

ORDINANCE NO. O-17591

(O-91-110)

ADOPTED ON JANUARY 28, 1991

ORDINANCE OF THE CITY OF SAN DIEGO,  
CALIFORNIA, PROVIDING FOR THE ISSUANCE AND  
SALE OF GENERAL OBLIGATION BONDS OF THE CITY  
OF SAN DIEGO IN THE PRINCIPAL AMOUNT OF  
\$25,500,000 FOR THE CONSTRUCTION OF POLICE  
AND FIRE AND OTHER PUBLIC SAFETY  
COMMUNICATIONS CENTERS AND EQUIPMENT FOR SUCH  
CENTERS, AND ACQUISITION OF A POLICE  
DEPARTMENT AND FIRE DEPARTMENT AND OTHER  
PUBLIC SAFETY FACILITIES COMPUTER-AIDED  
DISPATCH SYSTEMS, AND RELATED FACILITIES; AND  
FOR THE PAYMENT OF ALL COSTS AND EXPENSES IN  
CONNECTION WITH SUCH CONSTRUCTION AND  
ACQUISITION AND THE ISSUANCE OF SUCH BONDS.

WHEREAS, pursuant to Resolution No. R-275224, adopted by the City Council (the "City Council") of the City of San Diego (the "City") on February 27, 1990, the City Council determined, by a vote of at least two-thirds of all its members, that the public interest and necessity demand the acquisition and construction of Police and Fire Department and other Public Safety Communications and Dispatch Facilities, including but not necessarily limited to construction of Police and Fire and other Public Safety Communications Centers and equipment for such centers; a Police Department and Fire Department and other Public Safety computer-aided dispatch system and radio system; and related facilities as necessary to improve the efficiency of the 911 emergency phone system and emergency radio systems resulting in reduced Police and Fire Department and other Public Safety response times, and for the payment of all costs and expenses in connection with such acquisition, construction and replacements and the issuance of such bonds; and

WHEREAS, pursuant to Ordinance No. O-17439, adopted by the City Council of the City on March 7, 1990, a Special Municipal Bond Election was called and held in the City, on June 5, 1990, at which election there was submitted to the qualified voters of the City the following proposition:

BOND PROPOSITION: Shall the City of San Diego incur a bonded indebtedness in the principal amount of \$25,500,000 for the purpose of replacing outdated and overloaded Police and Fire Department and other Public Safety Communications Facilities including, but not limited to, construction of Police and Fire and other Public Safety Communication Centers and equipment for such centers; a Police Department and Fire Department and other Public Safety computer-aided dispatch system and radio system; and related facilities as necessary to improve the efficiency of

the 911 emergency phone system and emergency radio systems resulting in reduced Police and Fire Department and other Public Safety response times, and for the payment of all costs and expenses in connection with such replacements and the issuance of such bonds?

WHEREAS, said proposition received the affirmative vote of two-thirds of all of the qualified voters voting at said election, and the City is authorized to issue bonds in the amount of \$25,500,000 for the purpose hereinabove specified; and

WHEREAS, the City Council deems it proper and the necessity therefor appears that said bonds in the principal amount of \$25,500,000 be issued in the form and manner as hereinafter provided, and that bids be invited for said bonds, and that if bids are satisfactory said bonds be sold in the manner and at the time and place hereinafter set forth;

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

Section 1. Recitals. That the recitals set forth hereinabove are true and correct in all respects.

Section 2. Issuance of Bonds; Denomination; Date; Maturity Date; Interest Rate. That, pursuant to Section 43614 of the California Government Code, general obligation bonds of the City of San Diego, in the principal sum of \$25,500,000 be issued in accordance with Article 1, Chapter 4, Division 4, Title 4 (commencing with Section 43600) of the California Government Code (the "Law") and sold for the purposes set forth in the bond proposition in the recitals hereof. Said bonds shall be designated "City of San Diego 1991 General Obligation Bonds (Public Safety Communications Project)" (hereinafter referred to as the "Bonds"), and shall be of the denomination of \$5,000 each or an integral multiple thereof not exceeding the principal amount of each respective maturity. The Bonds shall be dated March 1, 1991, and shall mature and be payable in consecutive numerical order on July 15 in the years commencing July 15, 1992, to and including July 15, 2011.

