
MEASURE SUBMITTED TO THE VOTERS

CITY

CITY OF SAUSALITO BOND MEASURE S

S Shall the City of Sausalito issue general obligation bonds not to exceed \$15,500,000 to build a fire station and a police building that meet earthquake safety standards, ensure local emergency services, support modern electrical systems for current technology and an emergency operations center for coordinated emergency response, with all funds used to construct facilities to maintain public safety in Sausalito and subject to an independent citizen's oversight committee and annual audit?

CITY OF SAUSALITO
FULL TEXT OF MEASURE S
ORDINANCE NO. 1179

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF SAUSALITO AT A SPECIAL MUNICIPAL ELECTION ON AUGUST 29, 2006, OF A MEASURE TO AUTHORIZE THE INCURRENCE OF BONDED INDEBTEDNESS FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION AND COMPLETION OF CERTAIN MUNICIPAL IMPROVEMENTS AND REQUESTING THAT THE MARIN COUNTY REGISTRAR OF VOTERS TAKE ALL STEPS NECESSARY TO HOLD THE ELECTION BY AN ALL-MAIL BALLOT

ORDAINED by the City Council (the "Council") of the City of Sausalito, California (the "City"), as follows:

WHEREAS, the Council has heretofore adopted, by a two-thirds vote of all the members of the Council, a resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION AND COMPLETION OF CERTAIN MUNICIPAL IMPROVEMENTS AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS" (the "Resolution");

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the improvements described in the Resolution, it is necessary for the Council to pass an ordinance ordering the submission of the measure of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election held for that purpose;

WHEREAS, the Council desires to submit said ballot measure to the qualified voters of the City at a special municipal election to be held by mail ballot on August 29, 2006;

WHEREAS, pursuant to section 10403 *et seq.* of the California Elections Code, it is appropriate for the Council to request the Marin County Registrar of Voters to perform required election services for the City;

WHEREAS, certain provisions of the California Government Code (sections 53410 *et seq.*) require that a local agency submitting a bond measure to the voters provide specific accountability measures; and

WHEREAS, it is the intent of the Council to set forth by this Ordinance the specified accountability measures with respect to the proceeds of the bonds to be authorized by the election called pursuant to this Ordinance;

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

Section 1. A special municipal election is hereby called and ordered to be held by mail ballot in the City on August 29, 2006, at which election there shall be submitted to the qualified voters the measure set forth below. This Ordinance constitutes the order of the City to call such election.

Section 2. That said measure shall appear on the ballot for said special municipal election in the following form:

MEASURE S: "Shall the City of Sausalito issue general obligation bonds not to exceed \$15,500,000 to build a fire station and a police building that meet earthquake safety standards, ensure local emergency services, support modern electrical systems for current technology and an emergency operations center for coordinated emergency response, with all funds used to construct facilities to maintain public safety in Sausalito and subject to an independent citizen's oversight committee and annual audit?"

The Council does hereby submit to the qualified voters of the City, at said special municipal election, this ordinance and the measure set forth above.

Section 3. The object and purpose of incurring the indebtedness is the demolition of an existing vacant police building located at 29 Caledonia Street in the City and replace it with a new, 8,371 square foot two-story building and the demolition of an existing active fire station located at 300 Johnson Street in the City and replace it with a new, 11,703 square foot two-story building. All of the foregoing improvements are referred to herein collectively as the "Improvements".

Section 4. The estimated cost of the Improvements is fifteen million five hundred thousand dollars (\$15,500,000). 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 issuance and sale of bonds.

Section 5. The amount of the principal of the indebtedness to be incurred is not to exceed fifteen million five hundred thousand dollars (\$15,500,000).

Section 6. The maximum rate of interest to be paid on the indebtedness shall be twelve percent (12%) per annum, or such

higher rate as may hereafter be established for general obligation bonds of the City by the Legislature of the State of California.

