completion of the proceedings required by the Bond Law.

Section 2. Estimated Cost. The estimated cost of the Restoration of the Millbrae Recreation Center is approximately \$30,000,000. The estimated cost does not include legal or other fees, the costs of printing the Bonds and other costs and expenses, which are incidental to or connected with the authorization, issuance and sale of the Bonds.

Section 3. Findings. The City Council hereby finds and determines that the cost of the Restoration of the Millbrae Recreation Center requires an expenditure by the City greater than the amount allowed for it by the annual tax levy of the City. The principal amount of the Bonds will not exceed the estimated cost set forth above for the Millbrae Recreation Center.

Section 4. Issuance of the Bonds. This Resolution is adopted, and the Bonds, if approved by two-thirds of all qualified voters voting on the issuance of the Bonds, are to be issued pursuant to the Bond Law.

Section 5. Effective Date. This Resolution shall take effect upon its adoption by two-thirds of all members of the City Council of the City.

* * * * *

I, Elaine Tran, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae at a regular meeting thereof held on the 24th day of July, 2018, by the following vote:

AYES, COUNCILMEMBERS: Papan, Lee, Schneider, Oliva, and Holober

NOES, COUNCILMEMBERS:

ABSENT, COUNCILMEMBERS:


7/31/18.


ACTING CITY CLERK of the City of Millbrae

APPROVED:



MAYOR of the City of Millbrae

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 8/3/18

Acting
City Clerk of the City of Millbrae

AUG 09 2018

**CERTIFIED
COPY**

MARK CHURCH, Chief Elections Officer
By: [REDACTED]
DEPUTY CLERK

RESOLUTION NO. 18-55

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILLBRAE REQUESTING THE COUNTY TO CONSOLIDATE A
BOND ELECTION TO BE HELD ON NOVEMBER 6, 2018, FOR
THE PURPOSE OF FINANCING THE RESTORATION OF THE
MILLBRAE RECREATION CENTER**

WHEREAS, a Millbrae Recreation Center Restoration Measure would provide an accessible, modern recreation center that meets current earthquake, electrical and fire safety codes; and

WHEREAS, one in five Millbrae residents is 65 or older and thousands used recreation programs and classes like quilting, aerobics, painting, Tai Chi, Mahjong and other games before a fire destroyed the Millbrae Recreation Center; and

WHEREAS, a Millbrae Recreation Center Restoration Measure would restore the Millbrae Recreation Center, and provide a quiet, dedicated place where our seniors can engage in the social and physical activities that keep them healthy; and

WHEREAS, the old Millbrae Recreation Center served thousands of children and youth and a Millbrae Recreation Center Measure would restore a safe place for our children and families to play during out-of-school time, keeping kids out of trouble and away from the temptation of gang activity and crime; and

WHEREAS, restoration of the Millbrae Recreation Center will also provide space for preschool programs and after-school tutoring and classes in core subjects like math, science and language; and

WHEREAS, the Millbrae Recreation Center Restoration Measure includes strict fiscal accountability requirements including financial audits and citizen oversight to ensure the funding is spent only on restoring the recreation center; and

WHEREAS, in accordance with Sections 53410 and 53411 of the California Government Code, the City Council will adopt the following accountability requirements relating to the Bonds: (a) A separate account shall be created and held by the City, into which the proceeds of the Bonds are deposited and (b) the City Manager of the City shall file a report with the City Council no later than January 1, 2019, and at least once a year thereafter, showing the amount of Bond proceeds collected and expended, and the status of the project to be financed from the proceeds of the Bonds.

WHEREAS, in the event the ballot proposition is passed by two-thirds of all qualified voters voting on the proposition, the City Council shall establish and appoint members to an oversight committee, which shall have responsibility for reviewing and reporting on the expenditure of the proceeds of the Bonds.

WHEREAS, the City is authorized to issue general obligation bonds to finance municipal improvements pursuant to certain provisions of the California Government Code, including Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 and including Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 (collectively, the "Bond Law"); and

WHEREAS, on July 30, 2018, the City Council adopted an ordinance calling an election on November 6, 2018, to authorize the issuance of general obligation bonds under the Bond Law to provide financing for the cost of the restoration of the Millbrae Recreation Center; and

WHEREAS, on July 10, 2018, the City Council adopted Resolution 18-43, calling a Municipal Election for November 2018, and Resolution 18-45, requesting the San Mateo County Chief Elections Officer to render certain voting services for that election; and

✓ **WHEREAS**, pursuant to Elections Code Section 10400 et seq., the City Council wishes at this time to request consolidation of such election on the issuance of general obligation bonds with any and all other elections held in the City on such date, and to request the San Mateo County Registrar of Voters (the "County Registrar") to perform election services for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLBRAE AS FOLLOWS:

Section 1. Consolidation of Election; Request to Provide Services. The bond election which has been called by the City Council for November 6, 2018, is hereby ordered consolidated with any other election to be held within the City on said date. The County Registrar and the San Mateo County Board of Supervisors are hereby requested to consolidate said bond election with any and all other elections to be held on November 6, 2018 within the City.