The Bonds shall bear interest at a rate or rates to be hereinafter fixed but not to exceed twelve percent (12%) per annum, payable on January 15, 1992, and on the fifteenth days of July and January thereafter. The Bonds shall be payable in lawful money of the United States of America, by the City to the Paying Agent, as defined in Section 5 below, who shall in turn submit such payment to Depository Trust Company, New York, New York ("DTC"). DTC shall credit on the principal payment dates of the Bonds to the accounts of DTC participants, as set forth in the book-entry system maintained by DTC, the principal amount payable with respect to such interests. The DTC participants shall be responsible for disbursement of such payments to the

beneficial owners of interests in the Bonds. If, for any reason, DTC is unable to perform such services in connection with the Bonds, the DTC participants shall become the registered owners of the Bonds and the Paying Agent shall make such principal payments to such registered owners as of principal payment dates.

Section 3. Payment of Interest. Interest shall be payable by the City to the Paying Agent, who shall in turn submit such payment to DTC. DTC shall credit to the accounts of DTC participants, as set forth on the first (1st) day of January and July preceding an interest payment date (the "Record Date") in the book-entry system maintained by DTC, the amount of unpaid interest accrued on such beneficial interests. The DTC participants shall be responsible for disbursement of such payments to the beneficial owners of interests in the Bonds. If, for any reason, DTC is unable to perform such services in connection with the Bonds, the DTC participants shall become the registered owners of the Bonds and the Paying Agent shall make such interest payments to such registered owners as of the Record Dates preceding the interest payment dates.

Section 4. Execution of Bonds. That a single global bond for each maturity of the Bonds shall be signed by the Mayor and the Treasurer of the City, which signatures may be printed, lithographed or engraved, and countersigned by the Clerk of the City.

Section 5. Paying Agent. The Bank of America is hereby designated as the paying agent, (the "Paying Agent" for the Bonds), and the city is hereby authorized to enter into a paying agency agreement with the Paying Agent, which agreement is hereby approved in substantially the form on file in the Office of the City Clerk as Document No. 0-17591-1. The City Manager or his designee is hereby authorized and directed to execute and deliver such agreement with such changes therein as may be recommended by bond counsel and approved by the City Manager or his designee.

Section 6. Form of Bonds. That the Bonds shall be issued in substantially the form on file in the Office of the City Clerk as Document No. 0-17591-2

Section 7. Proceeds; Premiums and Accrued Interest. That all premiums and accrued interest received shall be placed in the Treasury of the City and place to the credit of a fund to be used for the payment of principal of and interest on the Bonds (the "Bond Fund"), and the remainder of the proceeds of the sale of the Bonds shall be placed in the Treasury of the City and placed to the credit of a special improvement fund to be established and designated "1991 Public Safety Communications Project, Acquisition and Construction Fund ("Acquisition and Construction Fund") and said Acquisition and Construction Fund and any investment earnings thereon shall be applied exclusively

to the purposes and objects mentioned in Ordinance No. 0-17439, adopted by the City Council of the City on March 7, 1990, calling the Special Municipal Bond Election; provided, however, that when said purposes and objects have been accomplished and obtained, any moneys remaining in the Acquisition and Construction Fund may be transferred to the Bond Fund. Further, when such purpose and object have been accomplished and all principal and interest on the Bonds have been paid, any balance of the money then remaining in the Bond Fund shall be transferred to the General Fund.

Section 8. Tax Levy. That at the time of making the general tax levy after incurring the bonded indebtedness, and annually thereafter until the Bonds are paid or until there is a sum in the Treasury of the City set apart for that purpose sufficient to meet all payments of principal and interest on the Bonds as they become due, the City Council shall cause the County of San Diego to levy and collect a tax sufficient, after taking into account the amount of moneys available in the Bond Fund, to pay the interest on the Bonds as it falls due and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. If the earliest maturity of the bonds is more than one year after the date of issuance, the City Council shall cause the County of San Diego to levy and collect annually a tax sufficient to pay the interest as it falls due and to constitute a sinking fund for payment of the principal on or before maturity. Such amounts collected by the County of San Diego shall be transferred to the Bond Fund. The taxes shall be levied and collected as other city taxes, and in addition to all other taxes.

Section 9. Defeasance of Bonds.

(a) If the City shall cause to be paid to the owners of beneficial interests in the Bonds the interest and principal evidenced and represented thereby at the times and in the manner provided in this section, then all obligations of the City pursuant to the Bonds shall thereupon cease, terminate and become void and shall be discharged and satisfied, except only as provided in subsection (b) below.

