



OFFICE OF THE  
CITY TREASURER

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TREASURER

CITY OF SACRAMENTO  
CALIFORNIA

February 17, 2004  
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City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: RESOLUTION APPROVING THE ISSUANCE OF LIMITED OBLIGATION IMPROVEMENT BONDS; AWARD OF CONSTRUCTION CONTRACT TO TIM PAXIN'S PACIFIC EXCAVATION; AND OTHER ACTIONS RELATING TO CITY OF SACRAMENTO MIDTOWN STREET LIGHTING DISTRICT NO. 2003-05 LIMITED OBLIGATION IMPROVEMENT BONDS AND PROJECT**

**LOCATION AND COUNCIL DISTRICT:** Midtown – Council District 3 (See map – Exhibit A)

**RECOMMENDATION:**

This report recommends that City Council adopt the attached resolutions to:

- approve the issuance of limited obligation improvement bonds; appointing a paying agent; authorizing execution and delivery of a bond purchase contract and official statement; and other actions relating to city of Sacramento Midtown Street Lighting District No. 2003-05 Limited Obligation Improvement bonds (all documents are on file in the City Clerk's office.)
- amend the Fiscal Year 2003/04 Capital Improvement Program by appropriating \$636,184 from State Jobs-Housing Balance Incentive Grant funds (Fund 512 - \$205,000) and Midtown Street Lighting District No. 2003-05 Limited Obligation Improvements Bonds (Fund 684 - \$431,184) to the budget for two Midtown Street Lighting Capital Improvement Projects (SM72/SM73).
- approve plans and specifications; accept the second low bid of Tim Paxin's Pacific Excavation, in the amount of \$392,680; and authorize the City Manager to execute a contract for the Midtown Street Lighting project (PN: SM72/SM73) contingent upon the successful close and receipt of bond funding.

**CONTACT PERSON:** Janelle Gray, Debt Analyst, 264-5168  
Eric Yap, Senior Engineer, 808-5641

**FOR COUNCIL MEETING OF:** March 9, 2004

**SUMMARY:**

The Office of the City Treasurer in conjunction with the Department of Public Works, recommends that City Council adopt the attached resolutions related to the Midtown Street Lighting District No. 2003-05 Limited Obligation Improvement Bonds. The purpose of the bonds is to complete the funding necessary to pay for the acquisition and installation of neighborhood streetlights in a midtown neighborhood consisting of 199 parcels. The requested action will officially authorize the issuance of approximately \$300,000 in bonds to help finance the construction of the project and award the construction contract to Tim Paxin's Pacific Excavation in an amount of \$392,680, contingent upon the successful close and receipt of bond proceeds. The total cost of the improvement project is estimated at \$740,127 with an additional \$146,057 in bond related costs. The proposed funding sources and uses for the project are shown in the table below.

*Table 1 – Midtown Street Lighting District No. 2003-05, Sources and Uses*

**Sources**

Estimated Bond Proceeds	\$295,000
City Streetlight Match Program	\$250,000
State Job-Housing Balance Incentive Grant	\$205,000
Prepaid Cash Assessment	<u>\$136,184</u>
	\$886,184

**Uses**

Improvement Fund	\$740,127
Bond Costs <sup>1</sup>	<u>\$146,057</u>
	\$886,184

(1) Bond Costs: includes Underwriter's Discount, Cost of Issuance, and Reserve Fund

The special assessment will pay debt service on the bonds. Council is also being asked to establish the revenue and expenditure budgets for the bond proceeds.

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND INFORMATION:**

Assessment District/Bond Sale Process

On November 18, 2003, City Council approved the Resolution of Intention to undertake the proceedings for the formation and sale of bonds with majority protest by assessment ballot, along with approving the Engineer's Report and setting the Public Hearing date. The purpose of the bonds is to

complete the funding necessary to pay for the acquisition and installation of neighborhood streetlights in a midtown neighborhood consisting of 199 parcels.

On January 8, 2004, City Council conducted the Public Hearing in which results of the ballot process were declared and the district was approved, as well as confirmed the amended Engineer's Report and approved levying of an assessment.

Upon approval of the formation of the district, a 30-day Cash Collection Period was initiated on January 9, 2004, to be concluded on February 10, 2004. At the end of the cash collection period, approximately 32% of the parcels had prepaid their assessments for a total cash value of \$136,184, thereby reducing the amount of bonds necessary to be sold and the amount to be levied upon the remaining parcels within the district.