Section 7. The Council does hereby submit to the qualified voters of the City, at said special municipal election, this ordinance, the measure set forth in Section 2 hereof and the tax rate information attached hereto as Exhibit A. The City proposes to acquire, construct and complete the Improvements and to issue and sell general obligation bonds of the City pursuant to Article 9, commencing with section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code, or, in the alternative, pursuant to 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 measure set forth above vote in favor thereof. The bonds are to be general obligations of the City payable from and secured by *ad valorem* 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. The City shall cause the preparation of an annual report pursuant to sections 53410-53411 of the California Government Code.

Proceeds from the sale of the bonds authorized by the measure set forth in Section 2 hereof shall be used only for costs incurred in connection with construction and acquisition of public capital improvements and the cost of the issuance of the bonds, and not for any other purpose, including staff salaries or other operating expenses.

Section 8. The Council hereby directs that a separate account shall be established for deposit of proceeds of the sale of the bonds if the measure is approved by the City voters. For so long as any proceeds of bonds remain unexpended, the Finance Director of the City shall cause a report to be filed with the Council no later than five (5) months after the end of each fiscal year, commencing with the first fiscal year during which any proceeds of bonds authorized by the measure set forth in Section 2 shall have been received. The report shall state (1) the amount of bond proceeds received and expended in such fiscal year and (2) the status of any projects funded or to be funded from the proceeds of bonds authorized to be issued by the measure set forth in Section 2. The report may be incorporated into or filed with the audit or other appropriate routine report provided to the Council.

Section 9. The City requests that the Marin County Registrar of Voters take all steps necessary to hold the election by all-mail ballot pursuant to Division 4 (commencing with section 4000) of the California Elections Code. The City hereby agrees to reimburse Marin County for actual costs incurred by it for the City election, as set forth in the current election cost allocation procedures of Marin County.

Section 10. 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 fifteen (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 June 2, 2006, a certified copy of this ordinance to the Marin County Registrar of Voters and to any other appropriate official of Marin County responsible for preparing the ballots for said election.

Section 11. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measure specified in the Ordinance showing the effect of the measure on the existing law and the operation of the measure, said analysis to be submitted by the City Attorney to the City Clerk. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the California Elections Code. The deadline date for the submittal of the analysis shall be June 12, 2006.

Any and all members of the Council, the City Manager and the Finance Director of the City, or any of their respective designees, are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. Each of the Mayor, Vice Mayor, the City Manager and the Finance Director, or any of their respective designees, are each hereby authorized, empowered, and directed, for and on behalf of the City, to execute any and all documents, and to perform any and all acts necessary or appropriate to place the bond measure on the ballot.

Section 12. This ordinance shall become effective immediately upon its adoption by two-thirds vote of all the members of the Council.

INTRODUCED on May 23, 2006, and **ADOPTED** on May 30, 2006, by the City Council of the City of Sausalito by the following vote, to wit:

AYES: Councilmembers: Albritton, Belser, Scremin, Vice Mayor Kelly, Mayor Albert

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

s/RONALD ALBERT
Mayor of the City of Sausalito

ATTEST: Dana Hield Whitson

s/DANA HIELD WHITSON
City Clerk

EXHIBIT A
TAX RATE STATEMENT FOR MEASURE S

An election will be held in the City of Sausalito (the "City") on August 29, 2006, to authorize the sale of not to exceed \$15,500,000 in bonds of the City to finance municipal improvements as described in the ballot measure. If the bonds are approved, the City expects to sell the bonds in one series (but may issue the bonds in more than one series). Principal and interest on the bonds will be payable 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 California Elections Code:

1. The best estimate of the tax rate that would be required to be levied to fund this bond issue during the first fiscal year after the sale of the bonds, based on estimated assessed valuations available at the time of filing this statement, is 2.165 cents per \$100 (\$21.65 per \$100,000) of assessed valuation in fiscal year 2006-2007.

2. The best estimate of the average tax rate that would be required to be levied to fund this bond issue over all of the years the bonds are expected to be outstanding is 2.159 cents per \$100 (\$21.59 per \$100,000) of assessed valuation.

