

ORDINANCE NUMBER O- **16313** (NEW SERIES)

ADOPTED ON **OCT 29 1984**

AN ORDINANCE AUTHORIZING THE SALE OF NOT TO EXCEED \$34,744,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF SAN DIEGO SINGLE FAMILY MORTGAGE REVENUE BONDS, 1984 ISSUE B, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, BOND PURCHASE CONTRACT, ORIGINATION, SERVICING AND ADMINISTRATION AGREEMENTS, DEVELOPER AGREEMENTS, DELEGATION AGREEMENT AND OFFICIAL STATEMENT, ADOPTING RULES AND REGULATIONS AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH.

WHEREAS, Chapters 1-5 of Part 5 of Division 31 of the Health and Safety Code of the State of California (the "Act") authorize cities to incur indebtedness for the purpose of financing home mortgages authorized by the Act, and the Act provides a complete, additional and alternative method for doing the things authorized thereby; and

WHEREAS, the City Council (the "City Council") of The City of San Diego (the "City") hereby finds and declares that it is necessary, essential and a public purpose for the City to finance home mortgages pursuant to the Act, in order to increase the housing supply in the City for persons and families within the income limitations established by the Act; and

WHEREAS, the City Council has, by Resolution No. R-261405, adopted on August 20, 1984, adopted a home mortgage finance program (the "Program") for such purpose, and has determined to borrow money for such purpose by the issuance of revenue bonds as authorized by the Act; and

WHEREAS, each qualified lender which transacts business in the City has been permitted the opportunity to participate in the Program on an equitable basis with other qualified lenders; and

WHEREAS, the City Council hereby finds and determines that the Program complies with the land use element and the housing element required to be included in the general plan of the City by Section 65302 of the California Government Code; and

WHEREAS, the City Council hereby finds and declares that this ordinance is being adopted pursuant to the powers granted by the Act; and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds (hereinafter defined) and the implementation of the Program as contemplated by this ordinance and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act; NOW, THEREFORE,

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

Section 1. The City Council does hereby find and declare that the above recitals are true and correct.

Section 2. Pursuant to the Act and the Indenture (hereinafter defined), revenue bonds of the City, designated as "The City of San Diego Single Family Mortgage Revenue Bonds, 1984 Issue B," in an aggregate principal amount not to exceed \$34,744,000 (the "Bonds"), are hereby authorized to be issued.

The Bonds shall be executed by the facsimile signature of the Mayor, and the facsimile of the seal of the City shall be reproduced thereon and attested by the facsimile signature of the City Clerk. The proceeds of the Bonds shall be used to acquire home mortgages (the "Home Mortgages") pursuant to the Program, and for such other purposes as are set forth in the Indenture.

Section 3. The proposed form of Indenture (the "Indenture"), by and between the City and Security Pacific National Bank, as Trustee (the "Trustee"), substantially in the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 10-16313-1, is hereby approved, and the City Manager or his authorized deputy (the "City Manager") and City Clerk are hereby authorized and directed to execute and deliver, for and in the name of and on behalf of the City, the Indenture with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney or his authorized deputy (the "City Attorney"), (including such changes as may be necessary or appropriate to arrange for bond insurance, if advisable, considering the purposes of the Program) such approval to be conclusively evidenced by the City Manager's execution of the Indenture with such additions, changes or corrections. The Bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption as are set forth in the Indenture as finally executed.

Section 4. The proposed form of Purchase Contract (the "Purchase Contract") presented to this meeting by E.F. Hutton & Company (the "Underwriter") for the purchase of the Bonds, and a copy of which is on file in the office of the City Clerk as Document No. 00-16313-2, is hereby approved in substantially the form submitted to this meeting, and the City Manager is hereby authorized and directed to execute and deliver, for and in the name and on behalf of the City, the Purchase Contract with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of said Purchase Contract with such additions, changes or corrections; provided, however, that in no event shall the aggregate principal amount of the Bonds exceed thirty-four million seven hundred forty-four thousand dollars (\$34,744,000), or result in a stated rate of interest on the Home Mortgages in excess of eleven percent (11%) per annum.

Section 5. The proposed form of Origination, Servicing and Administration Agreements (the "Origination, Servicing and Administration Agreements") by and among the City, the Trustee, San Diego Housing Commission, as Administrator and Weyerhaeuser Mortgage Corporation, First Interstate Mortgage Company, Shearson American Express, General Electric Mortgage, Colonial Mortgage Service Company, Beverly Hills Securities Company and Windsor Mortgage Company (the "Lenders"), substantially in the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00-16313-3, is

hereby approved, and the City Manager is hereby authorized and directed to execute and deliver, for and in the name of and on behalf of the City, the Origination, Servicing and Administration Agreements in such form with each of the Lenders, with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of the Origination, Servicing and Administration Agreements with such additions, changes or corrections. The final selection of Lenders and the final allocation thereto of the moneys to be made available by the sale of the Bonds for the purchase of Home Mortgages shall be on a fair and equitable basis considering the factors set forth in the Rules and Regulations (hereinafter described) and considering the public purposes of the Program.