Construction Bid/Award Process

The total budget for the project is \$740,127. The engineer's construction estimate, not including the cost of the poles and lighting fixtures, was \$490,000. Bids were opened July 2, 2003; the following bids were received:

<b>Contractor</b>	<b>Bid</b>	<b>ESBE Participation</b>
Collins Electrical Company Inc.	\$381,405	20.2%
Tim Paxin's Pacific Excavation	\$392,680	100.0%
Northern Electric	\$404,730	20.3%
Steiny and Company, Inc.	\$440,965	0.0%
Tennyson Electric, Inc.	\$474,515	20.0%
Richard A. Heaps Electrical	\$477,602	12.7%
Gray Electric Company Inc.	\$477,925	0.0%
M & M Electric, Co.	\$497,350	21.3%
VCI Telecom, Inc.	\$509,573	19.6%
Royal Electric Company	\$512,145	20.0%
Golden State Utility Company.	\$534,661	20.2%

Staff recommends City Council accept the second low bid and award the construction contract to Tim Paxin's Pacific Excavation contingent upon the successful close and receipt of bonds proceeds necessary to complete the funding required. Due to the length of time that has lapsed between the bid date and award date, the bid reserve period has expired and the low bidder, Collins Electrical Company Inc., has elected to withdraw from consideration. Construction is anticipated to begin in April 2004 and be completed in late summer.

**FINANCIAL CONSIDERATIONS:**

The total cost of the project, including all bond costs, is \$886,184. Funding for the project will be as follows:

- \$250,000 in General Funds which were previously appropriated under the Streetlight Match Program (\$125,000 to SM 72 and \$125,000 to SM 73)

City Council  
Midtown Street Lighting District 2003-05  
March 9, 2004

- Appropriation of \$205,000 from the State Jobs-Housing Balance Incentive Grant (M03-185, Fund 512) as approved by City Council on November 4, 2003, for this project.
- Appropriation of \$431,184 from the sale of bonds and cash payments (Fund 684).

During the Cash Collection Period, approximately 32% of the parcels prepaid the allocated assessment for a total of \$136,184 in cash funding. Approximately \$295,000 in Limited Obligation Improvements Bonds will be sold to complete the funding needed to pay for the construction of neighborhood streetlights within the Midtown Street Lighting district. No. 2003-05 boundaries. The payment of principal and interest on the bonds is secured by special taxes and a pledge of the amounts on deposit in the funds and accounts that are established by the bond resolution.

#### ENVIRONMENTAL CONSIDERATIONS:

In accordance with the State Guidelines for implementation of the California Environmental Quality Act (CEQA), the Neighborhoods, Planning, and Development Services Department, Environmental Services Section, has determined that the proposed project will not have a significant effect on the environment and is categorically exempt from CEQA pursuant to Section 15301 (b) and Section 15303 (d). A notice of Exemption has been filed with the County Recorder's Office.

#### POLICY CONSIDERATIONS:


The proceedings for this district are pursuant to the provisions of the Municipal Improvement Act of 1913 and Improvement Bond Act of 1915. The request to award the construction contract is consistent with Sacramento City Code, Title 3. Both actions are consistent with the City's Strategic Plan goal to preserve and enhance the City's neighborhoods and quality of life.

#### ESBD CONSIDERATIONS:

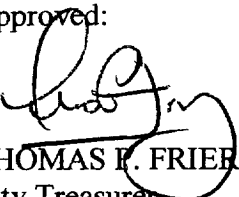
To encourage small and emerging business participation, plans and specifications were sent to ESBE construction firms. Staff actively recruited available ESBE firms to participate in the bid process. The project was also announced on the Project Information Line and on the City's Internet site at [www.cityofsacramento.org/bids](http://www.cityofsacramento.org/bids). The recommended contractor includes certified ESBE participation of 100%.