(b) Any outstanding Bonds shall on their principal payment dates be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) above if there shall be on deposit with the Paying Agent money which is sufficient to pay the principal and interest evidenced and represented by such Bonds payable on and prior to their principal payment dates. Thereafter, the owners thereof shall be entitled to the payment of the interest and principal evidenced and represented by the Bonds by the City, the Paying Agent and DTC, and the City, the Paying Agent and DTC shall remain liable for such payment, but only out of such money or securities deposited with the Paying Agent as aforesaid for such payment; provided, however, that the provisions of Section 10 shall apply in all events.

(c) Any outstanding Bonds shall prior to their principal payment dates be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) of this section if (1) there shall have been deposited with the Paying Agent either money in an amount which shall be sufficient or United States Treasury bills, notes, bonds or certificates of indebtedness, or obligations for which the full faith and credit of the United States of America are pledged for the payment of interest and principal, which are not subject to redemption except by the holder therefor prior to maturity (including any such securities issued or held in book-entry form on the books of the Department of the Treasury of the United States of America) the interest on and principal of which when paid will provide money which, together with the money, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay when due the interest evidenced and represented by such Bonds on or prior to their principal payment dates, and the principal evidenced and represented by such Bonds, and (2) the Paying Agent shall have given notice to DTC in form satisfactory to the City irrevocable instructions to give notice by mail the owners of beneficial interests of such Bonds that the deposit required by clause (1) above has been made with the Paying Agent and that such Bonds are deemed to have been paid in accordance with this section and stating their principal payment dates upon which money is to be made available for the payment of the interest and principal evidenced and represented by such Bonds.

(d) After the payment of the principal and interest evidenced and represented by all outstanding Bonds as provided in this section, the Paying Agent shall execute and deliver to the City all such instruments as may be necessary or desirable to evidence the discharge and satisfaction of the obligations of the City pursuant to the Bonds, and the Paying Agent shall pay over or deliver to the City all money or deposits or investments held by it pursuant hereto which are not required for the payment of the interest and principal evidenced and represented by such Bonds.

Section 10. Unclaimed Money. Anything contained herein to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of the interest or principal evidenced and represented by any Bonds which remains unclaimed for three (3) years after the date when the payments evidenced and represented by such Bonds have become payable, if such money was held by the Paying Agent on such date, or for three (3) years after the date of deposit of such money if deposited with the Paying Agent after the date when the interest and principal evidenced and represented by such Bonds have become payable, shall be repaid by the Paying Agent to the City as its absolute property free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the owners of beneficial interests in the Bonds shall look only to

the City for the payment of the interest and principal evidenced and represented by such Bonds; provided that before being required to make any such payment to the City, the Paying Agent shall, at the expense of the City, give notice by mail to all owners of the Bonds that such moneys remain unclaimed and that after a date named in such notice, which date shall not be less than sixty (60) days after the date of giving such notice, the balance of such money then unclaimed will be returned to the City.

Section 11. Sealed Proposals for Purchase of Bonds. That sealed proposals for the purchase of the Bonds be received by up to the hour of 10:00 a.m., Pacific Time, on March 5, 1991, subject to any modification of such time as set forth in the notice inviting such sealed proposals.

Section 12. Notice Inviting Sealed Proposals. That the Clerk of the City is hereby authorized and directed to publish notice inviting such sealed proposals once in The Daily Transcript, a newspaper of general circulation, circulated within the City, said publication to be at least ten (10) days prior to the date of opening bids stated in said notice.

Section 13. Form of Notice. That said notice shall be substantially as on file in the Office of the City Clerk of San Diego as Document No. 0-17591-3.

Section 14. Tax Covenants. That the City shall not use or permit to be used any proceeds from the sale of the Bonds or any other funds of the City which will cause the Bonds to be "arbitrage bonds" subject to federal income taxation by reason of Sections 103 and 148 of the Code and to that end so long as any of the Bonds are outstanding, the City shall comply with all requirements of said Sections 103 and 148 and all regulations of the United States Department of the Treasury issued thereunder to the extent that such requirements are, at the time, applicable and in effect; and further, the City will not use or permit the use of the proceeds of the Bonds as a "private business use" within the meaning of Section 141(b) of the Code or by any "exempt person" in an "unrelated trade or business" within the meaning of Section 513 of the Code, in such manner or to such extent as would result in the loss of the exemption from federal income tax of the interest on such Bonds under Section 148 of the Code. Furthermore, the City shall establish and maintain any rebate fund required by Section 148 of the Code.

