

Municipal Primary Election

City of San Diego

March 8, 1955

3-8-55

MUNICIPAL P

To vote for a candidate of your selection, stamp same office are to be elected, stamp a cross after the didates who are to be elected. To vote on any measur forbidden. All distirguishing marks or erasures are for and obtain another.

FOR MAYOR	
(Vote for One)	
EMILIO P. ADAMS	
SOL BLANC	
CHARLES C. DAIL (Councilman)	
GERARD A. DOUGHERTY	
HARRY L. FOSTER	
RICHARD L. PARSONS	
JEROME W. "JERRY" RUDRAUFF	
ROBERT L. STEVENSON	

FOR COUNCILMAN DISTRICT NO. 5	
(Vote for One)	
DOROTHY W. CONTE	17 00
FRANCIS E. "FRANK" CURRAN	19 60
W. WEST KENNERLY	36 13
OLE B. RANDALL	10 46
BESSIE IRENE SMITH	1 90
MOLENO L. SMITH	6 11
ELMER F. WHITWORTH	7 91

00515

MUN

MUNICIPAL PA

To vote for a candidate of your selection, stamp the same office are to be elected, stamp a cross after the candidates who are to be elected. To vote on any measure forbidden. All distinguishing marks or erasures are forbidden and obtain another.

3-8-55

0-6385

FOR MAYOR	
(Vote for One)	
EMILIO P. ADAMS	<input checked="" type="checkbox"/>
SOL BLANC	<input type="checkbox"/>
CHARLES C. DAIL (Councilman)	<input type="checkbox"/>
GERARD A. DOUGHERTY	<input type="checkbox"/>
HARRY L. FOSTER	<input type="checkbox"/>
RICHARD L. PARSONS	<input type="checkbox"/>
JEROME W. "JERRY" RUDRAUFF	<input type="checkbox"/>
ROBERT L. STEVENSON	<input type="checkbox"/>

FOR COUNCILMAN DISTRICT NO. 6	
(Vote for One)	
DR. EDMUND W. BARRINGER	2308
DON D'AGOSTINO	2168
JUSTIN C. EVENSON	2732
WILLIAM HILLMAN	828
AL MIX	2969

00516

STAMP, Never with pen or pencil
 (PEN AND INK OR INDELIBLE PENCIL.)

Councilmanic District No. 2-B

(leaving Top Margin Exposed)

BALLOT SAMPLE BALLOT
ON, March 8, 1955

the name of the candidate. When two or more candidates for the
 whom you desire to vote, not to exceed, however, the number of can-
 word "Yes" or after the word "No." All marks, except the cross are
 stamp, tear or deface this ballot, return it to the inspector of election

*0-6382
 A & B*

PROPOSITION A. Amend Section 12 of Article III of the Charter of The City of San Diego. This amendment provides a compensation for each Councilman's services of \$3,600.00 per year.	YES	33205
	NO	36920
		70,125

PROPOSITION B. Amend Section 24 of Article IV of the Charter of The City of San Diego. This amendment amplifies the duties of the Mayor, and provides a compensation for his services of \$10,000 per year.	YES	33873
	NO	36595
		70,468

0-6423

PROPOSITION C. THE CITY OF SAN DIEGO WATERWORKS REVENUE BOND ORDINANCE: Shall Ordinance No. 6402 (New Series) adopted by the City Council of The City of San Diego, February 8, 1955, providing for the expansion, extension, replacement of parts of, and betterment of the water impounding, treating and distribution system of said City and the issuance of \$6,000,000 of revenue bonds by said City to pay the cost thereof, said bonds to be payable only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department, be approved?	YES	56432
	NO	15005
		71,437

TOTAL REGISTRATION 141 789
 TOTAL VOTE CAST 75 340
 TOTAL PERCENT CAST 53.12%

00517

(This number to be torn off
by Inspector)

Mark Crosses on Ballot ONLY WITH RULE
(ABSENTEE BALLOTS MAY BE MARKED WITH)

(Fold Ballot to this perforated line)

MUNICIPAL OFFICIAL BALLOT MUNICIPAL PRIMARY ELECTION

INSTRUCTIONS TO VOTER

To vote for a candidate of your selection, stamp a cross in the voting square next to the right of the name. If more than one candidate for the same office are to be elected, stamp a cross after the names of all the candidates for that office for whom you wish to vote. To vote on any measure, stamp a cross in the voting square after the number of the measure. Voting for more than one candidate who are to be elected. To vote on any measure, stamp a cross in the voting square after the number of the measure. Voting for more than one candidate is forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark a ballot, it will be void and obtain another.

FOR MAYOR (Vote for One)		FOR CITY ATTORNEY (Vote for One)	
EMILIO P. ADAMS	1220	JEAN F. DU PAUL (Incumbent)	59295
SOL BLANC	1357	FOR MEMBERS OF THE BOARD OF EDUCATION (Vote for Two)	
CHARLES C. DAIL (Councilman)	29097	ROBERT C. DENT (Incumbent)	39406
GERARD A. DOUGHERTY	1396	MARY L. FAY (Incumbent)	38329
HARRY L. FOSTER	20286	DR. FRANK LOWE	43702
RICHARD L. PARSONS	985		
JEROME W. "JERRY" RUDRAUFF	16810		
ROBERT L. STEVENSON	2731		
FOR COUNCILMAN DISTRICT NO. 2 (Vote for One)			
CHARLES B. WINCOTE (Incumbent)	5108		
DUDLEY D. WILLIAMS, JR.	4233		

3-8-55

00518

COMPILATION OF VOTES CAST ON CANDIDATES
AND ON CHARTER AMENDMENTS AND ON WATER-
WORKS REVENUE BONDS AT THE MUNICIPAL
PRIMARY ELECTION HELD MARCH 8, 1955.