City Council  
Midtown Street Lighting District 2003-05  
March 9, 2004

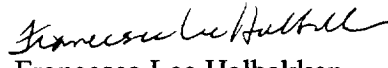
Respectfully Submitted,

  
Lydia A. Abreu  
Deputy City Treasurer


Approved:

  
THOMAS F. FRIEBY  
City Treasurer

Respectfully Submitted,

  
Francesca Lee Halbakken  
Project Delivery Manager

Approved:

  
THOMAS V. LEE  
Deputy City Manager

RECOMMENDATION APPROVED:


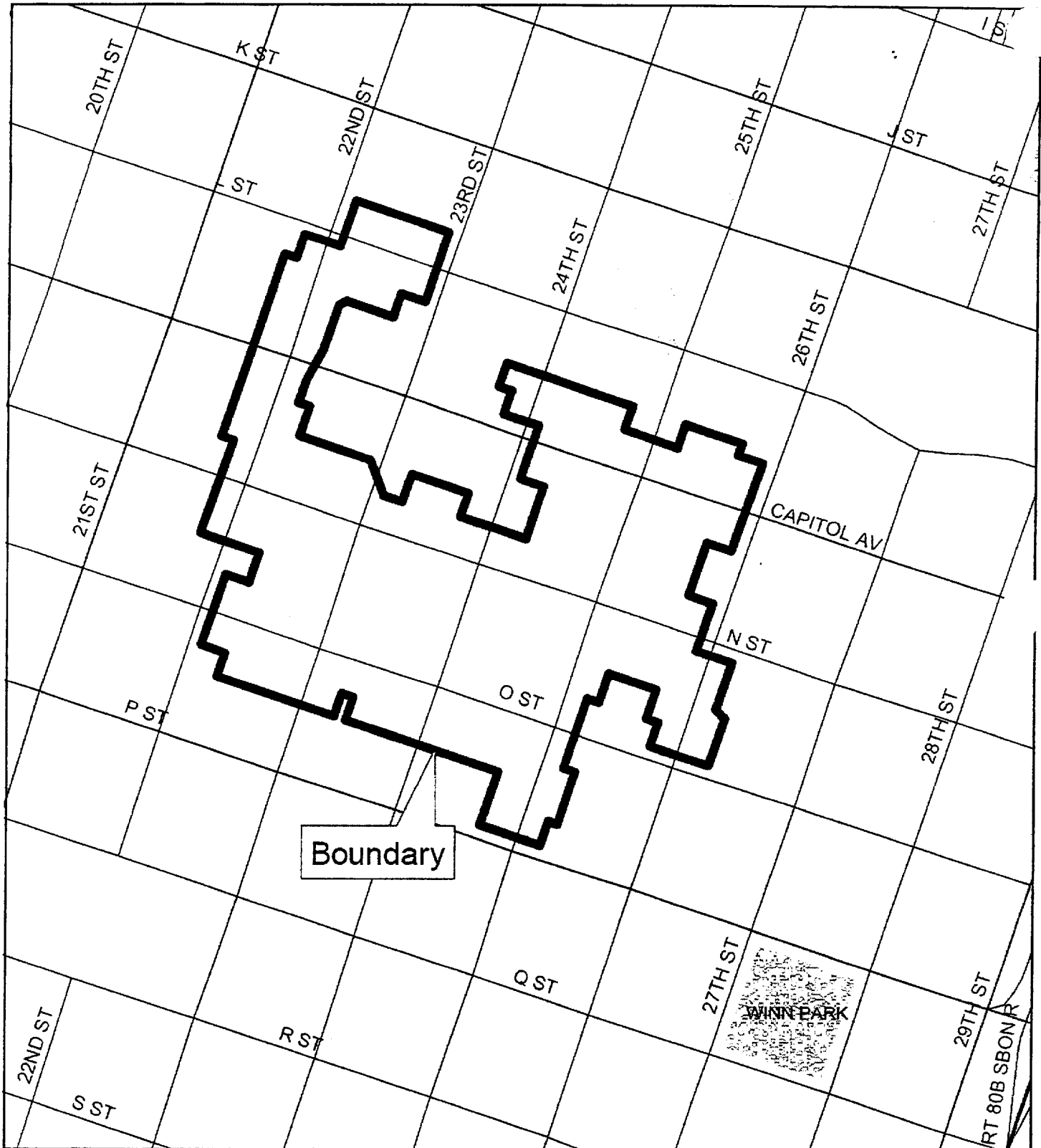
  
ROBERT P. THOMAS  
City Manager

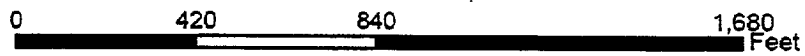
TABLE OF CONTENTS:

