

**FULL TEXT OF MEASURE H**

**CITY OF ST. HELENA**

**ORDINANCE NO. 2022-3**

**AN ORDINANCE ORDERING THE SUBMISSION OF A PROPOSITION INCURRING BONDED INDEBTEDNESS TO THE QUALIFIED VOTERS OF THE CITY OF ST. HELENA AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2022, FOR THE PURPOSE OF FINANCING THE COST OF THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN MUNICIPAL IMPROVEMENT PROJECTS**

The City Council (the “City Council”) of the City of St. Helena (the “City”) hereby ordains as follows:

**SECTION 1. PURPOSE AND INTENT**

Pursuant to the authority provided by the California Government Code and California Elections Code, the City Council proposes to order the submission of a proposition authorizing the City to issue general obligation bonds (the “Bonds”) to the qualified voters of the City at the general municipal election to be held on June 7, 2022.

**SECTION 2. FINDINGS**

The City Council hereby makes the following findings with respect to the proposed measure for the Bonds:

- A. On February 8, 2022, the City Council adopted, by a two-thirds vote of all its members, a resolution entitled “Resolution Determining that the Public Interest and Necessity Demand the Acquisition, Construction and Improvement of Municipal Improvement Projects, and Their Financing Through the Issuance of General Obligation Bonds,” pursuant to which the City Council has found and determined that the public interest and necessity demand the issuance of general obligation bonds to finance the cost of municipal improvement projects.
- B. In order to provide for the issuance by the City of general obligation bonds to provide financing for the municipal improvement projects, it is necessary for the City Council to adopt an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at a municipal election.
- C. 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 June 7, 2022, and to consolidate the bond election with other elections held within the City on that date.

### **SECTION 3. CALL FOR ELECTION**

The City Council hereby orders that there be submitted to the qualified voters of the City a proposition on incurring bonded indebtedness for the purposes set forth in this Ordinance, at the regular election to be held on June 7, 2022.

### **SECTION 4. BALLOT PROPOSITION**

The City Council hereby submits to the qualified voters of the City, at the regular election to be held on June 7, 2022, a proposition on issuing the Bonds. The statement of the measure shall be in substantially the form set forth in the resolution of the City placing the measure on the ballot.

### **SECTION 5. OBJECT AND PURPOSE OF BONDS**

The object and purpose of the Bonds is to finance the costs of municipal improvement projects of the City (the "Improvements"), consisting of drinking water system improvements, including but not limited to Bell Canyon Spillway repairs, water main rehabilitation and replacements, valve replacements, Bell Canyon Phreatic Surface Monitoring, lower reservoir rehabilitation, and replacing pipes to increase fire flow, sewer system improvements, including but not limited to replacing pipes and making Crinella Lift Station improvements, stormwater system improvements, including but not limited to replacing pipes, drains, culverts and other components of the system, and recycled water system improvements, including but not limited to providing pump station and pipes to distribute recycled water, all as acquired or constructed by the City to protect local water quality/supply, improve drought resilience, keep sewage, pollution, trash and chemicals from local rivers, creeks and streams, and protect safe, sustainable, local water sources.

The authorized Improvements also include all work, facilities and expenditures necessary and incidental to the projects described above. Examples of such work, facilities, and expenditures include, but are not limited to: costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; a customary construction contingency; demolition and disposal of existing structures; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; addressing unforeseen conditions revealed by construction or renovation, and other necessary improvements required to comply with existing building codes and other applicable law, including the Americans with Disabilities Act; costs of the bond election; bond issuance costs; project administration during the duration of such projects; and financing and interest costs on the Bonds.

The final costs, locations, designs, layouts and other components of the Improvements will be determined as plans are finalized, construction bids are awarded, and projects are completed. Therefore, the City Council cannot guarantee that the Bonds will provide sufficient funds to allow completion of all needed Improvements.

### **SECTION 6. ESTIMATED COST OF IMPROVEMENTS**

The estimated cost of the Improvements is \$19,150,000. The estimated cost includes legal or other fees, the costs of printing the Bonds, and other costs and expenses incidental to or connected with the authorization, issuance and sale of the Bonds. To the extent the Improvements financed are revenue-producing public works, the cost of the Improvements may also include bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

#### **SECTION 7. PRINCIPAL AMOUNT OF BONDS**

The amount of the principal of the Bonds shall not exceed \$19,150,000.

#### **SECTION 8. MAXIMUM INTEREST RATE**

The maximum rate of interest to be paid on the Bonds shall be the statutory maximum of 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 9. ISSUANCE AND SALE OF BONDS**

The City proposes 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 ad valorem taxes levied and collected in the manner prescribed by the laws of the State of California. The revenue generated from the ad valorem tax levied and collected will be used for the payment of debt service on the Bonds. All of the Bonds shall be equally and ratably secured, without priority, by the taxing power of the City.

#### **SECTION 10. MANNER OF CONDUCTING ELECTION**

The election on the Bonds held on June 7, 2022 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 with which it is consolidated.

#### **SECTION 11. 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 of Napa (the "County") charged with conducting the election.

#### **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 shall be created and held by the City, into which the proceeds of the Bonds are deposited and applied solely for the purpose of financing the Improvements.
- (b) The Administrative Services Director of the City shall file a report with the City Council at least annually showing the amount of Bond proceeds collected and expended, and the status of the Improvements.

### **SECTION 13. IDENTIFICATION OF TAX**

The tax imposed by this measure is an ad valorem tax levied upon taxable real property in the City, and will be used to pay the principal and interest on the Bonds.

### **SECTION 14. ESTABLISHMENT OF OVERSIGHT COMMITTEE**

In the event the ballot proposition is passed by two-thirds of all qualified voters voting on the proposition and the Bonds are issued, 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 15. OFFICIAL ACTIONS**

The Mayor, the City Manager, the Administrative Services Director, the City Clerk, and 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.

### **SECTION 16. INTERPRETATION**

The provisions of this Ordinance, being necessary for the health, welfare, and safety of the City and its residents, is to be liberally interpreted to carry out its purposes. No error, irregularity or informality, and no neglect or omission of any officer, in any proceeding taken related to the submission of the proposition incurring bonded indebtedness to the qualified voters of the City shall void or invalidate any such proceeding, any Bonds issued by the City or any levy of ad valorem taxes to pay principal of and interest on the Bonds.

### **SECTION 17. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions this Ordinance are declared to be severable.

**SECTION 18. 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. If there are no such newspapers, it shall be posted in three public places in the City for two succeeding weeks. No other notice need be given.

**SECTION 19. EFFECTIVE DATE**

In accordance with Section 36937(a) of the California Government Code, this Ordinance shall become effective immediately, as an ordinance relating to an election, upon its adoption by two-thirds vote of all the members of this City Council.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 8<sup>th</sup> day of February, 2022, and was adopted at a regular meeting of the St. Helena City Council on the 22<sup>nd</sup> day of February, 2022, by the following vote:

Mayor Ellsworth:	Yes
Vice Mayor Dohring:	Yes
Councilmember Chouteau:	Yes
Councilmember Hardy:	Yes
Councilmember Hall:	Yes

APPROVED:

\_\_\_\_\_  
Geoff Ellsworth, Mayor

ATTEST:

CITY OF ST. HELENA

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Cindy Tzafopoulos, City Clerk

I, CINDY TZAFPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 8<sup>th</sup> day of February, 2022. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 22<sup>nd</sup> day of February, 2022, by the following vote:

Mayor Ellsworth:	Yes
Vice Mayor Dohring:	Yes

Councilmember Chouteau: Yes  
Councilmember Hardy: Yes  
Councilmember Hall: Yes