ORDINANCE NO._______
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
CALLING A SPECIAL ELECTION AND ORDERING THE
SUBMISSION OF A PROPOSITION INCURRING BONDED
DEBT FOR THE PURPOSE OF CONSTRUCTION AND
COMPLETION OF A NEW MITCHELL PARK LIBRARY AND
COMMUNITY CENTER, RENOVATION AND EXPANSION OF
MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN
LIBRARY TO THE QUALIFIED VOTERS OF THE CITY OF
PALO ALTO AT THE SPECIAL MUNICIPAL ELECTION TO BE
HELD ON NOVEMBER 4, 2008

WHEREAS, use of the Palo Alto libraries has increased; in fiscal year 2007-2008
circulation in Palo Alto libraries increased 8% over the prior year, and users checked out over 1.5
million books, periodicals, DVDs, and other materials; and

WHEREAS, in a 2007 report, the City Auditor determined that Palo Alto libraries
are in the poorest condition when compared to libraries in ten surrounding communities; and

WHEREAS, the Auditor’s report specifically noted that Palo Alto’s libraries were
overcrowded, had poor lighting and inadequate meeting spaces; and

WHEREAS, Palo Alto libraries are cramped, have poor lighting, and have no room
for expansion of collections or group study and quiet reading areas; and

WHEREAS, Mitchell Park Library was built more than fifty years ago; over the past
twenty years circulation there has tripled and it currently receives more than one thousand
visitors per day; and

WHEREAS, Mitchell Park Library has the highest circulation of all libraries in Palo
Alto, but it is too small and outdated to serve the population that uses it today; and

WHEREAS, many residents in our community, especially children and seniors, rely
on Palo Alto libraries; and

WHEREAS, some of the heaviest use occurs after school when children from the
neighborhood schools gather to do homework, research and work on group projects; at these
times, the libraries can be overcrowded and noisy, making it challenging for others to
comfortably use the library, study, or access services; and

WHEREAS, Mitchell Park, Main and Downtown libraries have poor ventilation and
lack air conditioning; and

WHEREAS, Mitchell Park, Main and Downtown libraries are too small to
accommodate growth in library collections, which residents have identified as a priority for City
libraries; and
WHEREAS, under the conditions described above, our libraries cannot fully offer the services and resources our Palo Alto residents deserve; and

WHEREAS, it is critical that the City provide libraries and community centers that afford earthquake safety by construction to modern seismic standards; and

WHEREAS, the City needs to ensure and enhance disabled access at its public libraries and community centers; and

WHEREAS, libraries are an important community asset because they provide more than just books—they are a place for residents to learn and to gather and they enrich the culture of our City; and

WHEREAS, on July 21, 2008, this City Council adopted, by a two-thirds vote of all the members of the Council, a Resolution entitled "A Resolution of the Council of the City of Palo Alto Determining That the Public Interest and Necessity Demand the Construction and Completion of a New Mitchell Park Library and Community Center and the Renovation of Main and Downtown Libraries and their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of constructing the new Mitchell Park library and community center and renovating and improving Main and Downtown libraries, it is necessary for this 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 an election; and

WHEREAS, a Special Municipal Election for the City is to be held on Tuesday, November 4, 2008; and

WHEREAS, the City Council desires to submit to the voters at the election the proposition of incurring bonded indebtedness as hereinafter set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALO ALTO, CALIFORNIA, does ordain as follows:

SECTION 1. Ballot Proposition. That the following question shall be submitted to the voters of the City at the Special Municipal Election to be held on November 4, 2008:

"LIBRARY FACILITY, COLLECTIONS, SAFETY IMPROVEMENT BOND. To ensure seismic safety, enhance disabled access, provide additional space to expand library collections, add new children's and group activity areas, replace outdated lighting, and provide proper ventilation and air conditioning systems, shall the City of Palo Alto issue bonds up to $76,000,000 to construct a new energy-efficient Mitchell Park Library and Community Center, expand and renovate Main Library, and renovate Downtown Library, with annual audits and independent citizen oversight?"

