

FILED

AUG 04 2016

ORDINANCE NO. 2016 – 4

By: _____
FRESNO COUNTY CLERK

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA ORDERING THE SUBMISSION OF A GENERAL OBLIGATION BOND PROPOSITION TO THE QUALIFIED VOTERS OF THE CITY OF SELMA AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF THE ACQUISITION AND CONSTRUCTION OF A LOCAL POLICE STATION AND ASSOCIATED IMPROVEMENTS

2016 AUG 4 AM 10:12:02

The City Council of the City of Selma, California (the "City") does ordain as follows:

WHEREAS, under the direction of the City Council, Staff has retained an architectural firm with expertise in design of structures which has designed a Police Station and Associated Improvements which is estimated to cost approximately \$8,000,000; and

WHEREAS, the Selma Police Department currently occupies an old, dilapidated structure which is used as its only Police Station and the current condition of that Police Station is not conducive to or adequate for the provision of public safety, crime suppression and prevention and police services within the City of Selma; and

WHEREAS, the City Council did determine by resolution adopted at a regular meeting held on July 5, 2016, by a two-thirds vote of all its members, that the public interest and necessity demand the acquisition and construction and completion of municipal improvements consisting of the acquisition and construction of a police station and associated improvements (the "Police Station Improvements"), and the Police Station Improvements are necessary and convenient to carry out the objects, purposes and powers of the City, and that the indebtedness will require expenditure greater than an amount allowed for by the annual tax levy of the City; and

WHEREAS, the City will receive a budget allocation from the State of California in the amount of \$4,000,000 to partially fund the estimated \$8,000,000 Police Station, and has retained through Police Department Impact Fees and sales tax revenues additional funds for the funding of the Police Station Improvements; and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the \$4,000,000 balance of the estimated cost of the Police Station Improvements described in the aforementioned Resolution of Necessity, 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 regular municipal election; and

WHEREAS, the City Council desires to submit said ballot measure to the qualified voters of the City at an election to be held in the City on November 8, 2016, and to consolidate the bond election with the general state-wide election held within the City on that date.

NOW, THEREFORE, it is ordered as follows:

Section 1. Recitals. That the above recitals are true and correct.

Section 2. Call for Election. That an election is called and ordered and shall be held in the City of Selma on November 8, 2016. At that election there shall be submitted to the qualified voters of the City the question of incurring a bonded indebtedness by the City for the object and purpose set forth in the ballot measure appearing in Section 3, below.

Section 3. Ballot Proposition. The City Council hereby submits to the qualified voters of the City at the regular election to be held on November 8, 2016, a proposition on issuing the bonds in substantially the following form:

CITY OF SELMA MEASURE _ CITY OF SELMA CRIME FIGHTING/9-1-1 CONSTRUCTION BOND MEASURE: To update 9-1-1 dispatch technology at the Selma police operations center to reduce crime, improve video policing, dispatch technology, rapid response, and ensure the operations center will survive natural disasters; shall Selma issue \$4,000,000 in bonds at legal rates, requiring average debt service of \$230,000 annually, for 30 years, by assessing \$16 per \$100,000 of assessed value, requiring financial audits, citizen oversight, and funds be spent in Selma?	YES
	NO

Section 4. Object and Purpose of Bonds. The object and specific single purpose of issuing the bonds is the acquisition, construction and improvement of a police station in the City of Selma and the proceeds of the bonds may only be applied to that purpose.

Section 5. Estimated Cost of Police Station Improvements. The estimated cost of the Police Station Construction and Associated Improvements is \$8,000,000. The estimated cost includes legal and other fees, and other costs and expenses, which are incidental to or connected with the authorization, issuance and sale of the bonds. The City has, or will, receive \$4,000,000 from a State budget allocation toward the acquisition, construction and

improvement of the new police station, and has retained additional funds dedicated to that purpose and proposes to fund the balance, \$4,000,000 by the issuance and sale of the bonds.

Section 6. Principal Amount of the Bonds. The principal amount of the bonds shall not exceed \$4,000,000.

Section 7. Maximum Interest Rate. The maximum rate of interest to be paid on the bonds shall be 6% per annum.

Section 8. Issuance and Sale of Bonds. The City proposes to acquire, construct and develop the Police Station and to finance a portion of the total cost by issuance of 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 are to be equally and ratably secured without priority, by the taxing power of the City.

Section 9. Consolidation, Manner of Conducting Election. The date of the election is November 8, 2016. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvased, results declared and all other proceedings incidental and connected with the election shall be regulated and done in accordance with the provision of law relating to the election as specified herein. The City Council has requested pursuant to this ordinance, that the Board of Supervisors of Fresno County (the "County"), and the Fresno County Elections Office the consolidation of the called municipal election with any other election to be held within the City on said date.

Section 10. Procedure for Voting on Proposition. Ballots for the election shall be provided in the form and in the number provided for by law. Voters shall be provided an opportunity to vote for or against the proposition on the ballot, in accordance with the procedures to be adopted by the authorized officers of the County charged with conducting the election.