MAYOR (797 Precincts)	Votes Received	Registra- tion	Per Cent of Vote
Adams	1,220	141,829	00.86%
Blanc	1,357	"	00.96
Dail	29,097	"	20.52
Dougherty	1,396	"	00.98
Foster	20,266	"	14.30
Parsons	935	"	00.69
Rudrauff	16,810	"	11.85
Stevenson	2,731	"	01.93

COUNCIL Dist. 2 (26 Precincts)	Votes Received	Registra- tion	Per Cent of Vote
Wincote	5,108	17,916	28.51%
Williams	4,233	"	23.63

COUNCIL Dist. 5 (132 Precincts)	Votes Received	Registra- tion	Per Cent of Vote
Conte	1,700	23,440	07.25%
Curran	1,960	"	08.36
Keenerly	3,673	"	15.41
Mendall	1,046	"	04.46
B. Smith	1,901	"	08.11
M. Smith	611	"	02.61
Whitworth	791	"	03.37

CITY ATTORNEY (797 Precincts)	Votes Received	Registra- tion	Per Cen- of Vote
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DuPaul	59,295	141,829	41.81%
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BOARD OF EDUCATION (766 Precincts)	Votes Received	Registra- tion	Per Cen- of Vote
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Dent	39,406	139,417	28.98%
Fay	36,329	"	27.49
Low	43,702	"	31.35

Total Registration in District	139,417
Total Vote Cast	74,172
Per Cent of Vote	53.19%

COUNCIL Dist. 6 (137 Precincts)	Votes Received	Registra- tion	Per Cen- of Vote
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Barringer	2,308	21,903	10.54%
D'Agostino	2,168	"	09.90
Evenson	2,732	"	12.47
Hillman	828	"	03.78
Wix	2,969	"	13.56

CHARTER AMENDMENTS
(797 Precincts)

	YES	NO	VOTE	PER CENT
Proposition A Amend Sec. 12 of The Charter-Council Salary	33,205	36,920	70,125	49.14%
Proposition B Amend Sec. 24 of The Charter-Mayor's Salary	33,873	36,595	70,468	49.69
Proposition C Water Revenue Bonds	56,432	15,005	71,437	50.37

TOTAL REGISTRATION FOR ELECTION 141,289

TOTAL VOTE CAST AT THE ELECTION 75,340

PER CENTAGE OF VOTE CAST 53.12%

absentee vote 408

3/8/55

PROPOSED CHARTER AMENDMENTS
AND
AN ORDINANCE PROVIDING FOR
THE ISSUANCE OF REVENUE BONDS

The following proposed amendments to the Charter of the City of San Diego, California and an ordinance adopted by the City Council of San Diego, February 8, 1955 providing for the issuance of Revenue Bonds, in sum of \$6,000,000, payable from such revenues of the Waterworks System as are in excess of the amount needed to operate and maintain the water department, will be submitted to the voters of the City of San Diego on Tuesday, March 8, 1955.

FRED W. SICK, City Clerk

00521

3/8/55

PROPOSITION A

Amend Section 12 of Article III of the Charter of The City of San Diego to read as follows:

"Section 12. **THE COUNCIL.** The Council shall be composed of seven (7) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of May next succeeding their election and until their successors are elected and qualified.

At the first election held after this Charter takes effect there shall be elected a Mayor, whose term of office shall expire May 6, 1935, and one Councilman from each of the six (6) Districts as provided in Article II of this Charter. At the first meeting of the Council held for organization under this Charter, the Councilmen elected from the six Districts shall draw lots to determine which three (3) Councilmen shall retire on May 8, 1933. Thereafter there shall be elected at each general municipal election according as their respective terms of office expire either four Councilmen, including the Mayor, or three Councilmen.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

Each Councilman shall receive as compensation for his services the sum of Three Thousand Six Hundred Dollars (\$3,600.00) per year.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor and a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter."

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION A. Amend Section 12 of Article III of the Charter of The City of San Diego. This amendment provides a compensation for each Councilman's services of \$3,600.00 per year.	YES	
	NO	

PROPOSITION B

Amend Section 24 of Article IV of the Charter of The City of San Diego to read as follows:

"Section 24. **MAYOR.** The Mayor is charged with the duties and the efficient performance of the functions of presiding over meetings of the Council, the orderly presentation and disposal of Councilmanic business, guiding the formulation of City policy, achieving liaison on policy matters between this and other governments and governmental agencies, representing the Council in the communication and enforcement of policy when requested by it so to do, exercising his appointive powers to the and the City shall secure the services of those especially qualified by reason of training and experience for the work which shall devolve upon them by reason of such appointment, making himself available at reasonable times to people interested in municipal government, exercising all his powers and prerogatives in the best interests of the citizens of San Diego, and such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall have no power of veto, but shall have a vote as a member of the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. In time of public danger or emergency he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The Mayor shall receive as compensation the sum of Ten Thousand Dollars (\$10,000.00) per year. The Mayor shall also receive each year for entertainment purposes a sum not to exceed Fifteen Hundred Dollars (\$1,500.00).