Section 15. Effective Date. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By:

  
Harold O. Valderhaug  
Deputy

HOV:ps  
11/27/90  
Or.Dept. Fin.Mgmt.  
O-91-110

Passed and adopted by the Council of The City of San Diego on JAN 28 1991  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

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

JAN 14 1991, and on JAN 28 1991

~~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 <u>O-17591</u>	Adopted <u>JAN 28 1991</u>



RECEIVED  
FEB 31 PM 4:24  
L.L. BERRY OFFICE  
SAN DIEGO, CA

100-1-1001

100-1-1001

RE ADOPTED ON FEB 19 1991

ORDINANCE OF THE CITY OF SAN DIEGO,  
CALIFORNIA, PROVIDING FOR THE ISSUANCE AND  
SALE OF GENERAL OBLIGATION BONDS OF THE CITY  
OF SAN DIEGO IN THE PRINCIPAL AMOUNT OF  
\$25,500,000 FOR THE CONSTRUCTION OF POLICE  
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FOR THE PAYMENT OF ALL COSTS AND EXPENSES IN  
CONNECTION WITH SUCH CONSTRUCTION AND  
ACQUISITION AND THE ISSUANCE OF SUCH BONDS.

WHEREAS, pursuant to Resolution No. R-275224, adopted by the City Council (the "City Council") of the City of San Diego (the "City") on February 27, 1990, the City Council determined, by a vote of at least two-thirds of all its members, that the public interest and necessity demand the acquisition and construction of Police and Fire Department and other Public Safety Communications and Dispatch Facilities, including but not necessarily limited to construction of Police and Fire and other Public Safety Communications Centers and equipment for such centers; a Police Department and Fire Department and other Public Safety computer-aided dispatch system and radio system; and related facilities as necessary to improve the efficiency of the 911 emergency phone system and emergency radio systems resulting in reduced Police and Fire Department and other Public Safety response times, and for the payment of all costs and expenses in connection with such acquisition, construction and replacements and the issuance of such bonds; and

WHEREAS, pursuant to Ordinance No. O-17439, adopted by the City Council of the City on March 7, 1990, a Special Municipal Bond Election was called and held in the City, on June 5, 1990, at which election there was submitted to the qualified voters of the City the following proposition:

BOND PROPOSITION: Shall the City of San Diego incur a bonded indebtedness in the principal amount of \$25,500,000 for the purpose of replacing outdated and overloaded Police and Fire Department and other Public Safety Communications Facilities including, but not limited to, construction of Police and Fire and other Public Safety Communication Centers and equipment for such centers; a Police Department and Fire Department and other Public Safety computer-aided dispatch system and radio system; and related facilities as necessary to improve the efficiency of

the 911 emergency phone system and emergency radio systems resulting in reduced Police and Fire Department and other Public Safety response times, and for the payment of all costs and expenses in connection with such replacements and the issuance of such bonds?

WHEREAS, said proposition received the affirmative vote of two-thirds of all of the qualified voters voting at said election, and the City is authorized to issue bonds in the amount of \$25,500,000 for the purpose hereinabove specified; and

WHEREAS, the City Council deems it proper and the necessity therefor appears that said bonds in the principal amount of \$25,500,000 be issued in the form and manner as hereinafter provided, and that bids be invited for said bonds, and that if bids are satisfactory said bonds be sold in the manner and at the time and place hereinafter set forth;

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

Section 1. Recitals. That the recitals set forth hereinabove are true and correct in all respects.

Section 2. Issuance of Bonds; Denomination; Date; Maturity Date; Interest Rate. That, pursuant to Section 43614 of the California Government Code, general obligation bonds of the City of San Diego, in the principal sum of \$25,500,000 be issued in accordance with Article 1, Chapter 4, Division 4, Title 4 (commencing with Section 43600) of the California Government Code (the "Law") and sold for the purposes set forth in the bond proposition in the recitals hereof. Said bonds shall be designated "City of San Diego 1991 General Obligation Bonds (Public Safety Communications Project)" (hereinafter referred to as the "Bonds"), and shall be of the denomination of \$5,000 each or an integral multiple thereof not exceeding the principal amount of each respective maturity. The Bonds shall be dated March 1, 1991, and shall mature and be payable in consecutive numerical order on July 15 in the years commencing July 15, 1992, to and including July 15, 2011.

