

RESOLUTION NO. R- 254559

R-81-2474

JUN 29 1981

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO, CALIFORNIA, DIRECTING THE CITY CLERK
TO GIVE NOTICE INVITING SEALED BIDS FOR THE
PURCHASE OF IMPROVEMENT BONDS

(Alberta Canyon Park District -
Park District No. 592)

WHEREAS, the Council adopted a resolution approving a
Report of the City Manager under Division 8 of the San Diego
Park District Procedural Ordinance of 1969 and Resolution of
Intention No. R- 254557, and providing for a hearing
thereon; and

WHEREAS, it is desirable that, prior to said hearing,
bids be received for the purchase of bonds to be issued to rep-
resent unpaid assessments; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San
Diego, as follows:

Section 1. Sealed bids for the purchase of said bonds
shall be received at the time and in the manner stated in the
following notice. The City Clerk is directed to publish said
notice once in The Daily Transcript. Before publication, the
Clerk shall complete the notice by filling in the correct in-
formation in the blank spaces. Said notice shall be substan-
tially as follows:

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NOTICE INVITING SEALED BIDS ON 1911 ACT
BONDS OF THE CITY OF SAN DIEGO, CALIFORNIA

(Alberta Canyon Park District -
Park District No. 592)

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Division 8 of the San Diego Park District Procedural Ordinance of 1969, as amended, which incorporates by reference the provisions of the Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) sealed bids for improvement bonds of The City of San Diego are invited and will be taken as herein provided.

TIME AND PLACE FOR FILING AND OPENING OF BIDS. Bids must be sealed and filed with the Purchasing Department, 3rd Floor, City Operations Building, 1222 First Avenue, San Diego, California 92101, up to, but not later than 11:00 A.M. on AUG 3 1981. Bids may be delivered personally or mailed to the Purchasing Department at the above address. All bids so filed will be immediately opened, examined and declared by the Purchasing Agent or his designated representative in Conference Room No. 2 on the second floor of said City Operations Building. The Purchasing Agent will thereafter report the results of said bidding to the Council.

BID FORM. Forms of bids for the purchase of the bonds are provided by and may be obtained from the Purchasing Agent.

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All bids shall be submitted in substantially the same form as that provided by the Purchasing Agent.

THE PROJECT AND ASSESSMENT DISTRICT. The project generally consists of the acquisition of certain open space lands in the City which have value for park and recreation purposes. Said acquisition and the district to be assessed to pay the costs and expenses thereof are located at the southeast corner of the intersection of Albert and Pennsylvania Streets, described in the Report of the City Manager on file in the office of the City Clerk.

ESTIMATED ASSESSMENT. The estimated cost of the project as shown on the Report of the City Manager is:

Estimated cost of acquisition of lands, including closing costs.....	\$120,000
Estimated incidental expenses, including Special Bond Counsel fees.....	5,500
Estimated bond discount.....	<u>18,825</u>
Total estimated costs and expenses to be assessed upon property within the assessment district.....	\$144,325

Until the confirmation of the diagram and assessment contained in said Report, the Council has the power and reserves the right to make changes in the proposed assessment district, the acquisition, the assessment and diagram and any other act, determination or provision made, or permitted to be made, by the Council under Division 8 of the San Diego Park District

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Procedural Ordinance of 1969. Changes may be made in the amount of the assessment, as may be required should the actual costs differ from the foregoing estimates.

HEARING ON REPORT, CONFIRMATION AND RECORDATION OF ASSESSMENT AND AWARD OF BONDS. The above-mentioned Report and the proposed assessment contained therein has been set for hearing by the Council of the City at 8:30 A.M. on AUG 4 1981. Upon the conclusion of the hearing, which may be continued from time to time, the Council, in its discretion, may abandon the proceedings, make changes therein or may confirm said assessment as filed with the City Clerk or as modified or corrected by the Council. The award of the bonds, if any, will be made following the conclusion of said hearing and the confirmation of said assessment. The assessment will be recorded in the office of the Street Superintendent not later than the day following its confirmation.

DESCRIPTION OF BONDS. The Council has determined that bonds are to be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds are to be issued to represent each assessment of \$150 or over remaining unpaid for thirty (30) days after the date of recordation of the assessment. The bonds will be dated the thirty-first day after such recordation. The bonds will be serial bonds and will extend over a period ending nine (9) years from the second day of January next succeeding the next

September 1st following their date. Pursuant to Section 6464, Streets and Highways Code, the Council has elected to have the redemption provisions of the bonds provide for a premium of five percent (5%) of the unmatured principal of the bonds.

If any installment of the principal of an unpaid assessment or of interest thereon is not paid to the City Treasurer on or before the due date of June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, then the Treasurer shall, after the close of business on the due date, add to the principal or interest so delinquent a penalty of two percent (2%) of the total amount of such delinquency, and at the beginning of the business day of the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of two percent (2%) of the amount of such delinquency. The Treasurer shall collect such penalties with and as a part of the delinquent payment. The Council has elected to have the last sentence of the default clause of the bonds provide that the two percent (2%) penalty first imposed shall be retained by the Treasurer as a cost of serving the delinquency and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

It is expected that the bonds will be dated on or about SEP 4 1981. The bonds will be payable in

ten (10) annual installments represented by principal coupons payable on January 2 of the years 1983 to 1992, inclusive. The first interest coupon will represent interest from the date of the bonds to July 2, 1982, and thereafter interest coupons will represent semiannual interest on the unpaid balance.