Section 6. The proposed form of Developer Agreements between the City and AES, Allred Company, Barratt, Billings, Brehm, Bren Company, Carter Financial, Fieldstone Company, Financial Scene, Foote Development, Fredricks Development, Ito-Penera, Landry and Kraslow, Mark II Properties, Meadow Brook Village, M.T.K. Properties, Oxford Development, Pacific Scene, Pardee Construction, Ponderosa Homes, Rancho Bernardo Development, Robinhood Homes, San Diego Inner City, Schmidt Development, Shooting Star, Stafford-Gardner, Stonehaven Corporation, S & S Construction, Sunburst Homes, Urban Enterprises, Walden Financial, Westana Builders, Windsor Developers, and WKW Developers (the "Developers"), substantially in the form submitted to this meeting, and a copy of which is on file in the

office of the City Clerk as Document No. 00-16313-4, is hereby approved, and the City Manager is hereby authorized and directed to execute and deliver, for and in the name and on behalf of the City, the Developer Agreements in such form with each of the Developers, with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of the Developer Agreements with such additions, changes or corrections. The final selection of Developers and the final allocation thereto of the moneys to be made available by the sale of the Bonds for the purchase of Home Mortgages shall be on a fair and equitable basis considering the factors set forth in the Rules and Regulations (hereinafter described) and considering the public purposes of the Program.

Section 7. The Rules and Regulations Establishing Eligibility Criteria for Lenders, in substantially the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00-16313-5, are hereby approved and adopted. The Rules and Regulations Establishing Eligibility Criteria for Mortgagors and Home Mortgages, in substantially the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00-16313-6, are hereby approved and adopted.

Section 8. The form of preliminary Official Statement, substantially in the form presented to this meeting, and a copy of which is on file in the office of the City Clerk as Document

No. 0-16313-7, is hereby approved, and the City Council hereby approves and authorizes the distribution of said preliminary Official Statement to prospective purchasers of the Bonds. The proper officer of the City is hereby authorized to execute and deliver, at the time of the sale of the Bonds, a final Official Statement in substantially the form of said preliminary Official Statement, with such additions and changes as said proper officer shall approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the execution of said final Official Statement with such additions, changes or corrections.

Section 9. The Bonds, when executed by the City pursuant to Section 2 hereof, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Underwriter in accordance with written instructions executed on behalf of the City by the City Manager, which instructions said officer is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Underwriter in accordance with the Purchase Contract, upon payment of the purchase price thereof.

Section 10. All actions heretofore taken by the officers and agents of the City with respect to the sale and issue of the Bonds are hereby approved, confirmed and ratified, and the

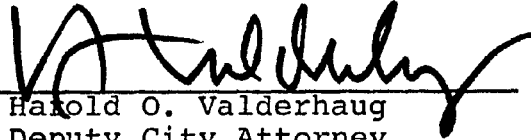
officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents, including but not limited to, those described in the Purchase Contract, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this ordinance.

Section 11. The City Clerk is hereby authorized and directed to cause a digest or a copy of this ordinance to be published at least once in "The San Diego Daily Transcript" within fifteen (15) days after the adoption of this ordinance pursuant to Section 18 of the City Charter.

Section 12. This ordinance shall take effect on the thirtieth day after its adoption.

APPROVED: John W. Witt, City Attorney

By


Harold O. Valderhaug
Deputy City Attorney

HOV:ps:559
10/2/84 REV. 10/5/84
Or.Dept:Hsg.Comm.
O-85-55
Form=o.none

OCT 29 1984

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"/>
Gloria 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 15 1984

OCT 29 1984

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16313 Adopted OCT 29 1984

RECEIVED
CITY CLERK'S OFFICE
1984 NOV 14 AM 9:10
SAN DIEGO, CALIF. C.H.

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C St., 12th Floor
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16313

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(NEW SERIES)

ADOPTED ON OCT 29 1984

AN ORDINANCE AUTHORIZING THE SALE OF NOT TO EXCEED \$34,744,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF SAN DIEGO SINGLE FAMILY MORTGAGE REVENUE BONDS, 1984 ISSUE B, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, BOND PURCHASE CONTRACT, ORIGINATION, SERVICING AND ADMINISTRATION AGREEMENTS, DEVELOPER AGREEMENTS, DELEGATION AGREEMENT AND OFFICIAL STATEMENT, ADOPTING RULES AND REGULATIONS AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH.
This ordinance authorizes the sale of not to exceed \$34,744,000 aggregate principal amount of City of San Diego Single Family Mortgage Revenue Bonds, 1984 Issue B, authorizes the execution and delivery of an indenture, Bond Purchase Contract, Origination, Servicing and Administration Agreements, Developer Agreements, Delegation Agreement and Official Statement, adopts rules and regulations and approves other related actions in connection therewith, all related to proposed potential developments by AES, Alfred Company, Serratt, Billings, Brehm, Bren Company, Carter Financial, Fleetsone Company, Financial Scene, Foote Development, Fredette Development, Ito-Penera, Landry and Kraslow, Mark II Properties, Meadow Brook Village, M.T.K. Properties, Oxford Development, Pacific Scene, Pardee Construction, Ponderosa Homes, Rancho Bernardo Development, Robinhood Homes, San Diego Inner City, Schmidt Development, Shooting Star, Stafford-Gardner, Stonehaven Corporation, S & S Construction, Sunburst Homes, Urban Enterprises, Walden Financial, Westana Builders, Windsor Developers and WKW Developers, as more particularly described in Report No. 84-025CC of the San Diego Housing Commission to the Mayor and City Council, a copy of which report and related documents are on file in the office of the City Clerk and available for public inspection.
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego CA 92101.
Introduced on October 15, 1984.
Passed and adopted by the Council of The City of San Diego on October 29, 1984.
AUTHENTICATED BY:
ROGER HEDGECOCK
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By ELLEN BOVARD, Deputy.
Pub. Nov. 12 8489

I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16313
(NEW SERIES)
ADOPTED ON OCT 29 1984

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 12, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 12th day of Nov., 19 84.

9 1/8" X 9.76 = 89.76

Michael L. Ungashick
(Signature)

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