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy. Any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION B. Amend Section 24 of Article IV of the Charter of The City of San Diego. This amendment amplifies the duties of the Mayor, and provides a compensation for his services of \$10,000 per year.	YES	
	NO	

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PROPOSITION C
ORDINANCE NO. 6402 (New Series)

An Ordinance of The City of San Diego providing for the expansion, extension, replacement of parts of, and betterment of the waterworks system of The City of San Diego and to pay the cost thereof authorizing and providing for the issuance and sale of \$6,000,000 of revenue bonds payable from such revenues of said waterworks system as are in excess of the amount needed to operate and maintain the water department; this Ordinance not to take effect until approved by a majority vote of the electors of said City.

WHEREAS, The City of San Diego (hereinafter sometimes called "City" or "the City"), a municipal corporation operating under the provisions of a freeholders charter (hereinafter sometimes called "Charter"), owns and operates a water impounding, treating and distribution system (hereinafter sometimes called "waterworks" or "waterworks system"); and

WHEREAS, moneys are required to provide for the expansion, extension, replacement of parts of, and betterment of the water impounding, treating and distribution system of The City of San Diego, and the Council of said City proposes to provide for the payment of the cost of such public improvements by the issuance and sale of revenue bonds payable in whole from the revenues derived from the Water Department, and payable only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department; and

WHEREAS, the City Manager has recommended that revenue bonds in the sum of \$6,000,000 be authorized and issued for the aforesaid purposes, and this Council has heretofore found and hereby finds that there exists a need for such public improvements and a need for the financing of the same by the issuance and sale of said revenue bonds, and a need for the exercise of the power provided by Section 90.1 of the Charter of said City; NOW, THEREFORE,

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

Section 1. FINDING OF NEED. That there exists, and this Council hereby finds that there exists a need for the expansion, extension, replacement of parts of, and betterment of the water impounding, treating and distribution system of said City and a need to provide therefor, and a need to provide for the payment of the cost of such public improvements by the issuance and sale of \$6,000,000 principal amount of bonds payable in whole from the revenues derived from said waterworks system, and a need for the exercise of the power provided by Section 90.1 of the Charter, and said bonds shall be payable only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department.

Section 2. AUTHORIZATION OF ISSUE. That revenue bonds of The City of San Diego (hereinafter sometimes called the "bonds" and any one of which may be called herein a "bond") in the principal sum of \$6,000,000 be, and the same are hereby authorized to be issued and sold under and pursuant to Section 90.1 of the Charter of said City for the purpose of providing moneys to pay the cost of and to provide for the expansion, extension, replacement of

parts of, and betterment of the water impounding, treating and distribution system of said City.

Section 3. DESCRIPTION OF BONDS. Said bonds shall be in the principal amount of \$6,000,000, shall be six thousand in number, numbered 1 to 6000, inclusive, and shall be of the denomination of \$1,000 each. Said bonds shall be designated WATERWORKS REVENUE BONDS, ELECTION 1955, shall be dated May 1, 1955, and shall be payable in consecutive numerical order \$300,000 annually on May 1 of each year from May 1, 1956, to May 1, 1975, both inclusive.

Section 4. INTEREST RATE AND PLACE OF PAYMENT. Said bonds shall bear interest at a rate or rates to be hereafter fixed by resolution or resolutions, and said interest shall be payable semiannually. Each bond shall bear interest until the principal sum thereof has been paid; provided, however, that if at the maturity date of any bond, or if the same is redeemable and has been duly called for redemption, funds are available in the proper fund for the payment thereof or for the redemption thereof in full accordance with the terms of this ordinance, said bond shall then cease to bear interest. The maximum rate of interest to be paid on said bonds shall be five per cent (5%) per annum. Said bonds and the interest thereon shall be payable in lawful money of the United States of America at the office of the Treasurer of The City of San Diego, in said City, or at any fiscal agency of The City of San Diego in Los Angeles, California, or in New York, New York, or in Chicago, Illinois, at the option of the holder.

Section 5. EXECUTION OF BONDS. The Mayor and the Treasurer of said City are hereby authorized and directed to sign all of said bonds and the City Clerk of said City is hereby authorized and directed to countersign said bonds and to affix thereto the corporate seal of said City, and the Treasurer of said City is hereby authorized and directed to sign the interest coupons of said bonds. All of said signatures except that of the City Clerk may be by printed, lithographed or engraved facsimile.

Section 6. DISPOSITION OF PROCEEDS OF BONDS. There is hereby established a separate fund in the City Treasury for the purpose of insuring the application of the proceeds of the sale of the bonds to the purposes set forth in Section 2 hereof, for which the same are to be issued. Such separate fund is hereby designated WATERWORKS REVENUE BONDS, 1955, CONSTRUCTION FUND (hereinafter sometimes referred to as "Construction Fund"). The Treasurer shall immediately upon receipt of the proceeds of the bonds, place the same in the Construction Fund. The money set aside and placed in the Construction Fund shall remain therein until from time to time expended for the objects and purposes set forth in Section 2 hereof; provided, however, that money may be paid or transferred from the Construction Fund in furtherance of the purpose of its establishment to any other such separate fund established for a like purpose in connection with the bonds, and may be temporarily invested in bonds which are direct obligations of The United States of America, maturing within 18 months from the date of investment, and such proceeds and the interest thereon shall be applied exclusively to the objects and purposes set forth in Section 2 of this ordinance.

