Measure 86335

Measure ___. To improve public safety and invest in neighborhoods throughout Oakland by repaving streets to remove potholes, rebuilding cracked and deteriorating sidewalks, funding bicycle and pedestrian safety improvements, funding affordable housing for Oaklanders, and providing funds for facility improvements, such as, neighborhood recreation centers, playgrounds, and libraries, shall the City of Oakland issue $600 million in bonds, subject to independent citizen oversight and regular audits?
FULL TEXT OF MEASURE KK

Section 1. TITLE AND PURPOSE.

(A) Title. This Ordinance shall be referred to as the “2016 Infrastructure Bond.”

(B) Purpose. The object and purpose of the authorized indebtedness will be to acquire and make improvements to real property such as improvement and rehabilitation of streets, sidewalks and related infrastructure, renovation and rehabilitation of City facilities including libraries, public safety, recreation, and other buildings, and acquisition, improvement, rehabilitation, preservation, construction and repair of affordable housing.

Section 2. IMPROVEMENT PROJECT PLAN.

(A) Projects to be funded by the total $600 million in bonds include the following:

1. Streets and Roads Projects, in the amount of $350 million, including projects consistent with:

   (a) Street paving and reconstruction

   (b) Bicycle and pedestrian improvements; bikeways, sidewalks, paths, stairs, streetscape, curb ramps

   (d) Traffic calming improvements

2. Facilities Projects in the amount of $150 million, including projects consistent with:

   (a) Fire facilities (in the amount of $40 million)

   (b) Police facilities (in the amount of $40 million)

   (c) Libraries (in the amount of $15 million)
(d) Parks, Recreation and Senior Facilities (in the amount of $35 million)

(e) Water, energy and seismic improvements consistent with the City’s Energy and Climate Action Plan (in the amount of $20 million)

3. Anti-Displacement and Affordable Housing Preservation Projects in the amount of $100 million:

(a) Funds may be spent on the acquisition, rehabilitation, or new construction of affordable housing as set forth in the Affordable Housing Bond Law Ordinance.

(B) Proceeds from the sale of the bonds authorized by this measure shall be used only for the purposes and projects set forth in Section 1. Proceeds of the bonds may be used to pay or reimburse the City for the costs of City staff when they are performing work on or necessary and incidental to the bond projects. The City may apply bond proceeds designated for affordable housing projects directly to acquire, rehabilitate, preserve or construct affordable housing and/or indirectly as loans, grants, or other disbursements to qualified individuals, non-profit business entities, corporations, partnerships, associations, and government agencies for such affordable housing projects.

(C) The City proposes to finance some or all of the projects described above with proceeds of the bonds. Projects will be completed as needed according to City Council established priorities, including those set forth within the City’s Capital Improvement Plan and additionally, prior to each issuance of bonds, the City Council shall identify for the specific projects included in such issuance:

1. How the projects address social and geographic equity, provide greater benefit to under-served populations and in geographic areas of greatest need;

2. How the projects address improvements to the City’s existing core capital assets;

3. How the projects maintain or decrease the City’s existing operations and maintenance costs; and
4. How the projects address improvements to energy consumption, resiliency and mobility.

5. The order in which the projects appear in Section A above is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including state or other grants for eligible projects, have not been secured. Until sources of funding and the costs of all projects are known, the City Council cannot determine the amount of bond proceeds that will be available to spend on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all described projects. Completion of some projects may be subject to additional environmental or other government approvals by state or local officials. For these reasons, inclusion of a project in the description above is not a guarantee that the project will be funded or completed.

(D) Contractors and City departments shall comply with all applicable City laws when awarding contracts or performing work funded with the proceeds of Bonds authorized by this measure.

(E) After ten (10) years from enactment of this measure, if the remaining funds designated in any of the categories set forth in Section 2(A) above have not been obligated or expended, a maximum of ten percent (10%) of the funds within each category can be transferred to any other categories included in this measure through a City Council Resolution.

Section 3. TAX AND INDEBTEDNESS.

To provide financing for the purposes and projects identified in Section 1 of this Ordinance, the City shall be authorized to issue and sell bonds in an amount up to Six Hundred Million Dollars ($600,000,000) in aggregate principal amount subject to the accountability safeguards specified in Section 6. The City’s first bond issuance will be for an amount no more than $200 million.

The City’s best estimate of the ad valorem tax rate required to be levied on all taxable property in the City to pay debt service on the total amount of the proposed bonds ($600 million) is projected to average no more than $69 per year per $100,000 of assessed property valuation. Such estimation shall not be construed to limit the power and duty of the City Council to cause to be levied and collected a tax sufficient to pay debt service on the bonds in any fiscal year.
Section 4. DEPOSIT OF BOND PROCEEDS.