The Bonds shall bear interest at a rate or rates to be hereinafter fixed but not to exceed twelve percent (12%) per annum, payable on January 15, 1992, and on the fifteenth days of July and January thereafter. The Bonds shall be payable in lawful money of the United States of America, by the City to the Paying Agent, as defined in Section 5 below, who shall in turn submit such payment to Depository Trust Company, New York, New York ("DTC"). DTC shall credit on the principal payment dates of the Bonds to the accounts of DTC participants, as set forth in the book-entry system maintained by DTC, the principal amount payable with respect to such interests. The DTC participants shall be responsible for disbursement of such payments to the

beneficial owners of interests in the Bonds. If, for any reason, DTC is unable to perform such services in connection with the Bonds, the DTC participants shall become the registered owners of the Bonds and the Paying Agent shall make such principal payments to such registered owners as of principal payment dates.

Section 3. Payment of Interest. Interest shall be payable by the City to the Paying Agent, who shall in turn submit such payment to DTC. DTC shall credit to the accounts of DTC participants, as set forth on the first (1st) day of January and July preceding an interest payment date (the "Record Date") in the book-entry system maintained by DTC, the amount of unpaid interest accrued on such beneficial interests. The DTC participants shall be responsible for disbursement of such payments to the beneficial owners of interests in the Bonds. If, for any reason, DTC is unable to perform such services in connection with the Bonds, the DTC participants shall become the registered owners of the Bonds and the Paying Agent shall make such interest payments to such registered owners as of the Record Dates preceding the interest payment dates.

Section 4. Execution of Bonds. That a single global bond for each maturity of the Bonds shall be signed by the Mayor and the Treasurer of the City, which signatures may be printed, lithographed or engraved, and countersigned by the Clerk of the City.

Section 5. Paying Agent. The Bank of America is hereby designated as the paying agent, (the "Paying Agent" for the Bonds), and the city is hereby authorized to enter into a paying agency agreement with the Paying Agent, which agreement is hereby approved in substantially the form on file in the Office of the City Clerk as Document No. 00-17591-1. The City Manager or his designee is hereby authorized and directed to execute and deliver such agreement with such changes therein as may be recommended by bond counsel and approved by the City Manager or his designee.

Section 6. Form of Bonds. That the Bonds shall be issued in substantially the form on file in the Office of the City Clerk as Document No. 00-17591-2

Section 7. Proceeds; Premiums and Accrued Interest. That all premiums and accrued interest received shall be placed in the Treasury of the City and place to the credit of a fund to be used for the payment of principal of and interest on the Bonds (the "Bond Fund"), and the remainder of the proceeds of the sale of the Bonds shall be placed in the Treasury of the City and placed to the credit of a special improvement fund to be established and designated "1991 Public Safety Communications Project, Acquisition and Construction Fund ("Acquisition and Construction Fund") and said Acquisition and Construction Fund and any investment earnings thereon shall be applied exclusively

to the purposes and objects mentioned in Ordinance No. 0-17439, adopted by the City Council of the City on March 7, 1990, calling the Special Municipal Bond Election; provided, however, that when said purposes and objects have been accomplished and obtained, any moneys remaining in the Acquisition and Construction Fund may be transferred to the Bond Fund. Further, when such purpose and object have been accomplished and all principal and interest on the Bonds have been paid, any balance of the money then remaining in the Bond Fund shall be transferred to the General Fund.

Section 8. Tax Levy. That at the time of making the general tax levy after incurring the bonded indebtedness, and annually thereafter until the Bonds are paid or until there is a sum in the Treasury of the City set apart for that purpose sufficient to meet all payments of principal and interest on the Bonds as they become due, the City Council shall cause the County of San Diego to levy and collect a tax sufficient, after taking into account the amount of moneys available in the Bond Fund, to pay the interest on the Bonds as it falls due and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. If the earliest maturity of the bonds is more than one year after the date of issuance, the City Council shall cause the County of San Diego to levy and collect annually a tax sufficient to pay the interest as it falls due and to constitute a sinking fund for payment of the principal on or before maturity. Such amounts collected by the County of San Diego shall be transferred to the Bond Fund. The taxes shall be levied and collected as other city taxes, and in addition to all other taxes.