Section 7. REVENUE BOND FUND. The revenue bonds to be issued under this ordinance shall not constitute an indebtedness of The City of San Diego, but shall constitute obligations which shall be payable, principal and interest, only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department, and said special fund is hereby designated WATER DEPARTMENT REVENUE BOND FUND (hereinafter sometimes called "Revenue Bond Fund"). Neither the principal of nor interest on any bond issued hereunder shall under any circumstances ever become an obligation chargeable or enforceable against any of the tax revenues of The City of San Diego or any other revenues of said City except such revenues as are expressly specified in each bond for the payment of such bond and the interest thereon, to-wit, revenues of the Water Department which are in excess of the amount needed to operate and maintain the Water Department, and no bond issued hereunder or any interest payable thereon shall ever under any circumstances create or impose any obligation upon the City itself or the tax revenues of said City, or any revenue of the City other than the revenues herein pledged to secure the payment of the principal and interest of the bonds, to-wit: such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department.

Section 8. BOND SERVICE FUND. There is hereby established a fund in the City Treasury to insure the payment when due or payable of the principal of and interest on the bonds. Said fund shall be known as the WATERWORKS REVENUE BONDS, 1955, BOND SERVICE FUND (hereinafter sometimes referred to as the "Bond Service Fund") and shall constitute a subdivision of said Revenue Bond Fund. After the sale and delivery of the bonds and so long as any of said bonds are outstanding, on the first day of each calendar month there shall be set aside and transferred from the Water Department Revenue Bond Fund to the Bond Service Fund sums in equal aliquot parts for each half year so that at least the full amount required to pay, as it becomes due, the interest on the bonds, and any maturity or installment of principal of the bonds shall be set aside in the Bond Service Fund at least one month prior to the date the installment of interest or principal becomes due. Such transfer on the first day of the first calendar month subsequent to the date of delivery must be of a sum at least sufficient, together with other transfers of the same amount made on the first day of each calendar month thereafter, to provide in said Bond Service Fund one month prior to the maturity of the first installment of principal the full amount of such principal and to provide in said Bond Service Fund one month prior to the maturity of the first installment of interest the full amount of such interest. Such sums shall be set aside, transferred to and placed in the Bond Service Fund in such time that the next maturing installment of interest and principal on the bonds shall be set aside in the Bond Service Fund in cash at least one month prior to the time the maturity or installment of principal or interest becomes due.

Any amounts required to be set aside, transferred to and placed in the Bond Service Fund may be prepaid, in whole or in part, by being earlier set aside, transferred to and placed in the Bond Service Fund, and in that event

the monthly transfer or any part thereof, which has been so prepaid need not be made at the time appointed therefor. In any event, at least one month prior to the due date of any maturity or installment of principal or interest on the bonds all sums required for the payment thereof must be in such Bond Service Fund.

Such sums shall be so set aside out of the Water Department Revenue Bond Fund and not out of any other fund or moneys of the City. The Council directs that such sums be so set aside through transfers or payments made in such amounts as may be necessary to comply with the foregoing provisions of this Section.

Money set aside and placed in said Bond Service Fund shall remain therein until from time to time expended for the payment of such principal and interest, and shall not be used for any other purpose whatever, except that any such money so set aside and placed in said Bond Service Fund which at any time may be in excess of the amount which at that time is required by the terms of this section to be in the Bond Service Fund in cash may be temporarily invested in any authorized direct obligations of the United States maturing not later than 18 months from the date of investment, but such investment shall not affect the obligation of the City to cause the full amount required by the terms of this section to be available in said Bond Service Fund in cash at the time required by the terms of this section. All moneys remaining in said Bond Service Fund in excess of the amount required to accomplish the purpose of its establishment shall be transferred to the Water Department Revenue Bond Fund.

The bonds and interest coupons shall recite that they are payable from the Water Department Revenue Bond Fund, but said bonds and coupons, notwithstanding such recital, shall be paid from the Bond Service Fund which is derived from said Water Department Revenue Bond Fund and is a subdivision thereof.

Section 9. FLOW OF FUNDS. All revenues of the Water Department shall be deposited in the Water Department Fund. Such revenues shall include all revenues for the use of the public improvements, to-wit, the waterworks of the City or any part thereof, and all services (including water and all other services) furnished the people by the operation of such waterworks. From such Water Department Fund there shall be paid the amount needed to operate and maintain the Water Department. All such revenues in the Water Department Fund as are in excess of the amount needed to operate and maintain the Water Department shall be transferred to the WATER DEPARTMENT REVENUE BOND FUND, which shall consist of such revenues so transferred. Such transfers to said Revenue Bond Fund shall be made monthly on the first day of each month, and in any event in such time that all amounts required to be transferred from said Revenue Bond Fund to the Bond Service Fund shall be made at the time and in the manner required by this ordinance. In any calendar month after the transfer of the amount required to be paid into said Bond Service Fund has been made, any balance remaining in said Revenue Bond Fund may be used as directed by the City Council for any purposes of the Water Department authorized by the Charter and may also be used for the payment of all or any portion of the tax of The Metropolitan Water District

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of Southern California which the Council may elect to pay out of funds of the City; and out of any surplus remaining in said Revenue Bond Fund there may be transferred as directed by the City Council to the General Fund of the City a sum or sums sufficient to repay any moneys paid by the City that year for the redemption of general obligation water bonds and the payment of interest thereon, and also a sum or sums in payment of the reasonable costs of services and facilities furnished to the Water Department by other City departments, and out of said surplus the City Council may transfer to the Redemption Fund and use for the purpose of calling and redeeming, prior to maturity, any bonds of this issue which are subject to call and redemption prior to maturity; provided, however, that nothing contained in this paragraph shall authorize or permit any payment or transfer of funds which would reduce the sum in said Revenue Bond Fund to an amount insufficient to pay the principal and interest of the bonds as they become due, and said Revenue Bond Fund shall at all times be maintained in a sum sufficient to make payments therefrom of the principal and interest of said bonds (including payments into the Bond Service Fund) in time, form and manner as provided in this ordinance. Moneys in the Revenue Bond Fund may be temporarily invested in any authorized direct obligations of the United States maturing not later than 18 months from the date of investment.