3. The best estimate of the highest tax rate that would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing this statement, is 2.167 cents per \$100 (\$21.67 per \$100,000) of assessed valuation in fiscal year 2015-2016, decreasing each year thereafter.

Voters should note that the estimated tax rates are based on the assessed value of taxable property on the Marin County official tax rolls, not on the market value of property. 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 on 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 the sale of the bonds, the amount of bonds sold and market interest rates at the time of the sale, and actual assessed valuations over the term of repayment of the bonds.

The date 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, including the legal limitations approved by a 2/3 vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of the bond sale. Actual future assessed valuation will depend on the amount and value of taxable property within the City as determined by the Marin County Assessor in the annual assessment and the equalization process.

Dated: May 30, 2006

s/RONALD ALBERT
Mayor, City of Sausalito

**CITY ATTORNEY'S
IMPARTIAL ANALYSIS OF MEASURE S**

Measure S, if approved by two thirds of those voting thereon, would authorize the City of Sausalito (the "City") to issue and sell general obligation bonds in an amount not to exceed fifteen million five hundred thousand dollars (\$15,500,000.00) for specified purposes with an interest rate not to exceed the limit set by law.

The bond funds would pay for the design and construction of a new fire station and a new police building along with associated site and utility improvements and for the demolition of existing improvements. An annual accounting of the funds will be prepared and a Citizens Oversight Committee will be established to monitor all expenditures.

The bonds are to be general obligations of the City. At the discretion of the City Council of the City all or any part of the bonds could be sold. Principal and interest on the bonds would be paid by revenue derived from an annual tax levied upon taxable property in the City. The Tax Rate Statement of the City which has been mailed with the sample ballot for this election presents the City's best estimates of the property tax rates required to be levied to pay debt service on the bonds as required by Elections Code Section 9401.

A YES vote approves the measure.

A NO vote rejects the measure.

s/MARY ANNE WAGNER
City Attorney of Sausalito

ARGUMENT IN FAVOR OF MEASURE S

All Sausalito residents can agree . . . **our police and firefighters need new buildings to properly do their job of protecting us.** While there have been issues in the past with design and location . . . **the need for safe and modern police and fire facilities has never been in dispute.**

Now we have a plan we can agree upon.

Two years of intensive effort by citizen groups, community leaders, and planners has resulted in designs for two new public safety facilities that are fiscally frugal, logically located, historically fitting and equipped to remain functional for our dedicated police and firefighters in the worst of disasters. The newly designed, low profile brick buildings will keep the police and fire departments in their historic locations, in harmony with the historic Caledonia neighborhood, leaving open the Bridgeway-Caledonia Street connector.

It is now time to act. Your Yes vote for Measure S will fund the project and jumpstart construction before construction costs escalate even more.

Our current firehouse built in 1941 does not comply with earthquake safety standards and has an aging electrical system that sometimes fails completely. Our police have been operating from temporary trailers for eleven years. Both buildings are in such bad condition it would cost more to remodel than to rebuild.

Measure S is a \$15.5 million General Obligation Bond that is subject to an independent citizens' oversight committee and annual audits. Property owners will be assessed an average of \$21.59 per \$100,000 of assessed valuation (not market value). For example, if your home has an assessed value of \$500,000, the Measure S assessment would be **\$107.95 per year**, or about **\$2.00 per week!**

This is a small price to pay for critically needed and long overdue public safety facilities. Join us in supporting our police and firefighters and vote YES ON MEASURE S.

s/PHIL FRANK

Author, Historian

SOUTHERN MARIN/SAUSALITO FIREFIGHTERS ASSN.

by s/Matthew Bouchard, President

s/LARRY MINDEL

Resident

SAUSALITO POLICE ASSN.

by s/Stacie Gregory, President

s/VICKI L. NICHOLS

Yes on S

NO ARGUMENT AGAINST MEASURE S WAS SUBMITTED.