_____ YES _____ NO
SECTION 2. Object and Purpose of Bonds. The object and purpose of incurring the indebtedness is to finance the costs of constructing a new energy efficient, environmentally friendly library and community center at Mitchell Park and the costs of renovating and expanding Main Library and renovating Downtown Library, including enhancements at all three facilities for earthquake safety and disabled access, expanded space for library collections, meeting and study areas, and new air conditioning, ventilation and lighting systems. The foregoing improvements are referred to herein as the "Improvements". The City wishes to construct the Improvements because the present library and community center at Mitchell Park, and the Main and Downtown libraries, are inadequate to serve the needs of the citizens of the City.

SECTION 3. Estimated Cost of Improvements. The estimated cost of the portion of the costs of the Improvements to be paid for from the City’s general obligations bonds is seventy-six million dollars ($76,000,000). 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 authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of $76,000,000 will be paid for from other funds of the City.

SECTION 4. Principal Amount of Bonds. The amount of the principal of the indebtedness to be incurred is not to exceed seventy-six million dollars ($76,000,000).

SECTION 5. Maximum Interest Rate. The maximum rate of interest to be paid on the indebtedness shall be twelve percent (12%) per annum.

SECTION 6. Issuance and Sale of Bonds. This City Council does hereby call a special municipal election on Tuesday, November 4, 2008, and submit to the qualified voters of the City, at said Special Municipal Election, the proposition set forth in Section 1 hereof. The City proposes to construct and complete the Improvements, and to issue and sell General Obligation Bonds of the City pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 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 are to 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 said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 7. Consolidation; Manner of Conducting Election. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Special Election on Tuesday, November 4, 2008, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Procedure for Voting on Proposition. Each voter to vote for the proposition and for the incurring of said indebtedness shall fill in the oval to the left of the word "YES" on the ballot below the proposition heading; and each voter to vote against the proposition
and against the incurring of said indebtedness shall fill in the oval to the left of the word "NO" on the ballot below the proposition heading.

SECTION 9.  Time and Place of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10.  Publication of Ordinance. 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 August 8, 2008, a certified copy of this Ordinance to the Board of Supervisors (the “Board of Supervisors”) of Santa Clara County (the “County”), and a copy with the County Clerk of the County and the Registrar of Voters of the County.

SECTION 11.  Canvassing Election Returns. The Board of Supervisors is hereby authorized to canvass the returns of said City Bond Election.

SECTION 12.  Election Instructions. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13.  Accountability Requirements. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included on the ballot for the Bonds, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the City’s Bond Measure “LIBRARY FACILITY, COLLECTIONS, SPACE, SAFETY IMPROVEMENT BOND” (the “Measure”):

a) The specific purpose of the bonds is to build a new Mitchell Park library and community center, expand and renovate Main library, and renovate Downtown library;

b) The proceeds from the sale of the City’s bonds will be used only for the purposes specified in the Measure, and not for any other purpose;

c) The proceeds of the Bonds will be deposited into a Library/Community Center Project Construction Fund to be held by the City; and

d) The Administrative Services Director of the City shall file an annual report with the City Council of the City, commencing not later than November 1, 2009, and annually
NOT YET APPROVED

thereafter, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the public safety project listed in the Measure.

In addition to those required measures, the City shall create a citizen's oversight committee to monitor the projects and report to the City Council.

SECTION 14. Estimated Tax Rate. At this time, the best estimate from official sources of the tax rate required to be levied to fund the bond issue is $27 per $100,000 of assessed value.

SECTION 15. Reimbursement for Election Costs. That the City of Palo Alto recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 16. Ballot Form and Content. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 17. Actions and Materials Necessary for Conducting Election. That the City Clerk is authorized, instructed and directed to have the Santa Clara County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The City Manager is authorized to make changes to the ballot language as required by the County Clerk and/or Registrar of Voters.

SECTION 18. Election Polls. That the polls for the election shall be open at 7:00 o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 19. Ballot Arguments. Pursuant to Elections Code Section 10403, August 8, 2008 is the deadline for submission to the Board of Supervisors by a local agency the ordinance or resolution requesting consolidation with the statewide election and any resolution or ordinance placing a measure on the November 4, 2008 ballot. Pursuant to Elections Code Section 9286 et. seq., August 13, 2008 at 5 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, the priorities established by Elections Code Section 9287 shall control.

