

General Obligation Bond for Pools and Associated Facilities

BALLOT QUESTION

Shall the City of Berkeley issue general obligation bonds not exceeding \$19,400,000 to fund construction of replacement Warm and Willard pools, and renovation or replacement of associated facilities, as well as repair, renovation or replacement of locker rooms and associated facilities at the existing West Campus and King pools?

Financial Implications:

The average annual cost over the 30-year period the bonds are outstanding would be approximately \$7.01 per \$100,000 of assessed valuation.

FULL TEXT OF BOND MEASURE

AUTHORIZING THE CITY OF BERKELEY TO INCUR BONDED DEBT AND ISSUE A GENERAL OBLIGATION BOND FOR POOLS AND ASSOCIATED FACILITIES

WHEREAS, this resolution is adopted pursuant to and in conformance with Chapter 7.64 of the Berkeley Municipal Code; and

WHEREAS, on November 17, 2009, the Berkeley City Council adopted the Pools Master Plan; and

WHEREAS, the City Council has determined to implement the following elements of the Pools Master Plan (the "Improvements") at this time:

- **Warm Water Pool.** Construct a replacement indoor warm pool and repair, renovate or replace associated facilities, including but not limited to utility structures, including locker rooms (including the locker room serving the existing outdoor lap pool), restrooms, mechanical rooms and equipment, and related site improvements such as paving, lighting, fencing, utilities, and landscaping and other amenities, at West Campus (University Avenue at Bonar Street).
- **Willard Middle School.** Renovate or replace the previously existing swimming pool and repair, renovate or replace associated facilities, including but not limited to utility structures, including locker rooms, restrooms, mechanical rooms and equipment, and related site improvements such as paving, lighting, fencing, utilities, and landscaping and other amenities, at Willard Middle School.
- **King Middle School.** Repair, renovate or replace the locker rooms at the swimming pool at King Middle School and related site improvements such as paving, lighting, fencing, utilities, and landscaping and other amenities, as funding allows; and

WHEREAS, the Improvements are estimated to cost \$19,400,000 and

WHEREAS, funds are not available to construct the Improvements unless the City issues a general obligation bond; and

WHEREAS, implementation of the Pools Master Plan, even in part, will serve the public interest of the residents of Berkeley by providing both recreational and therapeutic pools, thereby providing opportunities for improved health and fitness of Berkeley residents; and

WHEREAS, the City Council has therefore determined that the public interest requires additional funding for construction of the Improvements.

NOW THEREFORE, BE IT RESOLVED by the People of the City of Berkeley that the public interest requires the issuance of a general obligation bond in the amount of \$19,400,000 to fund construction of the Improvements as described above.

BE IT FURTHER RESOLVED the People of the City of Berkeley that proceeds of bonded indebtedness shall be used to construct the Improvements specified above. For purposes of this measure, "Improvements" shall also include design, permitting, administrative and overhead costs.

BE IT FURTHER RESOLVED by the People of the City of Berkeley that:

A. The estimated cost of the Improvements to be funded by any bonds issued pursuant to this measure is \$19.4 million.

B. The amount of the principal of the general obligation indebtedness (the "Bonds") to be incurred shall not exceed \$19.4 million.

C. The estimated cost may include 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 the Bonds.

D. The proceeds of the Bonds authorized to be issued by this resolution shall be used to finance construction of the Improvements and to pay any fees and costs in connection with the issuance of the Bonds, including but not limited to, legal fees and bond printing costs.

E. The maximum rate of interest to be paid on the Bonds shall not exceed eight percent (8%).

BE IT FURTHER AND FINALLY RESOLVED by the People of the City of Berkeley that in the event this measure is approved by two thirds of the voters, it shall take effect, and debt may be incurred, only if all of the following conditions are met:

A. the voters also approve the special tax on the November 6, 2012, ballot to fund operation and maintenance of the new Warm Water and Willard pools;

B. after the City of Berkeley executes a lease or leases with the Berkeley Unified School District for all of the pool sites on which funds will be spent, and such lease or leases provide: (1) for a term of at least 40 years with at least one ten-year option that

may be exercised by the City; (2) for nominal rent; and (3) that the Berkeley Unified School District shall pay user fees on the same basis as other users.