



DATE: July 15, 2024

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager
Marlene Subhashini, Assistant City Manager

FROM: Andrew Brozyna, Public Works Director

DEPARTMENT: Public Works

SUBJECT: REVIEW AND ACCEPT THE INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE'S FY 2023-2024 AND FINAL REPORT TO THE CITY COUNCIL REGARDING THE EXPENDITURES OF BOND PROCEEDS ASSOCIATED WITH THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657)

RECOMMENDATION

It is recommended that the City Council review and accept by minute order the Independent Citizens' Bond Oversight Committee's (Committee) FY 2023-2024 and Final Report to the City Council regarding the expenditures of bond proceeds associated with the Levee Protection Planning and Improvements Project (CIP 327-657) from July 1, 2023 through the third quarter of FY 2023-2024.

EXECUTIVE SUMMARY

At its last meeting on April 25th, 2024, and following review of the Levee Project expenditure reports for the 2023-2024 fiscal year through the third quarter, the Committee found that the expenditures are in compliance with the requirements of Measure P.

BACKGROUND/ANALYSIS

On June 5, 2018, Foster City voters passed Measure P, authorizing the City to issue general obligation bonds in the amount of \$90,000,000 to fund improvements to the City's

levee system. The Measure P Election was conducted under California Government Code Section 53411. The bond measure ballot language promised voters that the expenditure of bond funds would be subject to “citizens’ oversight,” as more fully articulated in City Resolution No. 2018-15 (Attachment 1), which declared the public interest in and necessity of the levee improvements.

Beginning on October 28, 2020, the Committee has met quarterly to review and discuss information pertaining to the Levee project expenditures:

1. At the November 15, 2021 Council Meeting, the Committee presented the 2020-2021 Fiscal Year Annual Report expenditures from September 2015 through June 30, 2021.
2. At the November 21, 2022 City Council meeting, the Committee presented the 2021-2022 Fiscal Year Annual Report expenditures from July 1, 2021 through September 30, 2022.
3. At the October 2, 2023 City Council meeting, the Committee presented the 2022-2023 Fiscal Year Annual Report expenditures from July 1, 2022 through June 30, 2023.

The report for City Council’s consideration presented at the July 15th City Council meeting includes the 2023-2024 Fiscal Year Annual Report expenditures from July 1, 2023 through March 31, 2024. The report does cover the entire fiscal year due to the bond proceeds being expended in the third quarter of FY 2023-2024.

On April 25, 2024, the Committee held its quarterly meeting to review the City’s expenditure of bond proceeds and to consider approval of the Final Report to the City Council, which is one of the duties of the Committee described in section 3.3(a) of the Committee’s Bylaws. As the fourth and final Annual Report of the Committee, this report addresses expenditures from July 1, 2023 through the third quarter of FY 2023-2024, during which the bond proceeds were fully expended. The Final Report was reviewed and approved unanimously by the members of the Committee. As indicated in the Final Report, the Committee determined that the City expended bond proceeds only for the purposes set forth in Measure P. The Annual Report is attached as Attachment 2 and will be placed on the City’s website.

The Committee automatically terminates and disbands concurrently with the Committee’s submission of its final Bi-Annual Report, which reflects the final accounting of the expenditure of all bond proceeds. With the completion of the final report, the Committee has terminated.

CEQA

Review and acceptance of the Independent Citizens’ Bond Oversight Committee’s (Committee) FY 2023-2024 and Final Report is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et.

seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment.

FISCAL IMPACT

There is no fiscal impact associated with the attached report.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Facilities and Infrastructure

ATTACHMENTS:

Attachment 1 – City Resolution No. 2018-15

Attachment 2 – Independent Citizens’ Bond Oversight Committee’s Final Report for FY 2023-2024