Section 11. Tax Levies on Taxable Property in the City. If the aforementioned bonds are authorized and sold, principal and interest on the bonds will be payable only from the proceeds of tax levies made upon taxable property in the City. Attached and incorporated by reference as Exhibit A is the Tax Rate Statement concerning Measure P providing the information required by Sections 9400 through 9409 of the Elections Code of the State of California and the tax rate statement concerning Measure P is authorized to be

executed by the Mayor, on behalf of the City of Selma and accurately contains the information concerning the best estimate of the tax rate which would be required to be levied to fund the bond issuance, in accordance with the foregoing provisions and the best estimate of the highest tax rate which would be required to be levied to fund this bond issuance.

Section 12. 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 called Police Station Construction Designated Fund shall be created and held by the City, and to which the proceeds of the bonds are deposited.

(B) The Chief Fiscal Officer or designee of the City shall file a report with the City Council no later than January 1, 2017, and at least once a year thereafter, showing the amount of the bond proceeds collected and expended, and the status of the project to be financed from the proceeds of the bonds.

(C) A citizen's oversight committee composed of three voters of the City of Selma shall be formed and will be charged with an annual review of all bond proceeds expenditures and an annual report to the City Council regarding their findings as to those expenditures. Members of the Citizens' Oversight Committee shall be appointed by the City Council. The Committee shall consist of three members. The Citizens' Oversight Committee members shall not be current or past City of Selma employees, officials, contractors or vendors of the City. Past officials or vendors shall be eligible to serve on the Committee, provided that there are no conflicts of interest as determined by the City Attorney. Of the members of the Committee first appointed, they shall be appointed for terms of four years. No member may serve more than two consecutive terms.

The City Council shall solicit Citizens' Oversight Committee members through an open application process that is promoted through a broad-based recruitment process. Any voting Selma resident is eligible to apply for Committee membership, subject to the appointment categories specified above. All applications will be reviewed by the City Council, which will have the authority to make all final decisions on Committee representation, subject to these guidelines.

Committee members may also review the annual financial or performance audits performed by an independent auditor. The Committee shall confine its oversight specifically to revenues generated under this Chapter. Revenue generated through other sources shall be outside the jurisdiction of the Citizens' Oversight Committee.

In order to preserve the integrity and independence of the oversight process, Committee members will not play a formal role in contracting, project management, or any other aspect of the funding.

The Committee is not charged with decision-making on spending priorities, schedules, project details, funding source decisions (e.g. leveraged funds, developer fees, etc.), financing plans, or tax rate assumptions. The Committee shall serve in an advisory-only role to the City Council. The Committee shall have no jurisdiction other than that delegated to it by the People pursuant to this Ordinance.

The City of Selma City Manager or his or her designee shall provide any reasonable administrative or technical assistance required by the Committee to fulfill its responsibilities or publicize its findings.

The Citizens' Oversight Committee shall meet annually (or as otherwise provided for in approved or amended by-laws) with specific meeting dates to be determined by Committee members. Citizens' Oversight Committee meetings are subject to the Brown Act. Meetings must be noticed and open to the public. Additional meetings may be scheduled by the Committee as necessary. All Committee members shall attend a training and orientation session prior to the first regular Committee meeting.

Committee members are expected to attend all regular meetings. Failure to attend two consecutive meetings may result in removal from the Committee at the discretion of the City Council.

The Citizens' Oversight Committee will select members to serve as Chair and Vice Chair of the Committee. A City staff person will be appointed by the City Manager or his or her designee to serve as Secretary. The Secretary will be responsible for preparing, posting and distributing agendas and taking minutes at each meeting. Approved minutes shall be made available to the public. Committee decisions, positions, findings and procedures shall require a simple majority vote of those Members in attendance.

Committee members may be removed from the Committee only by the City Council for repeated absence, for malfeasance, for failing to meet the qualifications set forth in this Section or for inability or unwillingness to fulfill the duties of a Member. In the event of removal, resignation, or death, the City Council shall appoint a person to fill the vacant seat. With the exception of those items specifically addressed in these Guiding Principles, the Committee may draft and adopt its own standard procedures and by-laws by majority vote.

All Citizens' Oversight Committee procedures and by-laws remain subject to review and approval by the City Council. Citizens' Oversight Committee reports and audits are subject to review and approval of the City Council.

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 publication 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 transport for receipt, no later than August 11, 2016 a certified copy of this ordinance to the appropriate officials in the County responsible for preparing the ballots for said election.

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


The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on July 18, 2016, and was passed, approved and adopted at a regular meeting of the City Council held on August 1, 2016 by the following vote:

AYES:	5	COUNCIL MEMBERS:	RODRIGUEZ, MONTIJO, DERR, AVALOS, ROBERTSON
NOES:	0	COUNCIL MEMBERS:	NONE
ABSTENTION:	0	COUNCIL MEMBERS:	NONE
ABSENT:	0	COUNCIL MEMBERS:	NONE



Scott Robertson, Mayor of the City of Selma

ATTEST:



Reyna Rivera
City Clerk of the City of Selma

APPROVED AS TO FORM:



Neal E. Costanzo, City Attorney

Approved, Passed, and Adopted by the voters of the City of Selma at an election held November 8, 2016.

Scott Robertson, Mayor of the City of Selma

ATTEST:

Reyna Rivera
City Clerk of the City of Selma