

## RESOLUTION NO. 2018-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY, CALIFORNIA, DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE CONSTRUCTION OF CERTAIN MUNICIPAL IMPROVEMENTS AND MAKING FINDINGS RELATING THERETO

### CITY OF FOSTER CITY

WHEREAS, the City of Foster City, California (the "City") maintains the levee along the Bayfront, surrounding the majority of the outer perimeter of the City; and

WHEREAS, the Foster City levee system is the City's most valuable asset in providing protection from flood hazards; and

WHEREAS, the City's public levee system is in need of improvements to meet Federal Emergency Management Agency ("FEMA") guidelines in order to retain FEMA accreditation for the City's public levee system and avoid designation of the City as a special flood hazard area by FEMA; and

WHEREAS, the City Council has determined that for the levee system to remain an essential safety element that protects essential city services during storms and high tides, including fire, police, water, electricity, sewer and transportation infrastructure, the City must make critical improvements to our levee; and

WHEREAS, unless the City upgrades the levee to meet the required FEMA standards, Foster City will be designated as a special flood hazard area and homeowners and businesses with federally insured loans will be mandated to purchase flood insurance, while remaining at flood risk; and

WHEREAS, levee improvements will protect Foster City homes, schools, businesses and roads from flooding, and protect the levee from earthquakes; and

WHEREAS, all expenditures will be subject to oversight by a committee, composed of citizens appointed by the City Council, and no funds will go toward administrators' salaries or be taken by the State of California; and

WHEREAS, the City Council has determined that the public interest and necessity demand construction and completion by the City of the public levee system improvements required to retain FEMA accreditation; and

WHEREAS, the City Council desires to implement a single, comprehensive plan to construct these public improvements to enhance public safety and comply with FEMA guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foster City, California that:

#### SECTION 1. Findings and Determinations.

A. Based upon professional staff and consultant study and evaluation, the City Council finds that the public interest and necessity demand the construction and completion by the City of certain public levee system municipal improvements as required to retain FEMA accreditation, thereby avoiding reclassification of the City as a special flood hazard area.

B. The estimated cost of the municipal improvements set forth in Section 1A is \$90,000,000, which will be provided through a general obligation bond. The construction and completion of the municipal improvements requires an expenditure greater than available in the City's current budget and will require the issuance of a bond therefor, and such issuance is necessary and convenient to carry out the objects, purposes and powers of the City.

**SECTION 2. Fiscal Accountability.**

The expenditure of bond proceeds to construct the levee system improvements will be subject to strict financial accountability requirements, including review of all expenditures of bond proceeds by a citizens' oversight committee, and annual reports pursuant to Government Code Section 53411. The citizens' oversight committee, composed of citizens appointed by the City Council, will ensure the bond proceeds are spent for their authorized purposes, and meet at least two times per calendar year and will submit at minimum two times a year a written report to the City Council and the public on the bond expenditures.

**SECTION 3. No Administrator Salaries.**

Proceeds from the sale of the bonds authorized by the City's Public Levee System Measure shall be used only to construct, repair and replace the public improvements specified in the Measure, and not for any other purpose, including administrators' salaries or other operating expenses. By law, all funds can only be spent on municipal improvements.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 20th day of February, 2018, by the following vote:

AYES: Councilmembers Bronitsky, Mahanpour, Perez, Pollard and Mayor Hindi

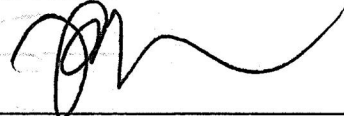
NOES: None

ABSENT: None

ABSTAIN: None

  
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SAM HINDI, MAYOR

ATTEST:

  
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PRISCILLA TAM, CITY CLERK