The net proceeds of the bonds shall be deposited into a special trust account with or established by the treasury of the City of Oakland and shall be allocated and expended at the direction of the City Council for purposes set forth in Section 1 of this Ordinance.

Section 5. FINANCIAL AUDITS AND CITIZEN OVERSIGHT.

As long as any authorized bond proceeds have not been spent, an annual audit shall be performed to ensure accountability and proper disbursement of the bond proceeds in accordance with the objectives stated herein and in compliance with California Government Code sections 53410(c), 53410(d) and 53411.

The City Council shall establish a new Board or Commission or assign to an existing Board or Commission the responsibility for citizen oversight of this measure. This Board or Commission shall review relevant financial and operational reports related to the expenditure of bond proceeds and provide reports to the City Council when necessary. In addition, the Board or Commission should evaluate the impacts and outcomes of bond expenditures on the bond measure’s stated goals, including social equity, anti-displacement and affordable housing.

Section 6. DEBT-SERVICE FUND.

For the purpose of paying the principal and interest on the bonds, the City shall, annually levy and collect a tax sufficient to pay the annual interest on such bonds as it becomes due and such part of the principal that will become due before the proceeds of the next general tax levy is available for the payment of such principal. The City shall establish and separately maintain such collected tax revenues in a Debt-Service fund until the bonds and the interest thereon are fully paid, or until a sum is set apart to pay all amounts that will be due to cover the principal and interest on the bonds in the Treasury of the City of Oakland or held on behalf of the City.

Section 7. Blank
Section 8. **ARTICLE 34 AUTHORIZATION.**

Pursuant to Article 34 of the California Constitution, the City is authorized to develop, construct and/or acquire up to 2000 rental housing units for low-income households throughout the City if the City is assisting the development, construction and/or acquisition of such units in whole or in part using proceeds from the bonds authorized by this measure.

Section 9. **CITY AFFORDABLE HOUSING BOND LAW.**

The City shall issue the bonds pursuant to the rules and procedures established by City Affordable Housing Bond Law.

Section 10. **EFFECTIVE DATE.**

The taxes imposed by this Ordinance shall become effective on January 1, 2017.

Section 11. **DUTIES OF THE DIRECTOR OF FINANCE.**

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Ordinance. The Director of Finance is charged with the enforcement of this Ordinance and may adopt rules and regulations relating to such enforcement.

Section 12. **TERM OF TAX IMPOSITION.**

The ad valorem taxes enacted by this Ordinance shall be imposed and levied until the authorized indebtedness is fully paid. The City shall place delinquencies on subsequent tax bills.

Section 13. **SAVINGS CLAUSE.**

If a court of competent jurisdiction finds that any provision, sentence, clause, section or part of this Ordinance is unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Ordinance, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that the Council would have adopted this Ordinance if such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof was not included herein.
Section 14. COMPLIANCE

Under Section 53410 of the California Government Code, the bonds shall be for the specific purposes authorized in this Ordinance and the proceeds of such bonds will be applied only for such specific purposes. The City will comply with the requirements of Sections 53410(c) and 53410(d) of the California Government Code.

Section 15. REIMBURSEMENTS

The City shall be reimbursed for expenditures the City incurred or expected to incur prior to the issuance and sale of any series of the Bonds in connection with the Project. The City Council hereby declares the City's intent to reimburse the City with the proceeds of the bonds for expenditures with respect to the Project (the "Expenditures" or “Expenditure”) that are made on and after the date that is no more than 60 days prior to the passage of the Ordinance. The City reasonably expects on the date hereof that it will reimburse the eligible Expenditures with the proceeds of the Bonds.

Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City. The maximum aggregate principal amount of the Bonds expected to be issued for the Project is $600 million. The City shall make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the applicable series of bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the related portion of the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City may make exceptions for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and Expenditures for construction projects of at least 5 years.
Section 16. EFFECTIVE DATE.

This Ordinance shall be effective only if it is approved by two-thirds of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council.
This measure would allow the City to borrow up to $600 million by issuing general obligation bonds. The bonds would be repaid with revenue from an “ad valorem” property tax. “Ad valorem” means according to the value of the property. The City would impose a tax based on the value of real property and improvements within the City to pay the principal and interest on the bonds.

