

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE EARTHQUAKE RETROFIT AND BUILDING REPAIRS AND UPGRADES TO THE CENTRAL LIBRARY AND ITS FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS

WHEREAS, the City Council (the “City Council”) of the City of Pasadena, California (the “City”) has previously studied the need for earthquake retrofitting, repairs and upgrades to the City’s Central Library (the “Project”); and

WHEREAS, the Project will enable the Central Library to reopen after earthquake and seismic repairs, meet current fire safety regulations, replace the leaky roof, remove asbestos and lead paint, update outdated technology and mechanical systems, and restore library services and programs while maintaining the historic and architectural characteristic; and

WHEREAS, the nearly 100-year-old Central Library is listed on the National Register of Historic Places, and was the first structure built in the historic Pasadena Civic Center alongside the Pasadena City Hall and Civic Auditorium and is a cornerstone of the community’s architectural and cultural heritage, forming a key part of Pasadena’s historical identity; and

WHEREAS, the Central Library promotes access to knowledge and learning by providing educational resources, supporting lifelong learning for residents of all ages crucial for personal and professional development, fostering a more informed and skilled community; and

WHEREAS, the Central Library offers various programs and services that cater to different community needs, including literacy programs, cultural events, and technological training, helping to bridge educational gaps and promote community engagement; and

WHEREAS, the Central Library acts as a vital resource for underserved populations, offering equal and free access to books, the internet, and other learning materials that might otherwise be inaccessible; and

WHEREAS, the Central Library provides a gateway to crucial opportunities by providing access to knowledge and educational resources enabling residents to pursue future opportunities and achieve their goals that are particularly transformative for individuals from low-income backgrounds; and

WHEREAS, the Central Library served as a refuge, especially for those experiencing homelessness, offering a temperature-controlled, safe space while providing a full-time Care Navigator from the Pasadena Public Health Department, providing essential social services not replicated at the library branches and which will return upon the reopening; and

WHEREAS, the Project not only aims to preserve the Central Library's historical essence but also to modernize its facilities and bring it into the 21st century ensuring that the Central Library continues to meet contemporary needs and can adapt to future demands, thereby sustaining its role as a critical community resource; and

WHEREAS, beyond its educational role, the Central Library contributes to the City's broader mission of providing numerous critical support services that include offering a reliable space for community gatherings, growth, educational workshops, a location to seek assistance and needed support, an outlet for the arts, and as a shelter during emergencies; and

WHEREAS, the closure of the Central Library has significantly impacted library services in the City, as evidenced by key metrics comparing Fiscal Year 2019, when all libraries were open, to Fiscal Year 2023, with the Central Library closed, despite the continued operation of our branch libraries, and the absence of the Central Library has led to marked declines in various aspects of library usage, highlighting its critical role in the community; and

WHEREAS, existing funds and funding sources are inadequate to finance the Project; and

WHEREAS, the City Council has evaluated alternative funding sources for the Project; and

WHEREAS, the City is authorized to issue general obligation bonds to finance municipal improvements pursuant to the provisions of the Charter of the City of Pasadena (the "Charter"), and certain provisions of the California Government Code, including Article 1, commencing with Section 43600 of Chapter 4 of Division 4 of Title 4 and Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 (collectively, the "Bond Law"); and

WHEREAS, it is determined that the design, construction and improvements comprising the Project are “municipal improvements” within the meaning of California Government Code 43601 and may be financed using proceeds of general obligation bonds; and

WHEREAS, the City intends to issue general obligation bonds (the “Bonds”) under and pursuant to the Charter and the Bond Law to finance the design, construction and improvement of the Project; and

WHEREAS, Assembly Constitutional Amendment No. 10, also known as Proposition 5 (“Proposition 5”), has qualified for the November 5, 2024 Statewide election; and

WHEREAS, Proposition 5, if approved by the voters, *inter alia*, would lower the voter approval requirement for the issuance of general obligation bonds issued by a city to fund construction of “public infrastructure” from two-thirds (2/3) to fifty-five percent (55%) of the voting electorate, provided the bond authorization includes certain accountability requirements; and

WHEREAS, Proposition 5 further provides that its terms, including the lower 55% voter approval requirements, would apply to any proposition authorizing the incurrence of general obligation bonds by a city approved at the same election as Proposition 5 (i.e., November 5, 2024); and

WHEREAS, the City Council intends that the provisions of its bond authorization comply with the requirements of Proposition 5, and accordingly, if

Proposition 5 is approved by the Statewide voters at the November 5, 2024 election, the proposition for the incurrence of the Bonds will be subject to the approval of 55% of the City electorate voting on the measure; and

WHEREAS, the City Council further finds, for clarity, that if Proposition 5 is not approved by the Statewide voters, a 2/3 vote of the City electorate voting on the measure will be required to approve the proposition for the incurrence of the Bonds; and

WHEREAS, it is determined that the design, construction and improvements comprising the Project are “public infrastructure” within the meaning of Proposition 5; and

WHEREAS, in order to initiate proceedings under the Charter and the Bond Law to provide for the financing of the Project, the City Council must make certain findings and determinations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena, California, as follows:

Section 1. Recitals. The above recitals are all true and correct and incorporated herein.

Section 2. Determination of Necessity. The public interest and necessity demand, and it is the intention of the City Council to require the design, construction and improvement of the Project, and to issue the Bonds to finance the cost thereof, subject to the completion of the proceedings required by the Bond Law.

Section 3. Findings. The City Council hereby finds and determines that the estimated costs of the Project will require an expenditure by the City (i) when added to the other expenditures of the City, exceeding the income and revenue provided for in any one year and (ii) greater than the amount allowed for it by the annual tax levy of the City.

Section 4. Issuance of the Bonds. The Bonds, if approved, either by fifty-five percent if Proposition 5 is approved, or by two-thirds vote if Proposition 5 is not approved, of all qualified voters voting on the issuance of the Bonds, are to be issued pursuant to the Bond Law.

Section 5. Initiation of Proceedings. Pursuant to California Government Code Section 43607, the City Council hereby initiates the proceedings required by the Bond Law to issue the Bonds to fund the design, construction and improvement of the Project.

Section 6. Further Action. The Mayor, City Manager, City Attorney, the City's Bond Counsel, and any other staff or consultant of the City are hereby authorized and directed to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Resolution.

Section 7. Effectiveness. The City Clerk shall certify to the passage and adoption of this resolution and this resolution shall become effective upon its adoption by two-thirds vote of all of the members of the City Council.

Adopted at the regular meeting of the City Council on the _____
day of July, 2024, by the following vote:

AYES:

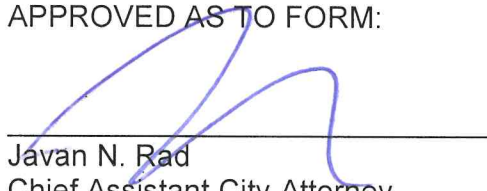
NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, City Clerk

APPROVED AS TO FORM:



Javan N. Rad
Chief Assistant City Attorney

APPROVED AS TO FORM



Eric Tashman
Norton Rose Fulbright US LLP
Bond Counsel