Section 10. EQUALITY OF BONDS. Bonds of this issue shall be equally secured by a pledge, charge and lien upon the revenues of the Water Department in excess of the amount needed to operate and maintain the Water Department, without priority for number, date of sale, date of execution, or date of delivery, and the payment of the interest on and principal of such bonds shall be and is secured by an exclusive pledge, charge and lien upon all of the revenues of the Water Department in excess of the amount needed to operate and maintain the Water Department, and such revenues and any interest earned on such revenues shall constitute a trust fund for the security and payment of the interest on and principal of said bonds, and so long as any of the bonds or interest thereon are unpaid, or so long as provision for the full payment and discharge thereof at maturity or upon redemption prior to maturity through the setting apart in the Bond Service Fund or in the Redemption Fund or in a special trust fund to insure the payment or redemption thereof (as the case may be) of money sufficient for the purpose has not been made, said revenues may be applied only as authorized by this ordinance.

Section 11. REDEMPTION. None of the bonds issued hereunder shall be subject to call or redemption prior to maturity from the proceeds of refunding bonds. Redemption of any of the bonds issued hereunder may be made only from revenues of the Water Department which under the provisions of Section 9 of this ordinance are transferred to the Water Department Revenue Bond Fund. The bonds maturing on or prior to May 1, 1960, shall not be subject to call or redemption prior to maturity. The bonds maturing on or after May 1, 1961, or any of them, may be called before maturity and redeemed, at the option of the City Council of the City, on May 1, 1960, or on any interest payment date thereafter prior to maturity, at a redemption price equal to 100.5% of the principal amount thereof, plus $\frac{1}{4}$ of 1% of such principal amount for each whole twelve months' period and for any remaining frac-

tion of a twelve months' period from the date fixed for redemption to the maturity date of such bond, but the redemption price, including premium payable at any time upon redemption, shall not exceed 104% of such principal amount. All or any of the bonds subject to call may be called for redemption at any one time. If less than all of the bonds are redeemed at any one time, such bonds shall be redeemed only in inverse order of maturity and number, beginning with the highest numbered bond. The interest payment date on which bonds are to be presented for redemption is hereinafter sometimes called the "redemption date."

Section 12. NOTICE OF REDEMPTION. Notice of the intended redemption shall be published by one insertion in the San Diego City official newspaper published in The City of San Diego, California, and in a financial newspaper or journal of national circulation published in the City of New York, New York, the publication to be at least thirty (30) days but not more than sixty (60) days prior to the redemption date. The notice of redemption shall (a) state the redemption date; (b) state the redemption price; (c) state the numbers and dates of maturity of the bonds to be redeemed, provided, however, that whenever any call includes all of the bonds of a maturity the numbers of the bonds of such maturity need not be stated; (d) require that such bonds be surrendered with all interest coupons maturing subsequent to the redemption date (except that no coupons need be surrendered on bonds registered as to both principal and interest) at the office of the Treasurer of The City of San Diego, in said City, or at any fiscal agency of The City of San Diego in Los Angeles, California, or in New York, New York, or in Chicago, Illinois; (e) require that bonds which at the time of call are registered so as to be payable other than to bearer shall be accompanied by appropriate instruments of assignment duly executed in blank; and (f) give notice that further interest on such bonds will not accrue after the designated redemption date.

If any of the bonds designated for redemption shall be registered so as to be payable otherwise than to bearer, the Treasurer shall, on or before the date of the publication of said notice of redemption, mail a similar notice, postage prepaid, to the respective registered owners thereof at the addresses appearing on the bond registry books.

The actual receipt by the holder of any bond (hereinafter referred to as "bondholder") of notice of such redemption shall not be a condition precedent to redemption, and failure to receive such notice shall not affect the validity of the proceedings for the redemption of such bonds or the cessation of interest on the date fixed for redemption. The notice or notices required by this section shall be given by the Treasurer. A certificate by the Treasurer that notice of call and redemption has been given to holders of registered bonds as herein provided shall be conclusive as against all parties, and no bondholder whose registered bond is called for redemption may object thereto or object to the cessation of interest on the redemption date fixed by any claim or showing that he failed to actually receive such notice of call and redemption.