SECTION 20. Rebuttal Arguments. The provisions of Elections Code Section 9285 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be August 20, 2008 at 5 p.m.

SECTION 21. Impartial Analysis. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.
SECTION 22. Effective Date: This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this City Council.

The above ordinance was introduced with the first reading waived at a regular meeting of the City Council on the 21st day of July, 2008, and passed and adopted at a regular meeting of said Council held on the 4th day of August, 2008, by the following vote:

INTRODUCED: July 21, 2008
PASSED: August 4, 2008
AYES:
NOES:
ABSENT:
ABSTENTIONS:
ATTEST:

__________________________________________
City Clerk

__________________________________________
Mayor

APPROVED AS TO FORM:

__________________________________________
Deputy City Attorney

APPROVED:

__________________________________________
City Manager or designee

__________________________________________
Director of Administrative Services
RESOLUTION NO. ______
RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO
DETERMINING THAT THE PUBLIC INTEREST AND
NECESSITY DEMAND THE CONSTRUCTION AND
COMPLETION OF A NEW MITCHELL PARK LIBRARY AND
COMMUNITY CENTER, RENOVATION AND EXPANSION OF
MAIN LIBRARY, AND RENOVATIONS TO DOWNTOWN
LIBRARY AND THEIR FINANCING THROUGH THE ISSUANCE
OF GENERAL OBLIGATION BONDS

WHEREAS, use of the Palo Alto libraries has increased; in fiscal year 2007-2008
circulation in Palo Alto libraries increased 8% over the prior year, and users checked out over 1.5
million books, periodicals, DVDs, and other materials; and

WHEREAS, in a 2007 report, the City Auditor determined that Palo Alto libraries
are in the poorest condition when compared to libraries in ten surrounding communities; and

WHEREAS, the Auditor’s report specifically noted that Palo Alto’s libraries were
overcrowded, had poor lighting and inadequate meeting spaces; and

WHEREAS, Palo Alto libraries are cramped, have poor lighting, and have no room
for expansion of collections or group study and quiet reading areas; and

WHEREAS, Mitchell Park Library was built more than fifty years ago; over the
past twenty years circulation there has tripled and it currently receives more than one thousand
visitors per day; and

WHEREAS, Mitchell Park Library has the highest circulation of all libraries in Palo
Alto, but it is too small and outdated to serve the population that uses it today; and

WHEREAS, many residents in our community, especially children and seniors, rely
on Palo Alto libraries; and

WHEREAS, some of the heaviest use occurs after school when children from the
neighborhood schools gather to do homework, research, and work on group projects; at these
times, the libraries can be overcrowded and noisy, making it challenging for others to
comfortably use the library, study, or access services; and

WHEREAS, Mitchell Park, Main and Downtown libraries have poor ventilation
and lack air conditioning; and

WHEREAS, Mitchell Park, Main and Downtown libraries are too small to
accommodate growth in library collections, which residents have identified as a priority for City
libraries; and
WHEREAS, under the conditions described above, our libraries cannot fully offer the services and resources our Palo Alto residents deserve; and

WHEREAS, it is critical that the City provide libraries and community centers that afford earthquake safety by construction to modern seismic standards; and

WHEREAS, the City needs to ensure and enhance disabled access at its public libraries and community centers; and

WHEREAS, libraries are an important community asset because they provide more than just books -- they are a place for residents to learn and to gather and they enrich the culture of our City; and

WHEREAS, the City is authorized to issue general obligation bonds to finance municipal improvements pursuant to the provisions of Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code (the "Act"); and

WHEREAS, the City intends to issue general obligation bonds under and pursuant to the Act to finance the costs of constructing a new energy efficient, environmentally friendly Mitchell Park Library and Community Center, renovating and expanding Main Library, and renovating and Downtown Library, including enhancements at all three facilities for seismic safety and disabled access, expanded space for library collections, meeting and study areas, and new air conditioning, ventilation and lighting systems (the "Improvements"); and

WHEREAS, in order to initiate proceedings under the Act to provide for the financing of the Improvements, this Council must make certain findings and determinations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALO ALTO, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

SECTION 1. The public interest and necessity demand, and it is the intention of this Council to require the construction and completion of the Improvements, and to issue general obligation bonds of the City to finance the cost thereof, subject to completion of the proceedings required by the Act.