		<u>Page</u>
<u>ATTACHMENT A</u>	Council District 3 Map	6
<u>RESOLUTION</u>	Approve issuance of limited obligation improvement bonds.	7
<u>RESOLUTION</u>	Resolution Amending the Fiscal Year 04 Capital Improvement Program Budget For Two Midtown Street Lighting Projects (SM72/SM73)	39
<u>RESOLUTION</u>	Approve plans and specifications, accept second low bid and authorize the City Manager to execute a contract for the Midtown Street Lighting project.	41

# Midtown Street Lighting Assessment District (#2003-05)



BMueller 11/5/03



**RESOLUTION NO. 2004-\_\_**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF March 9, 2004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO PROVIDING FOR THE ISSUANCE OF THE CITY OF SACRAMENTO MIDTOWN STREET LIGHTING ASSESSMENT DISTRICT NO. 2003-05 LIMITED OBLIGATION IMPROVEMENT BONDS; PRESCRIBING THE DENOMINATIONS, DATE AND FORM OF SAID BONDS AND PRESCRIBING THE OPTIONAL REDEMPTION PROVISION THEREFOR; AUTHORIZING THE EXECUTION OF SAID BONDS AND APPOINTING A PAYING AGENT FOR SAID BONDS; PROVIDING FOR THE COLLECTION OF ASSESSMENTS TO PAY THE INTEREST ON AND PRINCIPAL OF SAID BONDS; APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT AND AN OFFICIAL STATEMENT FOR SAID BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, the City Council (the “Council”) of the City of Sacramento (the “City”), by Resolution No. 2003-806 adopted on November 18, 2003 (the “Resolution of Intention”), determined that it was necessary, convenient and desirable to undertake proceedings pursuant to the provisions of the Municipal Improvement Act of 1913 (the “1913 Act”) and to issue bonds in such proceedings pursuant to the provisions of the Improvement Bond Act of 1915 (the “1915 Act”, and together with the 1913 Act, the “Acts”) for the acquisition and construction of those certain street lighting improvements more particularly described in Exhibit A attached hereto and incorporated herein and made a part hereof (the “Improvements”)

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

in and for an assessment district in the City designated the “Midtown Street Lighting Assessment District No. 2003-05;” and

**WHEREAS**, in accordance with such proceedings, an assessment and a diagram were thereafter duly made and filed with the Council, which assessment was thereafter amended to reduce the amount thereof, and after a duly noticed public hearing on such amended assessment (following an approving landowner election), such amended assessment was confirmed and levied by Resolution No. 2004-013 adopted by the Council on January 8, 2004; and

**WHEREAS**, such amended assessment was apportioned upon the several subdivisions of land in such assessment district in proportion to the benefits to be received by such subdivisions, respectively, from the acquisition and construction of the Improvements; and

**WHEREAS**, such amended assessment and such diagram were duly recorded in the office of the Interim Director of Public Works of the City (the “Director”), in the office of the City Clerk of the City (the “City Clerk”) and in the office of the County Surveyor of the County of Sacramento (the “County Surveyor”), and such diagram was duly recorded in the office of the County Recorder of the County of Sacramento (the “County Recorder”), and a notice of assessment was duly recorded in the office of the County Recorder, all in the time, form and manner required by the 1913 Act; and

**WHEREAS**, notice of recording such amended assessment and of the opportunity to pay all or portions of such amended assessment was thereafter duly given to all persons who had been assessed in such assessment district; and

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**WHEREAS**, the City Treasurer of the City (the “City Treasurer”) thereafter determined under the 1913 Act that the aggregate amount of the unpaid assessments in such assessment district was two hundred ninety-five thousand one hundred ninety-four dollars and sixty cents (\$295,194.60); and

**WHEREAS**, the City Treasurer thereafter made and filed with the City Clerk, with the County Surveyor, with the Director of Finance of the County of Sacramento (the “Director of Finance”) and with the Director a complete list of all the assessments unpaid upon such amended assessment, and the Council has found and determined that the assessments so listed as unpaid in such list of unpaid assessments are unpaid and that the aggregate amount thereof is two hundred ninety-five thousand one hundred ninety-four dollars and sixty cents (\$295,194.60); and

**WHEREAS**, the Resolution of Intention provided that serial bonds, term bonds or both, to represent unpaid assessments and to bear interest at a maximum rate of not to exceed the maximum rate permitted by law, would be issued in the manner provided by the 1915 Act, and that such bonds would mature a maximum of fifteen (15) years from the 2nd day of September next succeeding twelve (12) months from their date, reference being hereby made to the Resolution of Intention for further particulars;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Sacramento, as follows:

