

(R-83-1449)

RESOLUTION NUMBER R- 258287

Adopted on APR 18 1983

WHEREAS, The City of San Diego (the "City") is a municipal corporation and charter city duly organized and existing under a freeholders' charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs and certain other matters in accordance with and as more particularly provided in Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 2 of the Charter of the City (the "Charter"); and

WHEREAS, the City Council of the City acting under and pursuant to the powers reserved to the City under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 2 of the Charter, has enacted The City of San Diego Health Facility Revenue Bond Law, constituting Article 7 of Chapter IV of the San Diego Municipal Code (the "Law"); and

WHEREAS, the City Council of the City finds that the public interest and necessity require the establishment of a program for the authorization, sale and issuance of hospital revenue bonds by the City for the purpose of making loans such as that described herein; and

WHEREAS, the Hospital Council Coordinated Programs (the "Council") has requested the financial assistance of the City in the acquisition or construction of various equipment to be purchased by and used at various hospitals (the "Hospitals")

located in the City (the "Project"); and

WHEREAS, the City desires to assist the Hospitals in the financing of the Project; and

WHEREAS, the City deems it necessary and essential and a proper public purpose that the Project be financed at the earliest practicable date; the Council requires satisfactory assurance from the City that the proceeds of the sale of bonds of the City will be made available to assist in the financing of the Project; and the City requires satisfactory assurance from the Council that certain costs of issuing such bonds will be paid by the Council and that the Hospitals as part of the consideration for such financial assistance, will provide certain health services for and within the City during the term of such bonds; and

WHEREAS, the City will be authorized under the Law to issue its revenue bonds to provide funds to make loans to participating health institutions to provide funds to finance, refinance or provide reimbursement to such institutions for the cost of acquisition or construction of equipment and other personal property upon the effective date of Ordinance No. 0-15970 (New Series) which amended the San Diego Municipal Code by adding Section 47.0311; NOW, THEREFORE,

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

Section 1. The City shall proceed to prepare, or cause to be prepared, the documentation necessary for the City to issue, at one time or from time to time, an aggregate of not to exceed \$30,000,000 principal amount of hospital revenue bonds of the

City (the "Bonds") to finance the Project; provided that, prior to commencing such preparation, the City and the Council shall have entered into a letter agreement in substantially the form attached hereto, with such additions or deletions as are considered necessary or appropriate by officers of the City and the Council, and the Mayor or City Manager of the City is hereby authorized to execute said letter agreement for and in the name and on behalf of the City.

Section 2. The Bonds shall be payable solely from the revenues to be received by the City pursuant to loan or other agreements to be entered into by the City and the Hospitals in connection with the financing of the Project, and shall not be deemed to constitute a debt or liability of the City under any constitutional, charter or statutory debt limitation. Neither the faith and credit nor the taxing power of the City shall be pledged to be payment of the principal of or interest on the Bonds.

Section 3. Issuance of the Bonds shall be subject to the following conditions: (a) the City and the Council shall have first agreed to mutually acceptable terms for the Bonds and the sale and delivery thereof and mutually acceptable terms and conditions for the loan or other agreements for the financing of the Project, and (b) all requisite governmental approvals shall have first been obtained.

Section 4. Orrick, Herrington & Sutcliffe, A Professional Corporation, is hereby designated bond counsel to the City in accordance with the terms of their proposal dated March 18,

1983, and the City Attorney is authorized to execute an agreement with Orrick, Herrington & Sutcliffe for bond counsel services.

Section 5. The Council's selection of Merrill Lynch White Weld Capital Markets Group, as underwriter, is hereby approved.

Section 6. This resolution shall take effect immediately upon its passage.

APPROVED: John W. Witt, City Attorney

By Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:112
3/16/83
Or.Dept:Fin.Mgmt
Form=r.none

Passed and adopted by the Council of The City of San Diego on APR 18 1983,
 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"/>
McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

BILL CLEATOR
 Deputy Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

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