Section 9. Defeasance of Bonds.

(a) If the City shall cause to be paid to the owners of beneficial interests in the Bonds the interest and principal evidenced and represented thereby at the times and in the manner provided in this section, then all obligations of the City pursuant to the Bonds shall thereupon cease, terminate and become void and shall be discharged and satisfied, except only as provided in subsection (b) below.

(b) Any outstanding Bonds shall on their principal payment dates be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) above if there shall be on deposit with the Paying Agent money which is sufficient to pay the principal and interest evidenced and represented by such Bonds payable on and prior to their principal payment dates. Thereafter, the owners thereof shall be entitled to the payment of the interest and principal evidenced and represented by the Bonds by the City, the Paying Agent and DTC, and the City, the Paying Agent and DTC shall remain liable for such payment, but only out of such money or securities deposited with the Paying Agent as aforesaid for such payment; provided, however, that the provisions of Section 10 shall apply in all events.

(c) Any outstanding Bonds shall prior to their principal payment dates be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) of this section if (1) there shall have been deposited with the Paying Agent either money in an amount which shall be sufficient or United States Treasury bills, notes, bonds or certificates of indebtedness, or obligations for which the full faith and credit of the United States of America are pledged for the payment of interest and principal, which are not subject to redemption except by the holder therefor prior to maturity (including any such securities issued or held in book-entry form on the books of the Department of the Treasury of the United States of America) the interest on and principal of which when paid will provide money which, together with the money, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay when due the interest evidenced and represented by such Bonds on or prior to their principal payment dates, and the principal evidenced and represented by such Bonds, and (2) the Paying Agent shall have given notice to DTC in form satisfactory to the City irrevocable instructions to give notice by mail the owners of beneficial interests of such Bonds that the deposit required by clause (1) above has been made with the Paying Agent and that such Bonds are deemed to have been paid in accordance with this section and stating their principal payment dates upon which money is to be made available for the payment of the interest and principal evidenced and represented by such Bonds.

(d) After the payment of the principal and interest evidenced and represented by all outstanding Bonds as provided in this section, the Paying Agent shall execute and deliver to the City all such instruments as may be necessary or desirable to evidence the discharge and satisfaction of the obligations of the City pursuant to the Bonds, and the Paying Agent shall pay over or deliver to the City all money or deposits or investments held by it pursuant hereto which are not required for the payment of the interest and principal evidenced and represented by such Bonds.

Section 10. Unclaimed Money. Anything contained herein to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of the interest or principal evidenced and represented by any Bonds which remains unclaimed for three (3) years after the date when the payments evidenced and represented by such Bonds have become payable, if such money was held by the Paying Agent on such date, or for three (3) years after the date of deposit of such money if deposited with the Paying Agent after the date when the interest and principal evidenced and represented by such Bonds have become payable, shall be repaid by the Paying Agent to the City as its absolute property free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the owners of beneficial interests in the Bonds shall look only to

the City for the payment of the interest and principal evidenced and represented by such Bonds; provided that before being required to make any such payment to the City, the Paying Agent shall, at the expense of the City, give notice by mail to all owners of the Bonds that such moneys remain unclaimed and that after a date named in such notice, which date shall not be less than sixty (60) days after the date of giving such notice, the balance of such money then unclaimed will be returned to the City.

Section 11. Sealed Proposals for Purchase of Bonds. That sealed proposals for the purchase of the Bonds be received by up to the hour of 10:00 a.m., Pacific Time, on March 5, 1991, subject to any modification of such time as set forth in the notice inviting such sealed proposals.


Section 12. Notice Inviting Sealed Proposals. That the Clerk of the City is hereby authorized and directed to publish notice inviting such sealed proposals once in The Daily Transcript, a newspaper of general circulation, circulated within the City, said publication to be at least ten (10) days prior to the date of opening bids stated in said notice.

Section 13. Form of Notice. That said notice shall be substantially as on file in the Office of the City Clerk of San Diego as Document No. 00-17591-3.