Section 1. The foregoing recitals are true and correct, and the Council hereby so finds and determines.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Section 2. The Council has reviewed all proceedings heretofore taken relative to the foregoing and has found, as a result of such review, and does hereby find and determine that all acts, conditions and things required by law to exist, to happen and to be performed under the Acts precedent to and in the issuance of improvement bonds as hereinafter provided do exist, have happened and have been performed in due time, form and manner as required by law, that the assessments listed as unpaid in such assessment district in such list of unpaid assessments are unpaid and the aggregate principal amount thereof is in excess of two hundred ninety-five thousand dollars (\$295,000), and that the City is authorized pursuant to each and every requirement of law to issue improvement bonds in the principal amount of two hundred ninety-five thousand dollars (\$295,000) secured by such unpaid assessments under the Acts in the manner and form as provided in this resolution.

Section 3. Improvement bonds in the aggregate principal amount of two hundred ninety-five thousand dollars (\$295,000) shall be issued upon and secured by such unpaid assessments in accordance with the provisions of the Acts and pursuant to the provisions of the Resolution of Intention and the proceedings taken by the City thereunder, which bonds shall be designated the "City of Sacramento Midtown Street Lighting Assessment District No. 2003-05 Limited Obligation Improvement Bonds" (the "Bonds"). The Bonds shall be issued as fully registered bonds, shall each be of the denomination of five thousand dollars (\$5,000) or any integral multiple of five thousand dollars (\$5,000) (not exceeding the principal amount of Bonds maturing at any one time), shall be dated the date of delivery thereof (which is hereby fixed and determined to be the date of issue of the Bonds), shall be issued as serial bonds or as term bonds

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(with approximately equal annual payments of interest plus principal or minimum sinking fund account payments, as determined by the City Treasurer at the time of sale thereof), shall mature not later than September 2, 2020 and shall bear interest at the rates per annum as determined by the City Treasurer at the time of sale thereof.

If any of the Bonds are issued as term bonds, minimum sinking fund account payments due on September 2 of each year during the term of such term Bonds funded from the collection of assessments as provided herein shall be established at the time of sale thereof by the City Treasurer for the mandatory redemption and payment of such term Bonds, which payments shall become due during the years ending on the dates and in the amounts as thereby determined (except that if any such term Bonds have been optionally redeemed pursuant hereto, the amounts of the minimum sinking fund account payments allocable to such term Bonds shall be reduced proportionately in integral multiples of five thousand dollars (\$5,000) by the principal amount of all such term Bonds so optionally redeemed).

All such minimum sinking fund account payments funded from the collection of assessments as provided herein shall be deposited in the Redemption Fund established in Section 9 of this resolution (the "Redemption Fund"), and all money in the Redemption Fund allocable to such term Bonds may be used and withdrawn by the City at any time for the purchase of such term Bonds, at public or private sale, as and when and at such prices (including brokerage and other charges) as it may in its discretion determine, but not to exceed the principal amount of such term Bonds. All money in the Redemption Fund on September 2 of each year allocable to such term Bonds shall be used and withdrawn by the City on each such September 2

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

for the mandatory redemption or payment of such term Bonds, and the City hereby agrees and covenants with the registered owners of the term Bonds to call and redeem in accordance with this section or pay the term Bonds from such minimum sinking fund account payments funded from the collection of assessments as provided herein that are deposited in the Redemption Fund pursuant to this paragraph whenever on September 2 of any year there is money in the Redemption Fund available for such purpose.

The Bonds shall bear interest at the rates determined at the time of sale thereof from the Interest Payment Date (as that term is herein defined, and herein an "Interest Payment Date") next preceding the date of authentication and registration thereof, unless such date of authentication and registration is on a day during the period from the sixteenth (16th) day of the month next preceding an Interest Payment Date to such Interest Payment Date, both days inclusive, in which event they shall bear interest from such Interest Payment Date, or unless such date of authentication and registration is on a day on or before the fifteenth (15th) day of the month next preceding the first Interest Payment Date, in which event they shall bear interest from their dated date. Such interest shall be payable on March 2, 2005, and thereafter semiannually on March 2 and September 2 of each year (each, an "Interest Payment Date") until and at the respective maturity dates of the Bonds.