SECTION 2. This Council hereby finds and determines that the estimated costs of the Improvements will require an expenditure by the City greater than the amount allowed for it by the annual tax levy of the City. The principal amount of general obligation bonds of the City to be issued for the Improvements will pay for the estimated cost for the Improvements.
SECTION 3. This resolution is adopted, and general obligation bonds of the City are to be issued, pursuant to the Act.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

______________________________  ________________________________
City Clerk                                Mayor

'APPROVED AS TO FORM:  APPROVED:

______________________________  ________________________________
Deputy City Attorney                    City Manager or designee

______________________________
Director of Administrative Services
CITY OF PALO ALTO MEASURES/ORDINANCES

If a majority of the qualified voters voting on a proposed ordinance or measure vote in its favor, the ordinance or measure shall be a valid and binding ordinance of the city. The ordinance or measure shall be considered as adopted upon the date that the vote is declared by legislative body, and shall go into effect 10 days after that date.

The following are deadlines, established by the City Clerk, relating to any measure to appear on the November 4, 2008 ballot.

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 4, 2008</td>
<td>Last regularly scheduled City Council meeting at which a Special Election may be called.</td>
</tr>
<tr>
<td>August 13, 2008</td>
<td>Last day to file written arguments for or against a measure not to exceed 300 words. Direct arguments may not be changed or withdrawn after this date.</td>
</tr>
<tr>
<td>August 20, 2008</td>
<td>Last day to file, change, or withdraw rebuttal arguments not to exceed 250 words.</td>
</tr>
</tbody>
</table>

No more than five signatures shall be accepted on an argument. All signatures on arguments and any other related documents must be original signatures. Faxed or photocopied signatures will not be accepted. PAMC 2.40.080 does not allow the use of Board or Commission titles in ballot arguments.

Any signatory to rebuttal arguments must either have signed the original argument or be authorized in writing from the authors of the argument to
sign the rebuttal argument. The written authorization allowing a person to
sign a rebuttal argument must be filed at the time of filing the rebuttal
argument.

Text for arguments in the sample ballot pamphlets are printed single-
spaced, full-justified, standard paragraph form. Only standard bullets (*)
will be printed and non-standard bullets will be changed to standard bullets.
You may bold, italicize and underline text.

Arguments are confidential until after the deadline for the filing of those
arguments.
**Guidelines for Counting Words**

These guidelines are to aid you with computing the word count for arguments. The Registrar of Voters will make final determination. The author’s titles and signatures are not counted in the word count, only the text. Punctuation does **not** count as a word.

### WORD(S)

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dictionary words</td>
<td>One</td>
</tr>
<tr>
<td><em>The words “I”, “a”, “the”, “and”, etc. are counted as individual words.</em></td>
<td></td>
</tr>
<tr>
<td>Abbreviations/Acronyms</td>
<td>One</td>
</tr>
<tr>
<td><em>Examples: SJSU, PTA, U.S.M.C., S.J.P.D.</em></td>
<td></td>
</tr>
<tr>
<td>Geographical names</td>
<td>One</td>
</tr>
</tbody>
</table>
| *Examples: City of San Jose*  
*County of Santa Clara*  
*San Jose Unified School District* |       |
| Numbers/Numerical Combinations: | One   |
| Digits (1, 10, or 100, etc.) | One   |
| Spelled out (one, ten, or one hundred) | One   |
| 50%, ½, etc.              | One   |
| Numbers or letter used to identify a portion of text | One   |
| *Examples: (l) or (a)*    |       |
| Dates:                    |       |
| All digits (01/01/04)     | One   |
| Words and digits (January 1, 2004) | Two   |
| Characters used in place of a word or number | One   |
| *Examples: & or #*        |       |
| Hyphenated words:         |       |
| *Hyphenated words that appear in any dictionary printed in the United States in the last 10 years shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words.* |       |
| Mother-in-law             | One   |
| One-half                  | Two   |
ARGUMENT FILER CHECKLIST

Have you completed or complied with the following?