The City would use this money to build, buy, improve, and rehabilitate facilities and infrastructure, and for affordable housing in Oakland. Specifically, the bonds would be used for:

- Street paving and reconstruction, bikeways, sidewalks, paths, stairs, streetscape, curb ramps, and traffic calming improvements - $350 million;
- Construction, purchase, improvement or rehabilitation of City facilities including fire and police facilities, libraries, parks, recreation and senior facilities - $130 million;
- Water, energy and seismic improvements consistent with the City’s Energy and Climate Action Plan - $20 million;
- Anti-displacement and affordable housing preservation projects including acquisition, rehabilitation, or new construction of affordable housing according to the City’s Affordable Housing Bond Law Ordinance - $100 million.

The projects financed by the bonds would be completed as needed according to City Council established priorities as set forth in the City’s Capital Improvement Plan. The City also would consider factors including social and geographic equity, improvements to existing core capital assets, impacts on existing operations and maintenance costs, and effects on energy consumption, resiliency and mobility. Prior to each bond issue, the City Council would identify the specific projects that would be financed with the bond proceeds.

The measure would authorize the City to use bond proceeds to develop, construct and acquire up to 2000 rental housing units for low-income households in accord with Article 34 of the California Constitution, which requires voter approval for the development, acquisition or construction of “low-rent” housing projects.
The measure would require an annual audit to ensure accountability and the proper use of bond proceeds. The measure would also require the City Council to establish a citizen oversight board or commission, or assign an existing board or commission, to monitor and report to the City Council on bond expenditures.

s/BARBARA J. PARKER
City Attorney
CITY ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE KK

Measure KK submits to the voters the question of whether to authorize the City to issue up to $600 million in general obligation bonds to finance City infrastructure projects and affordable housing. Proceeds from the sale of the bonds could be used only to pay for the projects described in the measure and certain costs associated with issuing the bonds.

The City would impose an annual ad valorem tax to pay the principal and interest due on the bonds. “Ad valorem” means according to value. An ad valorem tax based on the value of the real property and improvements would be levied on all taxable property within the City. When the bonds are repaid, the annual tax will terminate.

California law authorizes cities to issue general obligation bonds to finance acquisition or improvement of real property subject to certain limitations.

The Tax Rate Statement, included in the ballot materials, reflects the City’s current estimate of the additional ad valorem property tax levy that would be required to repay the bonds. The Tax Rate Statement is an estimate based on currently available data and projections. The actual tax levied could be more or less than the City’s estimate. The measure requires the following:

- A citizen oversight board or commission to review bond expenditures and report to the City Council,
- Deposit of bond proceeds in a special trust account, and
- Annual audits to ensure accountability and proper disbursement of the bond proceeds and compliance with California laws. This annual audit would be required until the City spends all of the bond proceeds.

The bond proceeds would finance:

- Street paving and reconstruction, bikeways, sidewalks, paths, stairs, streetscape, curb ramps, and traffic calming improvements;
- Construction, purchase, improvement or rehabilitation of City facilities including fire, police, library, parks, recreation, and senior facilities;
- Water, energy and seismic improvements consistent with the City’s Energy and Climate Action Plan;
- Anti-displacement and affordable housing preservation projects including acquisition, rehabilitation, or new construction according to the City Affordable Housing Bond Law.

The projects financed by the bonds would be completed as needed according to City Council established priorities as set forth in the City’s Capital Improvement Plan and considering factors including social and geographic equity, improvements to existing core capital assets, impacts on existing operations and maintenance costs, and effects on energy consumption, resiliency and mobility. Before each bond issue, the City Council would identify the specific projects to be financed.
This measure would authorize the City to use bond proceeds to develop, construct and acquire up to 2000 rental housing units for low-income households pursuant to Article 34 of the California Constitution. Article 34 requires voter approval for the development, acquisition or construction of “low-rent” housing projects.

A vote of “yes” by two-thirds (2/3) of votes cast is required to approve the issuance of $600 million in bonds and impose ad valorem taxes necessary to pay the bonds.

s/BARBARA J. PARKER
City Attorney
City Auditor’s Impartial Financial Analysis of Infrastructure Bond Ballot Measure

This Measure authorizes the City of Oakland to issue up to $600,000,000 in General Obligation bonds to fund various infrastructure and affordable housing projects. The City plans to expend funds as follows:

- Streets, Sidewalks and Pedestrian, Bicycle and Traffic Safety
- Public Safety and Improving Quality of Life (Libraries, Parks & Recreation, Fire and Police)
- Housing Anti-Displacement Measures

Financial Impact

Our estimate is based on the assumption that all of the authorized bonds will be issued within 10 years in five series, so that the entire $600 million is not issued at one time. Principal and interest on the bonds will be payable from the proceeds of annual tax levies made upon the taxable property in the City.