The interest on and the principal of and the redemption premiums, if any, on the Bonds shall be payable in lawful money of the United States of America by U.S. Bank National Association, the Paying Agent of the City for the Bonds appointed pursuant to Section 7 of this resolution (the "Paying Agent"), at its corporate trust office in St. Paul, Minnesota. Payment of

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

the interest on the Bonds due on or before the maturity or prior redemption thereof shall be made by check mailed on each Interest Payment Date to the registered owners of the Bonds as their names appear at the close of business as of the fifteenth (15th) day of the month next preceding each Interest Payment Date on the registration books maintained by the Paying Agent at its corporate trust office in San Francisco, California, and payment of the principal of and redemption premiums, if any, on the Bonds shall be made only upon surrender thereof by the registered owners thereof on their maturity dates or on redemption prior to maturity at the corporate trust office of the Paying Agent in St. Paul, Minnesota.

Any Bond may be optionally redeemed in whole or in part in integral multiples of five thousand dollars (\$5,000) on the second day of March or September in any year on or after September 2, 2005, at the option of the City, upon payment of the principal amount thereof and interest accrued thereon to the date of redemption, together with a redemption premium, as determined by the City Treasurer at the time of sale of the Bonds; provided, that the City shall proceed pursuant to Part 11.1 of the 1915 Act in determining those Bonds or portions thereof to be redeemed and the manner of the redemption thereof; and provided further, that prior to September 2, 2013, the City may only redeem the Bonds required to be redeemed from landowner prepayments of assessments; and provided further, that notice of redemption of any Bond shall be given by the City as provided in the 1915 Act.

The Council hereby declares and determines that it does not and will not obligate itself to advance funds from the City treasury to cure any deficiency which may occur at any time in the Redemption Fund.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Section 4. (a) The Depository Trust Company, in New York, New York (“DTC”) is hereby appointed depository of the City for the Bonds, and the Bonds shall be initially registered in the name of “Cede & Co.,” as nominee of DTC, and shall be initially issued as one Bond for each of the maturities in the principal amounts set forth herein, and registered ownership of the Bonds, or any portion thereof, may not thereafter be transferred except:

(i) To any successor of Cede & Co., as nominee of DTC, or its nominee, or to any substitute depository designated pursuant to clause (ii) of this section (a “substitute depository”); provided, that any successor of Cede & Co., as nominee of DTC or substitute depository, shall be qualified under any applicable laws to provide the services proposed to be provided by it;

(ii) To any substitute depository not objected to by the Paying Agent upon (1) the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or (2) a determination by the City to substitute another depository for DTC (or its successor) because DTC or its successor (or any substitute depository or its successor) is no longer able to carry out its functions as depository; provided, that any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(iii) To any person as provided below, upon (1) the resignation of DTC or its successor (or substitute depository or its successor) from its functions as depository, or (2) a determination by the City to remove DTC or its successor (or any substitute depository or its successor) from its functions as depository.

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(b) In the case of any transfer pursuant to clause (i) or clause (ii) of subsection (a) of this section, upon receipt of all Bonds by the Paying Agent at its corporate trust office in San Francisco, California, together with a written request of the City to the Paying Agent, a new Bond for each maturity of the Bonds shall be executed by the City and authenticated and delivered by the Paying Agent in the aggregate principal amount of the Bonds, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the City. In the case of any transfer pursuant to clause (iii) of subsection (a) of this section, upon receipt of all Bonds by the Paying Agent at its corporate trust office in San Francisco, California, together with a written request of the City to the Paying Agent, a new Bond or Bonds for each maturity of the Bonds shall be executed by the City and authenticated and delivered by the Paying Agent in such denominations and shall be registered in the names of such persons as are requested in such written request of the City, subject to the limitations of Section 3 of this resolution and thereafter, the Bonds shall be transferred pursuant to Section 7 of this resolution; provided, that the Paying Agent shall not be required to deliver such new Bonds on any date prior to sixty (60) days after receipt of such written request of the City.

(c) So long as any Bonds are registered in the name of Cede & Co. or its registered assigns, the City and the Paying Agent shall be entitled to treat the person in whose name any Bond is registered as the owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by the City or the Paying Agent; and the City and the Paying Agent shall have no responsibility for transmitting payments to,

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

communication with, notifying, or otherwise dealing with any beneficial owners of the Bonds, and neither the City nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to the beneficial owners or to any other party, including DTC or its successor (or substitute depository or its successor), except to DTC or its successor (or substitute depository or its successor) as a registered owner of the Bonds.