- Authors meet criteria to sign
- Author’s title as signed meets criteria
- Check which criteria author is signing pursuant to
- Residential address completed if author meets eligible voter criteria to sign
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author’s name on name line
- Only author’s TYPED title on title line
- Author’s TYPED name exactly matches signed name
- Author’s gender circled
- All signatures are original signatures
- Contact information supplied
- Not more than 300 words
- File argument by deadline

REBUTTAL ARGUMENT FILER CHECKLIST

Have you completed or complied with the following?

- If different authors, submit written authorization
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author’s name on name line
- Only author’s title TYPED on title line
- Author’s TYPED name exactly matches signed name
- Author’s gender circled
- All signatures are original signatures
- Not more than 250 words
- Contact information supplied
- File rebuttal argument by deadline
ARGUMENT
DECLARATION BY AUTHOR(S) OR PROPONENT(S)
(Elections Code § 9161, 9164, 9501, 9501.5, 9600)

The undersigned author(s) of the argument in favor of/against ballot measure ______ at the
(circle one) (letter)

_________________________ election for the ____________________________
(title of election) (name of jurisdiction)

to be held on __________________________ hereby state that such argument is true and correct to the best
(date of election)
of __________________________ knowledge and belief.
(his / her / their)

1. ____________________________________________
   Signature Date
   __________________________
   Type Title to Appear on Argument

   Author meets criteria of: ___ Gov. Bd. Member ___ Principal Officer of Bona Fide Assoc. ___ Reg. Voter in Dist.

2. ____________________________________________
   Signature Date
   __________________________
   Type Title to Appear on Argument

   Author meets criteria of: ___ Gov. Bd. Member ___ Principal Officer of Bona Fide Assoc. ___ Reg. Voter in Dist.

3. ____________________________________________
   Signature Date
   __________________________
   Type Title to Appear on Argument

   Author meets criteria of: ___ Gov. Bd. Member ___ Principal Officer of Bona Fide Assoc. ___ Reg. Voter in Dist.

4. ____________________________________________
   Signature Date
   __________________________
   Type Title to Appear on Argument

   Author meets criteria of: ___ Gov. Bd. Member ___ Principal Officer of Bona Fide Assoc. ___ Reg. Voter in Dist.

5. ____________________________________________
   Signature Date
   __________________________
   Type Title to Appear on Argument

   Author meets criteria of: ___ Gov. Bd. Member ___ Principal Officer of Bona Fide Assoc. ___ Reg. Voter in Dist.

Contact Person Telephone # Fax #
The undersigned author(s) of the rebuttal to the argument in favor of/against ballot measure _____ at the (circle one) (letter)

__________________________ election for the ________________
(title of election) (name of jurisdiction)

to be held on ________________ hereby state that such argument is true and correct to the best
date of election)
of __________________________ knowledge and belief.
(his/her/their)

1. Signature Date

Type Title to Appear on Rebuttal

Type Name as Signed Male/Female

2. Signature Date

Type Title to Appear on Rebuttal

Type Name as Signed Male/Female

3. Signature Date

Type Title to Appear on Rebuttal

Type Name as Signed Male/Female

4. Signature Date

Type Title to Appear on Rebuttal

Type Name as Signed Male/Female

5. Signature Date

Type Title to Appear on Rebuttal

Type Name as Signed Male/Female

Contact Person Telephone # Fax #
SANTA CLARA COUNTY
REGISTRAR OF VOTERS

REBUTTAL SIGNER AUTHORIZATION

The author of an argument may sign the rebuttal argument or may authorize in writing any other person to author/sign the rebuttal argument. Below is a sample of written authorization that is required when the author of the argument does not sign the rebuttal argument but instead has another person sign in their place. All required signatures must be original signatures.

Date of Election ____________________________

As a signer on the Argument in favor of / against Measure _____ in the (circle one)

_________________________________________, I authorize

(Jurisdiction)

_________________________________________ to sign the rebuttal argument in my place.

(new rebuttal signer)

_________________________________________ Signature

_________________________________________ Printed Name

Date of Election ____________________________

As a signer on the Argument in favor of / against Measure _____ in the (circle one)

_________________________________________, I authorize

(Jurisdiction)

_________________________________________ to sign the rebuttal argument in my place.

(new rebuttal signer)

_________________________________________ Signature

_________________________________________ Printed Name