Beginning with the first issuance, based on the projected issue of $200 million in the first series of bonds, the estimated annual tax rate per $100,000 of assessed value will be approximately $23.55. The average assessed value of a single family residence in Oakland for 2015 was $434,028, which means the 2017-2018 tax rate for such property is estimated at $102.21.

Once the last projected series of bonds is issued, the estimated annual tax rate will reach its highest estimated value of $79.12 per $100,000 of assessed value, or $343.40 for the average assessed value of $434,028 for a single family residence.

Once all bond series are issued, we expect the tax rate to remain at the same level until the projected maturity dates of the bond series. We anticipate the annual estimated tax rate to gradually decrease as each bond series is paid over time.

The actual tax rates and the years in which they will apply may vary from estimates due to the timing of bond sales, the amount of bonds sold, market interest rates at the time of each sale, and actual assessed valuations over the repayment term of the bonds. Additionally, without limitation as to rate or amount, the City Council may levy and collect additional tax sufficient to pay debt service on the bonds in any fiscal year.

The bonds may be used for approved projects and the costs of the issuance and sale of the bonds. There will be other administrative costs associated with this Measure including a proposed Citizen Oversight Commission; however, these costs cannot be effectively determined until program implementation.
Tax Rate Statement for Measure KK

An election will be held in the City of Oakland (the “City”) on November 8, 2016 to authorize the sale of up to $600,000,000 in bonds of the City to finance improvements to street paving and reconstruction; bicycle and pedestrian improvements; bikeways, sidewalks, paths, stairs, streetscape, curb ramps; traffic calming improvements; fire facilities, police facilities, libraries, parks, recreation and senior facilities, water, energy and seismic improvements consistent with the City’s Energy and Climate Action Plan and anti-displacement and affordable housing preservation projects including acquisition, rehabilitation, or new construction of affordable housing, as described in the measure. If the voters approve the bonds, the City expects to sell the bonds in five 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 Elections Code of the State of California.

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 first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 2.35 cents average per $100 ($23.55 average per $100,000) of assessed valuation in fiscal year 2017-18. The City’s fiscal year is currently July 1 through June 30.

2. 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 last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 7.66 average cents per $100 ($76.56 average per $100,000) of assessed valuation in fiscal year 2026-2027.

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 of this statement, is 7.91 cents per $100 ($79.12 per $100,000) of assessed valuation in fiscal year 2033-2034.

4. The best estimate of total debt service, including principal and interest that would be required to be repaid if all the bonds are issued and sold is $1,179,640,700. This estimate is based on the assumption that all of the authorized bonds will be issued within 10 years after the first bond issuance in 2017. This estimate assumes that each series of bonds has a 30 year term.

Voters should note that the estimated tax rate is based on ASSESSED VALUE of taxable property on the County of Alameda 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.
QUALIFICATIONS/DISCLOSURES

Attention of all voters is directed to the fact that the foregoing information is based only on the City’s projections and estimates, which are not binding upon the City. The actual tax rates and the years in which they will apply may vary from those currently 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 in the annual assessment and the equalization process.

s/Sabrina B. Landreth
City Administrator
Rental rates in Oakland have increased 34% since 2011 and the median housing price has doubled since 2010. **Oakland is facing a housing affordability crisis.** We’ve already seen too many Bay Area Communities become unaffordable for middle and low-income residents.

We won’t let that happen here in Oakland. That’s why we support Oakland Measure KK. This measure takes a major step toward keeping Oakland, Oakland. It will allow us to protect Oaklanders all across the city from being forced to move out of affordable housing so we can keep long-term residents here in our community.

Today, average Oaklanders are spending hundreds of dollars every year on flat tires and car repairs as a result of potholes and bad roads. Measure KK will invest in fixing our crumbling infrastructure so it’s safer and easier to drive, walk, and bike around our beautiful city. The measure will improve quality of life citywide by re-paving streets, rebuilding cracked and deteriorating sidewalks, and improving bicycle and pedestrian safety. It will also repair and improve parks, libraries, and public safety facilities. The Measure’s equity requirement will ensure improvements are distributed fairly throughout the city-especially in communities that need them the most.

Measure KK will allow us to invest in neighborhoods throughout Oakland, protect low-income families from being displaced, and improve the infrastructure that makes Oakland a great place to live and raise a family.

The projects will be selected though a public budgeting process. A Citizen Oversight Committee will independently audit the spending from this measure to make sure it is spent as promised.

Join us by voting YES on Measure KK. Let’s come together to invest in a better quality of life for all Oaklanders.