Section 14. Tax Covenants. That the City shall not use or permit to be used any proceeds from the sale of the Bonds or any other funds of the City which will cause the Bonds to be "arbitrage bonds" subject to federal income taxation by reason of Sections 103 and 148 of the Code and to that end so long as any of the Bonds are outstanding, the City shall comply with all requirements of said Sections 103 and 148 and all regulations of the United States Department of the Treasury issued thereunder to the extent that such requirements are, at the time, applicable and in effect; and further, the City will not use or permit the use of the proceeds of the Bonds as a "private business use" within the meaning of Section 141(b) of the Code or by any "exempt person" in an "unrelated trade or business" within the meaning of Section 513 of the Code, in such manner or to such extent as would result in the loss of the exemption from federal income tax of the interest on such Bonds under Section 148 of the Code. Furthermore, the City shall establish and maintain any rebate fund required by Section 148 of the Code.

Section 15. Effective Date. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By:   
Harold O. Valderhaug  
Deputy

HOV:ps  
11/27/90  
Or.Dept. Fin.Mgmt.  
O-91-110

**0-17591**



#204

FEB 19 1991

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

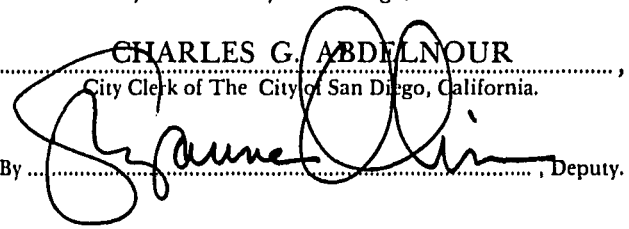
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By  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

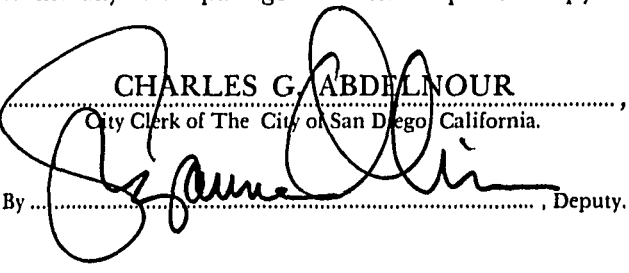
JAN 14 1991

FEB 19 1991

....., and on .....

~~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.  
By  Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Ordinance 0-17591 FEB 19 1991  
Number ..... RE Adopted.....

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE 07  
91 MAR 11 AM 9:44  
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
CITY ADMN. BLDG  
202 C ST.  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA,  
PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE  
CITY OF SAN DIEGO IN THE PRINCIPAL AMOUNT OF \$25,500,000 FOR THE...

**ORDINANCE NUMBER 0-17591**

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA,  
PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL  
OBLIGATION BONDS OF THE CITY OF SAN DIEGO IN THE  
PRINCIPAL AMOUNT OF \$25,500,000 FOR THE CONSTRUCTION  
OF POLICE AND FIRE AND OTHER PUBLIC SAFETY  
COMMUNICATIONS CENTERS AND EQUIPMENT FOR SUCH  
CENTERS, AND ACQUISITION OF A POLICE DEPARTMENT  
AND FIRE DEPARTMENT AND OTHER PUBLIC SAFETY FACILITIES,  
COMPUTER-AIDED DISPATCH SYSTEMS, AND  
RELATED FACILITIES; AND FOR THE PAYMENT OF ALL  
COSTS AND EXPENSES IN CONNECTION WITH SUCH CONSTRUCTION  
AND ACQUISITION AND THE ISSUANCE OF  
SUCH BONDS.

This ordinance provides for the issuance and sale of general obligation bonds of the City of San Diego in the principal amount of \$25,500,000 for the construction of police and fire and other public safety communications centers and equipment for such centers, and acquisition of a Police Department and Fire Department and other public safety facilities, computer-aided dispatch systems, and related facilities; and for the payment of all costs and expenses in connection with such construction and acquisition and the issuance of such bonds. The full text of this ordinance together with related documents is 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, Second Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Passed and adopted by the Council of The City of San Diego on FEB 19 1991, by the following vote:

YEAS: Wolfshelmer, Hartley, Pratt, Bernhardt, McCarty, Filner, Mayor O'Connor.

NAYS: None.

NOT PRESENT: Roberts, Henderson.

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

(SEAL)

By SUZANNE OLIVA, 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 JAN 14 1991, and on FEB 19 1991.

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 SUZANNE OLIVA, Deputy.

Pub. March 8

214224

I, Thomas D. Kelleher, 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 0-17591

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:

MAR. 5

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

Dated at San Diego, California this 5TH day of MAR, 19 91.

  
\_\_\_\_\_  
(Signature)

PAGE 1 OF 1

10" = 125.40