PRINCIPAL AMOUNT OF BONDS. The principal sums of the individual bonds will vary in amounts. The aggregate principal amount of bonds to be issued cannot, and will not, be determined until after the expiration of thirty (30) days from the date of recording the assessment.

INTEREST RATE. The interest rate may not exceed the maximum rate allowed by law at the time of issuance. The interest rate must be a multiple of 1/100th of one percent. Only a single interest rate shall be bid for all of the bonds to be issued.

CITY PURCHASE OF BONDS ON PROPERTY OF LOW-INCOME OWNERS. Division 19 (commencing with Section 61.1900) of Article 1, Chapter VI, of the San Diego Municipal Code authorizes the City Manager, on behalf of the City, to purchase bonds to be issued upon the real property of "low-income owners," as that term is defined therein. Pursuant to Section 61.1911 of the Municipal Code, the City reserves and has the right to purchase any such bonds from the person or persons to whom the bonds are awarded. At any time prior to

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delivery of the bonds by the City, the City Manager, in his discretion, may purchase any or all such bonds at a purchase price equal to the principal amount of the bonds plus accrued interest from the date of the bonds to the date of their delivery.

AWARD. The bonds will be sold for cash only. All bids must be for not less than all of the bonds to be issued, and any bid for less than all of the bonds or for varying rates of interest will be rejected. The bonds will be awarded to the highest responsible bidder, considering the interest rate specified and the premium or discount, if any, designated by the bidder. For the purpose only of comparing bids it will be assumed (i) that bonds will be issued in a principal amount equal to the total estimated amount to be assessed upon property within the assessment district, namely, the sum of \$144,325 and (ii) that the bonds will be dated SEP 4 1981. The highest bid will be determined by deducting the premium from, or adding the discount to, the total amount of interest which would be required to be paid from the date of the bonds on the decreasing balances thereof to January 2, 1991 at the coupon rate specified in the bid. The award will be made on the basis of the lowest net interest cost. If there shall be tie bids, the highest bid will be determined by lot.

TIME OF AWARD. The City will take action awarding the bonds or rejecting the bids not later than 72 hours after the time above specified for the filing of bids; provided, that the award may be made after the expiration of such time if the successful bidder shall not have given the Council notice in writing of the withdrawal of his bid.

BID SECURITY. A certified or cashier's check on a responsible bank or trust company in the amount of \$ 10,000 payable to the order of the City must accompany each proposal as a guarantee that the bidder, if successful, will accept and pay for the bonds in accordance with the terms of his bid. The proceeds of the check accompanying the accepted bid will be applied on the purchase price; provided, that if the successful bidder fails to perform in accordance with the terms of this notice and of his bid, said proceeds will then be retained by the City. The check accompanying each unaccepted proposal will be returned promptly. The successful bidder, at his option, may substitute U. S. Treasury instruments for his good faith check and thereupon obtain the return of his check. The U. S. Treasury instruments shall consist of bills, notes, certificates, or bonds issued by the United States of America, may be either interest or non-interest bearing instruments, shall have a maturity date of 75 or more days after the date of sale of the bonds to the successful bidder and, on the day of substitution, shall have a market value not less than the amount of the


good faith check. No credit will be applied against the purchase price of the bonds by reason of the deposited U. S. Treasury instruments but, upon delivery of the bonds and payment by the purchaser of the full purchase price thereof, all deposited U. S. Treasury instruments, together with all interest coupons, if any, attached thereto at the time of deposit, shall be returned to the purchaser; all interest earned on the instruments during the period of deposit shall belong to the purchaser. If the successful bidder fails to perform in accordance with the terms of this notice and of his bid, the deposited U. S. Treasury instruments and any interest coupons attached thereto shall be retained by the City.

DELIVERY. Delivery of said bonds will be made to the successful bidder at the office of the Treasurer, City Administration Building, 202 "C" Street, San Diego, California. It is expected that the bonds will be delivered within 75 days from the date of sale thereof. The successful bidder shall have the right, at his option, to cancel the contract of purchase if the Treasurer shall fail to execute the bonds and tender them for delivery within said 75-day period, in which event the successful bidder shall be entitled to the return of the bid security accompanying his bid. At the time of delivery the purchaser must pay accrued interest from the date of the bonds to the date of delivery, computed on a 360-day year basis.

LEGAL OPINION; COST OF PRINTING BONDS. The unqualified opinion of Richard A. Burt, attorney, of the firm of Gray, Cary, Ames & Frye, San Diego, California, approving the validity of said bonds will be furnished to the successful bidder at or prior to the date of delivery of the bonds at the expense of the City. The cost of printing the bonds will be borne by the City and will not be payable by the successful bidder.

RIGHT OF REJECTION. The Council reserves the right in its discretion to reject any and all bids and, to the extent authorized by law, to waive any irregularity or informality in any bid.

GIVEN BY ORDER of the Council of The City of San Diego, California, on _____, 1981.



City Clerk, The City of San Diego,
California

APPROVED: JOHN W. WITT, City Attorney

By: Janis Sammartino Gardner
Janis Sammartino Gardner, Deputy

JUN 29 1981

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California.

Resolution Number R-254559 Adopted JUN 29 1981