Libby Schaaf, Oakland Mayor  
Annie Campbell-Washington, Oakland Vice-Mayor  
Abel Guillén, Oakland City Councilmember  
Andreas Cluver, Secretary-Treasurer of the Building and Construction Trades Council of Alameda County  
Frank Kenya Wheeler, Transport Oakland Director
Measure KK: Oakland Infrastructure Bond Rebuttal Against

AS A PROPERTY OWNER you will pay hundreds in annual taxes for the next 30 years, $70 per every $100,000 of assessed value.

AS A RENTER you will pay this increase as your cost of living in Oakland continues to rise because of these city hall initiated taxes eventually becoming part of your rent.

How can the proponents say that his Measure will protect Oaklanders when they add costs to ALL residents? ALL residents matter and ALL will feel this enormous tax increase.

How has the city managed our existing tax dollars? Last year alone we voted for 3 tax increase that equaled close to another $400 a household.

Schools struggle, despite best efforts by parents and teachers. Meanwhile, we pay an additional $500 to help our schools.

Everyday crime is out of control-yet neighborhoods have to hire private patrols and form crime prevention groups to stay vigilant. Meanwhile, we have had the public safety tax for over 7 years.

Measure KK proceeds can be designated as loans, grants, other disbursements to qualified individuals, nonprofit business entities, corporations, partnerships, associations and government agencies-giving City officials carte blanche to take care of their friends. And in 10 years the City Council can simply vote any leftovers to the same friends and supporters.

A citizen advisory-only committee, selected by city hall, won’t make this bond measure a sure bet of success. Council needs to function responsibly to stay within budget.

Please Vote NO.

Jill Broadhurst
Executive Director
East Bay Rental Housing Association
Measure: Oakland Infrastructure Bond

Property owners beware! If the bond measure passes you will pay $70 per $100,000 of your property value and it is guaranteed to go up every year for 30 years. If you own a $500,000 home that amounts to $350 for the first year--on top of all the other assessments the city collects from you.

The ballot language states that “proceeds of the bond can be used to pay or reimburse the City for the costs of city staff when they are performing work on or necessary and incidental to the bond projects.” What is your opinion of how well the city manages our dollars?

The language further states that bond proceeds can be designated as loans, grants, other disbursements to qualified individuals, non-profit business entities, corporations, partnerships, associations and government agencies—giving City officials carte blanche to take care of their friends and supporters. Whatever isn’t spent in 10 years can be reallocated to any one of these large buckets with a simple council resolution.

We said yes to police yet the crime rate is still too high. We said yes to our schools, more then once, only to reluctantly consider private options. We said yes to our libraries only to have them struggle with staff and hours. We were forced to pay higher garbage rates to only see dumping continue with no consequence. When will things change?

We need to wake up. We want our diverse city to function. We want our government to act responsibly and stop looking at our community as a cash cow. We need city hall to take into account how expensive it is to live here and stop asking for more money.

Force City Council to make the hard and real choices and live within a budget. Vote NO.

Jill Broadhurst
Executive Director, East Bay Rental Housing Association
KK MEANS ESSENTIAL INFRASTRUCTURE UPGRADES FOR ALL OAKLANDERS.

Don’t be fooled by phony, misleading arguments. Measure KK will save the city money by reducing maintenance costs and lawsuits, and increasing property values.

KK funds will fix our crumbling infrastructure so it’s safer and easier to drive, ride transit, walk, and bike around our city. The measure will improve the quality of life citywide by re-paving streets, fixing sidewalks, and improving bicycle and pedestrian safety. It also repairs and improves parks, libraries, and public safety facilities.

KK includes strong accountability measures. It mandates a Citizen Oversight Committee to conduct independent financial and performance audits and ensures proceeds are spent as promised. All of the projects will be selected through a robust public budgeting process.

Measure KK funds will be used to protect longtime Oaklanders across the city from being forced to move out of affordable housing. We need Measure KK to keep long-term residents in Oakland.

Measure KK will allow us to invest in neighborhoods across Oakland, protect low-income families against displacement, and improve critical infrastructure to make Oakland an even better place to live and raise a family.

Let’s come together to invest in a better quality of life for ALL Oaklanders by voting YES on KK.
Kathryn Sterbenc-Chair, Oakland Library Advisory Commission
John W. Bliss-President of the Board, Oakland Parks and Recreation Foundation
Chris Hwang-Board President, Walk Oakland Bike Oakland
Daniel Robertson-President, Oakland Firefighters, I.A.F.F. Local 55
Edward R. Gerber