Pursuant to Section 10002 of the Elections Code, the Board of Supervisors of San Mateo County is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse San Mateo County in full upon presentation of a bill from 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 2. Manner of Conducting Election. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein.

Section 3. 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 4. Form of Ballot Measure. As set forth in the ordinance calling the bond election, the exact form of the ballot measure shall be as follows:

Ballot Question → MILLBRAE RECREATION CENTER RESTORATION MEASURE. Shall a measure to provide a modern recreation center: Meeting current earthquake, electrical, fire safety codes; Providing emergency shelter, disabled access; Restoring space for youth, senior, family fitness/ arts/ education programs/ classes; by issuing \$12 million in bonds, levying \$8.70 per \$100,000 assessed valuation, raising approximately \$750,000 annually while bonds are outstanding, requiring citizens oversight, independent audits, all funds spent for the purpose of restoring the recreation center, be adopted? ✓ (71) 55 42

Section 5. Delivery of this Resolution. The City Clerk is hereby directed to send a copy of this Resolution to the County Registrar and the San Mateo County Clerk of the Board of Supervisors (the "Clerk of the Board") for purposes of consolidation pursuant to Elections Code Section 10403. The Resolution shall be received by the County Registrar and the Clerk of the Board no later than 88 days prior to the election date, unless otherwise permitted by law.

Section 6. Effective Date. This Resolution shall take effect upon its passage and adoption.

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**CERTIFIED
COPY**

Resolution No. 18-55

I, Elaine Tran, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae at a regular meeting thereof held on the 30th day of July, 2018, by the following vote:

AYES, COUNCILMEMBERS: Papan, Lee, Schneider and Holober

NOES, COUNCILMEMBERS:

EXCUSED, COUNCILMEMBERS: Oliva


7/31/18

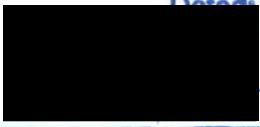
ACTING CITY CLERK of the City of Millbrae

APPROVED:


7/30/18

MAYOR of the City of Millbrae

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 8/3/18


Acting
City Clerk of the City of Millbrae

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ORDINANCE NO. 772

**CERTIFIED
COPY**

**ORDINANCE OF THE CITY OF MILLBRAE ORDERING THE
SUBMISSION OF A PROPOSITION OF INCURRING BONDED
DEBT TO THE QUALIFIED VOTERS OF THE CITY OF
MILLBRAE AT THE GENERAL MUNICIPAL ELECTION TO BE
HELD ON NOVEMBER 6, 2018, FOR THE PURPOSE OF
FINANCING THE RESTORATION OF THE MILLBRAE
RECREATION CENTER**

WHEREAS, on July 24, 2018, the City Council adopted, by a two-thirds vote of all its members, a resolution entitled “Resolution of the City Council of the City of Millbrae Determining that the Public Interest and Necessity Demands the Restoration of the Millbrae Recreation Center and Their Financing Through the Issuance of General Obligation Bonds”, pursuant to which the City Council has found and determined to issue its general obligation bonds to finance the cost of the Restoration of the Millbrae Recreation Center for community recreation purposes, consisting of the Restoration of the Millbrae Recreation Center at 477 Lincoln Circle which was destroyed by a major structure fire on July 21, 2016 (the “Millbrae Recreation Center”); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to provide financing for the Restoration of the Millbrae Recreation Center, it is necessary for the City 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 a special municipal election; and

WHEREAS, the City Council desires to submit said ballot measure to the qualified voters of the City at the regular election to be held in the City on November 6, 2018.

NOW, THEREFORE, IT IS ORDAINED by the City Council of the City of Millbrae as follows:

Section 1. Call for Election. The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring a bonded debt (the “Bonds”) for the purpose set forth in this Ordinance, at the regular election to be held on November 6, 2018.

Section 2. Ballot Proposition. The City Council hereby submits to the qualified voters of the City, at the regular election to be held on November 6, 2018, a proposition on issuing the Bonds, to be known as the “Millbrae Recreation Center Restoration Ballot Measure,” in substantially the following form:

MILLBRAE RECREATION CENTER RESTORATION MEASURE. Shall a measure to provide a modern recreation center: Meeting current earthquake, electrical, fire safety codes; Providing emergency shelter, disabled access; Restoring space for youth, senior,

family fitness/ arts/ education programs/ classes; by issuing \$12 million in bonds, levying \$8.70 per \$100,000 assessed valuation, raising approximately \$750,000 annually while bonds are outstanding, requiring citizens oversight, independent audits, all funds spent for the purpose of restoring the recreation center, be adopted?

Section 3. Object and Purpose of Bonds. The object and specific single purpose of issuing the Bonds is the Restoration of the Millbrae Recreation Center. The proceeds of the Bonds may only be expended for the specific purposes set forth in the ballot proposition.

Section 4. Estimated Cost of Millbrae Recreation Center. The estimated cost of the Restoration of the Millbrae Recreation Center is approximately \$30,000,000. The estimated cost do not include legal or other fees, the costs of printing the Bonds and other costs and expenses, which are incidental to or connected with the authorization, issuance and sale of the Bonds.