Section 13. REDEMPTION FUND. Prior to the time the City Council determines to call and redeem any of said bonds there shall be established in the City Treasury a redemption fund to be described or known as WATER-

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WORKS REVENUE BONDS, ELECTION 1955, REDEMPTION FUND (hereinafter sometimes called the "Redemption Fund"), and prior to the redemption date there must be transferred from the Revenue Bond Fund and set aside in said Redemption Fund moneys available for the purpose and sufficient to redeem, at the premiums payable as in this ordinance provided, the bonds designated in such notice for redemption. Said moneys must be set aside in said fund solely for that purpose and shall be applied on or after the redemption date to payment (principal and premium) for the bonds to be redeemed upon presentation and surrender of such bonds and (except as to bonds registered as to both principal and interest) all interest coupons maturing after the redemption date, and shall be used only for that purpose. Any interest coupon due on or prior to the redemption date shall be paid from the Bond Service Fund provided in this ordinance upon presentation and surrender thereof. Each bond presented (unless such bond be registered as to both principal and interest) must have attached thereto or presented therewith all interest coupons maturing after the redemption date. If after all of the bonds have been redeemed and cancelled or paid and cancelled there are moneys remaining in said Redemption Fund, said moneys shall be transferred to the Water Department Fund.

Section 14. EFFECT OF THE NOTICE OF REDEMPTION. When notice of redemption has been given, substantially as provided in Section 12 hereof, and when the amount necessary for the redemption of the bonds called for redemption (principal and premium) is set aside for that purpose in the Redemption Fund, as provided in Section 13 hereof, the bonds designated for redemption shall become due and payable on the date fixed for redemption thereof, and upon presentation and surrender of said bonds and (except as to bonds registered as to both principal and interest) all interest coupons maturing after the redemption date, at the place specified in the notice of redemption; and, if any of said bonds be registered, upon the appropriate assignment thereof in blank, such bonds shall be redeemed and paid at said redemption price out of the Redemption Fund, and no interest will accrue on such bonds called for redemption or on any interest coupons thereof after the redemption date specified in such notice, and the holders of said bonds so called for redemption after such redemption date shall look for the payment of such bonds and the premium thereon only to said Redemption Fund. All bonds redeemed and all interest coupons thereof shall be cancelled forthwith by the Treasurer and shall not be reissued.

All interest coupons pertaining to any redeemed bonds, which coupons have matured on or prior to the time fixed for redemption, shall continue to be payable to the respective holders thereof but without interest thereon. All unpaid interest payable at or prior to the date fixed for redemption upon bonds registered in such manner that the interest is payable only to the registered owners shall continue to be payable to the respective registered owners of such bonds, or their order, but without interest thereon.

Section 15. BOND AND COUPON FORMS: Said bonds shall be payable to bearer, shall be issued in negotiable form and shall be negotiable, and the form of said bonds and the interest coupons thereof shall be substantially as follows:

UNITED STATES OF AMERICA
STATE OF CALIFORNIA
THE CITY OF SAN DIEGO
WATERWORKS REVENUE BOND, ELECTION 1955

\$1,000

No.

THE CITY OF SAN DIEGO (hereinafter sometimes called "City" or "the City"), a municipal corporation situated in the County of San Diego, State of California, FOR VALUE RECEIVED, hereby promises to pay to bearer, on May 1, 19...., out of the Water Department Revenue Bond Fund and not out of any other fund or moneys of the City, upon presentation and surrender of this bond, the sum of ONE THOUSAND DOLLARS, with interest thereon at the rate of per cent (....%) per annum, payable semiannually on the first days of May and November of each and every year from the date hereof until this bond is paid, upon presentation and surrender of the respective interest coupons hereto attached; provided, however, that if at the maturity date of this bond or, if the same is redeemable and shall be duly called for redemption then at the date fixed for redemption, funds are available for the payment or redemption thereof, as provided in the ordinance hereinafter mentioned, this bond shall then cease to bear interest. Both principal and interest and any premium upon the redemption hereof are payable in lawful money of the United States of America at the office of the Treasurer of The City of San Diego in said City, or at any fiscal agency of The City of San Diego in Los Angeles, California, or in New York, New York, or in Chicago, Illinois, at the option of the holder hereof.

This bond does not constitute an indebtedness of The City of San Diego but is an obligation payable, principal, interest, and any premium upon the redemption thereof, only from a special fund, to-wit, the Water Department Revenue Bond Fund (hereinafter sometimes called "Revenue Bond Fund"), which consists of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department, and neither the principal of this bond nor interest thereon shall under any circumstances ever become an obligation chargeable or enforceable against any of the tax revenues of The City of San Diego or any other revenues of said City, except such revenues as are expressly specified in this bond for the payment of such bond and the interest thereon. All revenues of the Water Department are deposited in the Water Department Fund, and all revenues in such Water Department Fund in excess of the amount needed to operate and maintain the Water Department are to be paid into said Revenue Bond Fund.

This is one of a duly authorized issue of bonds of the City designated "The City of San Diego Waterworks Revenue Bonds, Election 1955" (hereinafter called "the bonds," and any one of which may be called a "bond"), all of which have been issued pursuant to Section 90.1 of the Charter of said City (hereinafter sometimes called the "Charter") for the purpose of providing moneys for the expansion, extension, replacement of parts of, and betterment of the water impounding, treating and distribution system (hereinafter sometimes called "waterworks system" or "waterworks") of said City. The creation of said issue and the terms and conditions of the bonds are provided for by the or-

Ordinance of said City authorizing the bonds and designated Ordinance No. 6402 (New Series) (hereinafter sometimes called "the ordinance" or "said ordinance"). Said ordinance and this bond and the coupons thereof are to be construed in accordance with the laws of the State of California.