Section 5. Principal Amount of Bonds. The amount of the principal of the Bonds shall not exceed \$12,000,000.

Section 6. Maximum Interest Rate. The maximum rate of interest to be paid on the Bonds shall be 12% per annum. Said interest shall be 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.

Section 7. Issuance and Sale of Bonds. The City proposes to Restore the Millbrae Recreation Center and to issue and sell the Bonds pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, or Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 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 will 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 the Bonds shall be equally and ratably secured, without priority, by the taxing power of the City.

Section 8. Accountability Requirements. In accordance with Sections 53410 and 53411 of the California Government Code, the City Council hereby adopts the following accountability requirements relating to the Bonds:

- (a) A separate account shall be created and held by the City, into which the proceeds of the Bonds are deposited.
- (b) The City Manager of the City shall file a report with the City Council no later than January 1, 2019, and at least once a year thereafter, showing the amount of Bond proceeds collected and expended, and the status of the project to be financed from the proceeds of the Bonds.

Section 9. Establishment of Oversight Committee; Public Input. In the event the ballot proposition is passed by two-thirds of all qualified voters voting on the proposition, the City Council shall establish and appoint members to an oversight committee, which shall have responsibility for reviewing and reporting on the expenditure of the proceeds of the Bonds.

Section 10. Ballot Arguments. The Mayor and other members of the City Council are hereby authorized (but are not required) to act as an author of any ballot argument in support of the ballot measure which is prepared in connection with the election, including a rebuttal to any argument in opposition to the ballot measure.

Section 11. Impartial Analysis. Pursuant to Section 9280 of the California Elections Code, the City Clerk is hereby directed to submit a copy of this ordinance to the City Attorney and the City Attorney or her designee is hereby authorized and directed to prepare an impartial analysis of the ballot proposition showing the effect of the ballot proposition on the existing law and the operation of the ballot proposition. Such analysis shall not exceed 500 words in length and shall comply in all respects with applicable provisions of the California Elections Code.

Section 12. Official Actions. The Mayor, the City Manager, the Deputy City Manager/Finance Director and the City Clerk, any of their designees, are hereby authorized to execute any documents and to perform all acts necessary to place the bond measure on the ballot, including but not limited to the execution of a Tax Rate Statement to be included as part of the official ballot measure.

Section 13. Publication of Ordinance. This Ordinance shall be published once a day for at least seven days in a newspaper published at least six days a week in the City, or once a week for two weeks in a newspaper published 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.

Section 14. Effective Date. This Ordinance shall become effective immediately upon its adoption by two-thirds vote of all the members of this Council.

**CERTIFIED
COPY**

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I, Elaine Tran, hereby certify that the foregoing Ordinance No. 772 was introduced on July 24, 2018, and adopted at a regular meeting of the Millbrae City Council on July 30, 2018, by the following vote:


AYES, COUNCILMEMBERS: Papan, Lee, Schneider and Holober

NOES, COUNCILMEMBERS:

EXCUSED, COUNCILMEMBERS: Oliva



7/31/18
ACTING CITY CLERK of the City of Millbrae

APPROVED:


MAYOR of the City of Millbrae

Full Text Ends

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 8/3/18

Acting
City Clerk of the City of Millbrae

**Tax Rate Statement In Connection With
City of Millbrae Recreation Center Bond Measure ____**

An election will be held in the City of Millbrae (the "City") on November 6, 2018, to authorize the sale of up to \$12,000,000 of bonds of the City to finance the Millbrae Recreation Center as described in the bond measure. If such bonds are authorized and sold, principal and interest on the bonds will be payable only from the proceeds of *ad valorem* 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. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the City, and other demonstrable factors.

Based upon the foregoing and projections of the City's assessed valuation, the following information is provided:

1. The best estimate of the average annual tax rate which would be required to be levied to fund the bond issue over the entire duration of the bond debt service, based on a projection of assessed valuations available at the time of filing of this statement, is 0.87 cents per \$100 of assessed valuation (or \$8.70 per \$100,000 of assessed value). The final fiscal year in which it is anticipated that the tax will be collected is 2048-2049.
2. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on a projection of assessed valuations available at the time of filing of this statement, is 1.35 cents per \$100 of assessed valuation (or \$13.50 per \$100,000 of assessed value). It is estimated that the first fiscal year that such rate would be levied is 2019-2020.
3. 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 approximately \$21,536,000.

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 the estimated tax rate is based on the assessed value (not market value) of taxable property on the County's official tax rolls. 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. 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 attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which amounts are not maximum amounts

Tax
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and are not binding upon the City. The actual debt service, tax rates and the years in which they will apply may vary from those used to provide the estimates set forth above, due to factors such as variations in the timing of bond sales, the par amount of bonds sold and market interest rates available at the time of each sale, actual assessed valuations over the term of the bonds, and other factors. The date and amount of bonds sold at any given time will be determined by the City based on the need for project funds and other considerations. The actual interest rates at which the bonds will be sold will depend on conditions in the bond market at the time of sale. Actual future assessed valuations 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.

By: 
Deputy City Manager/Finance Director
City of Millbrae

Tax Rate
statements
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