So long as any of the bonds or interest coupons thereof are outstanding and unpaid, or so long as provision for the full payment and discharge thereof at maturity or upon redemption prior to maturity, through the setting apart in the Bond Service Fund or in the Redemption Fund or in a special trust fund to insure the payment or redemption thereof (as the case may be) of money sufficient for that purpose has not been made, the City covenants with the bondholders in accordance with the provisions of said Section 90.1 of the Charter as follows:

(1) That during the life of this bond and until the principal hereof, together with the interest thereon, is fully paid the Council of said City (hereinafter sometimes called the "Council") will fix such charges or fees for the use of such public improvements (being the waterworks system of said City) and the services furnished the people by the operation of such public improvements, to-wit, water or other services, as will produce moneys sufficient in amount to insure the payment in full of the principal and interest of such bond when due and the cost in full of the maintenance and operation of said public improvements (namely the waterworks system) during the life of said bond;

(2) That no additional bonds shall be issued pursuant to the Charter of said City or under any law of the State of California, having any priority in payment of principal or interest out of the revenues of the Water Department of said City over bonds of this issue;

(3) That no additional bonds payable out of said revenues or which may be paid out of said revenues shall be issued unless first, the net income of the Water Department before depreciation and bond service, as shown by the books of the City for the latest prior fiscal year with respect to which such books have been examined and reported upon by an independent certified public accountant or firm of certified public accountants employed by the City, shall have amounted to (i) at least twice the amount of interest to accrue in that one of the fiscal years ending thereafter in which the interest so to accrue will be greatest, and (ii) at least 1 1/4 times the aggregate of the amount of interest to accrue and payments of principal required to be made in that one of the fiscal years ending thereafter in which such aggregate will be the greatest, on all indebtedness to be outstanding immediately subsequent to the incurring of such additional indebtedness;

(4) That the waterworks of the City shall not be sold or leased or otherwise disposed of, as a whole, or substantially as a whole, unless such sale, lease or other disposition be so arranged as to provide for a continuance of payments into the Water Department Revenue Bond Fund sufficient in amount to permit payment therefrom in full of the principal of and interest on all bonds of this issue or to provide for such payments into some other fund charged with such payments;

(5) That the revenues from the waterworks pledged or otherwise made available to secure payment of the principal of and interest on the bonds shall

not be pledged or any lien or charge placed thereon, or disposed of or used except as authorized by the terms of said ordinance;

(6) That the City will not enter into any agreement which impairs the operation of the waterworks, or any part of it necessary to secure adequate revenues to pay principal and interest of the bonds, or which otherwise would impair the rights of the bondholders with respect to the revenues or the operation of the waterworks;

(7) That the City will operate the waterworks in an efficient and economical manner and will operate, maintain and preserve the waterworks system in good repair and working order;

(8) That the City will cause the books and accounts of the Water Department to be audited annually by an independent certified public accountant or firm of certified public accountants and will make available for inspection by the bondholders at the office of the City Clerk and the office of the City Treasurer a copy of the report of such accountants, and will also furnish a copy thereof upon request to any bondholder.

This bond is not subject to call or redemption prior to maturity out of the proceeds of refunding bonds; but unless this bond matures on or prior to May 1, 1960, it is redeemable prior to maturity from revenues derived from the waterworks in accordance with the provisions for redemption endorsed hereon.

This bond and the coupons hereto attached are negotiable instruments and shall be negotiable by delivery.

IT IS HEREBY CERTIFIED AND RECITED that any and all acts, conditions and things required to exist, to happen and to be performed precedent to and in the incurring of the indebtedness evidenced by this bond and in the issuance of this bond exist, have happened, and have been performed in due time, form and manner, as required by the Constitution and statutes of the State of California and the Charter of The City of San Diego, and that this bond, together with all other indebtedness of the City pertaining to the aforesaid Water Department, is within every debt and other limit prescribed by the Constitution and statutes of the State of California and the Charter of the City.

IN WITNESS WHEREOF, The City of San Diego has caused this bond to be signed by the Mayor and the Treasurer of said City, by their facsimile signatures, countersigned by the City Clerk of said City, and sealed with the corporate seal of said City, and the interest coupons hereto attached to be signed by the Treasurer of said City by his facsimile signature, and has caused this bond to be dated the first day of May, 1955.

(facsimile signature)
Mayor of The City of San Diego, California

(facsimile signature)
Treasurer of The City of San Diego, California

COUNTERSIGNED:

City Clerk of The City of San Diego, California.

(SEAL)

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(COUPON FORM)

Coupon No.

On the first day of 19....., THE CITY OF SAN DIEGO, CALIFORNIA, will pay to the bearer, at the office of the Treasurer of The City of San Diego in said City, or at any fiscal agency of The City of San Diego in Los Angeles, California, or in New York, New York, or in Chicago, Illinois, at the option of the holder, out of the Water Department Revenue Bond Fund of said City and not out of any other fund or moneys of the City, the sum of \$..... in lawful money of the United States of America, being the semiannual interest then due on its WATERWORKS REVENUE BOND, ELECTION 1955, No.....

Dated May 1, 1955.

(facsimile signature)

Treasurer of The City of San Diego, California

On the reverse side of the coupon there shall be printed substantially the following:

If the bond to which this coupon is attached is redeemable and is duly called for redemption on a date prior to the maturity date of this coupon, this coupon will be void.

Substantially the following provisions for redemption shall be printed on the reverse side of the bond:

PROVISIONS FOR REDEMPTION

Unless this bond matures on or prior to May 1, 1960, it is redeemable in the manner, from the fund, and subject to the terms and provisions, and with the effect, set forth in the ordinance, at the option of the City Council of The City of San Diego, on May 1, 1960, or on any interest payment date thereafter prior to maturity, upon notice published once at least thirty (30) days prior to the redemption date in a newspaper in The City of San Diego, California, and in a financial newspaper or journal of national circulation published in New York, New York, at a redemption price equal to 100.5% of the principal amount thereof, plus 1/4 of 1% of such principal amount for each whole twelve months' period and for any remaining fraction of a twelve months' period from the date fixed for redemption to the maturity date of this bond, but not exceeding 1/4% of such principal amount.

Section 16. LOST, DESTROYED OR MUTILATED BONDS. In the event any bond or coupon pertaining thereto is lost, destroyed, or mutilated, the Council will cause to be issued a new bond similar to the original to replace the same, in such manner and upon such reasonable terms and conditions as it may from time to time determine and prescribe by resolution.

Section 17. CANCELLATION OF BONDS. All bonds and coupons surrendered to any fiscal agency of The City of San Diego in Los Angeles, California, or in New York, New York, or in Chicago, Illinois, for payment upon maturity or for redemption shall upon payment therefor be cancelled immediately and forthwith transmitted to the Treasurer of The City of San Diego.

All of the bonds and interest coupons surrendered to the Treasurer for payment or for redemption shall upon payment therefor be cancelled immediately. All of the cancelled bonds and interest coupons shall remain in the custody of the Treasurer until destroyed pursuant to due authorization.

Section 18. FINDING ON COVENANTS. The Council authorizes the insertion of Covenant (1) in said bonds under the express authority of Section 90.1 of the Charter. All other covenants in said bonds are such as will tend to insure the safety of said bonds for investment purposes and are inserted in each bond under the authority of said Section 90.1.

Section 19. PROCEEDINGS CONSTITUTE CONTRACT. After the bonds have been issued and delivered the provisions of this ordinance and of the resolutions and orders providing for the sale of the bonds and awarding the bonds and finally fixing the interest rate or rates thereon shall constitute a contract between the City and the bondholders and shall be irrevocable and the provisions thereof shall be enforceable by any bondholder for the equal benefit and protection all bondholders similarly situated by mandamus, accounting, mandatory injunction or any other suit, action or proceeding at law or in equity that is now or may hereafter be authorized under the laws of the State of California in any court of competent jurisdiction. Said contract is made under and is to be construed in accordance with the laws of the State of California.

No remedy conferred hereby upon any bondholder is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy, and may be exercised without exhausting and without regard to any other remedy conferred by the laws of the State of California. No waiver of any default or breach of duty or contract by any bondholder shall affect any subsequent default or breach of duty or contract or shall impair any rights or remedies on said subsequent default or breach. No delay or omission of any bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed as a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the bondholders may be enforced and exercised as often as may be deemed expedient.

Section 20. SALE OF BONDS. The bonds may be issued and sold as a whole or from time to time in such amounts and maturities as the Council may determine by resolution. Bonds shall be sold only after notice inviting bids thereon has been published once in the city official newspaper, said publication to be not less than ten days prior to the date for receiving bids. The Council by resolution may fix and determine all of the terms upon which bids will be received. The bonds shall be awarded to the best bidder; provided, however, that the Council may reject any or all bids.

Section 21. FIXING INTEREST RATES. The City Council may fix the interest rate or rates on said bonds or any part thereof by resolution or resolutions. Prior to the award of bonds to a purchaser any such resolution or resolutions may be repealed. The resolution fixing the rate upon which bonds are awarded to a purchaser shall be irrevocable.

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Section 22. EFFECTIVE DATE. This ordinance shall not become effective until approved by a majority vote of the electors of the City voting at a special election. Said special election shall be held on March 8, 1955. If approved by such majority vote this ordinance shall take effect upon the date the City Clerk certifies the result of the canvass to the Council.

Approved as to Form by _____ J. F. DuPaul, City Attorney.

Passed and adopted by the Council of the City of San Diego, California, this 8th day of February, by the following vote, to-wit: YEAS—Councilmen: Burgener, Wincote, Schneider, Kerrigan, Dail, Godfrey. NAYS—Councilmen: None. ABSENT—Mayor Butler.

Charles B. Wincote, Vice Mayor of The City of San Diego, California
Fred W. Sick, City Clerk of The City of San Diego, California
By La Verne E. Miller, Deputy.

(SEAL)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until six calendar days had elapsed between the day of its introduction and the day of its final passage, to-wit, on the 1st day of February, 1955, and on the 8th day of February, 1955. I FURTHER CERTIFY that the reading of said ordinance in full prior to its final passage was dispensed with by a vote of not less than four members of the Council, and that there was available for the consideration of each member of the Council prior to the day of its final passage a written or printed copy of said ordinance.

Fred W. Sick, City Clerk of The City of San Diego, California.
By La Verne E. Miller, Deputy.

(SEAL)

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION C. THE CITY OF SAN DIEGO WATERWORKS REVENUE BOND ORDINANCE: Shall Ordinance No. 6402 (New Series) adopted by the City Council of The City of San Diego, February 8, 1955, providing for the expansion, extension, replacement of parts of, and betterment of the water impounding, treating and distribution system of said City and the issuance of \$6,000,000 of revenue bonds by said City to pay the cost thereof, said bonds to be payable only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department, be approved?	YES	
	NO	