(d) So long as any Bonds are registered in the name of Cede & Co. or its registered assigns, the City and the Paying Agent shall cooperate with Cede & Co., as sole registered owner of the Bonds, or its registered assigns, in effecting payment of the interest on and the principal of such Bonds by arranging for payment in such manner that funds for such payments are properly identified and are made immediately available on the date they are due.

Section 5. The Bonds shall be in substantially the following form, the blanks in said form to be filled in with appropriate words or figures, namely:

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

[FORM OF BOND]

UNITED STATES OF AMERICA  
STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

REGISTERED

REGISTERED

NUMBER R- \_\_\_\_\_

\$ \_\_\_\_\_

CITY OF SACRAMENTO  
MIDTOWN STREET LIGHTING ASSESSMENT DISTRICT NO. 2003-05  
LIMITED OBLIGATION IMPROVEMENT BOND

INTEREST RATE _____%	MATURITY DATE September 2, ____	BOND DATE _____, 2004	CUSIP NUMBER _____
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REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

Under and by virtue of the Improvement Bond Act of 1915, being Division 10 of the California Streets and Highways Code (the "Act"), the City of Sacramento (the "City") in the County of Sacramento, State of California will, out of the Redemption Fund hereinafter referred to, pay to the registered owner set forth above on the maturity date set forth above (subject to the right of prior redemption hereinafter reserved) the principal amount set forth above in lawful money of the United States of America, and in like manner will pay interest from the interest payment date next preceding the date on which this bond is authenticated and registered (unless this bond is authenticated and registered on a day during the period from the sixteenth (16th) day of the month next preceding an interest payment date to such interest payment date, both days inclusive, in which event it shall bear interest from such interest payment date, or unless this bond is authenticated and registered on a day on or before the fifteenth (15th) day next preceding the first interest payment date, in which event it shall bear interest from its dated date) until

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

payment of such principal sum shall have been discharged, at the interest rate per annum set forth above, payable on March 2, 2005, and thereafter semiannually on March 2 and September 2 in each year; provided, that the City Council of the City has declared and determined that it does not and will not obligate itself to advance funds from the City treasury to cure any deficiency which may occur at any time in said Redemption Fund. Both the principal hereof and redemption premium hereon are payable by U.S. Bank National Association, the Paying Agent of the City for the bonds (the "Paying Agent"), at its corporate trust office in St. Paul, Minnesota, and the interest hereon is payable to the registered owner hereof as the registered owner's name appears at the close of business as of the fifteenth (15th) day of the month next preceding each interest payment date on the registration books maintained by the Paying Agent at its corporate trust office in San Francisco, California, such interest to be paid by check mailed on each interest payment date to the registered owner hereof at the registered owner's address as it appears on such books or at such other address as may have been filed in writing with the Paying Agent for that purpose.

This bond is one of several annual series of bonds of like date, tenor and effect, but differing in denominations, maturities and interest rates, issued by the City under the Act and Resolution No. 2004-\_\_\_ adopted by the City Council of the City on March 9, 2004, providing for its issuance (the "Resolution") for the purpose of providing funds to pay for the acquisition and construction of those certain street lighting improvements described in said proceedings, and is secured by the moneys in the Redemption Fund provided in the Resolution and by the unpaid portion of assessments levied for the payment hereof, and, including principal and interest, is payable exclusively out of said fund.

This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment thereof is refused upon the sole ground that there are not sufficient moneys in said Redemption Fund with which to pay the same. If it is not presented at maturity, interest thereon will run until maturity.

This bond, or any portion of it in the amount of five thousand dollars (\$5,000) or any integral multiple thereof, may be redeemed and paid in advance of maturity upon the second day of March or September in any year on or after September 2, 2005, at the option of the City, by giving at least thirty (30) days' notice by registered or certified mail to the registered owner hereof at the registered owner's address as it appears on the registration books maintained by the Paying Agent, upon payment of the principal amount thereof and interest accrued thereon to the date of redemption, together with a redemption premium equal to the following percentages of such principal amount, namely:

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

<u>Redemption Date</u>	<u>Redemption Premium</u>
On or prior to September 2, 20__	_ %
On March 2, 20__, or September 2, 20__	-
On March 2, 20__, or September 2, 20__	-
On or after March 2, 20__	0

\*The bonds maturing on September 2, \_\_\_\_, are subject to mandatory redemption by the City prior to their maturity date in part on any September 2 on or after September 2, \_\_\_\_, to and including September 2, \_\_\_\_, solely from minimum sinking fund account payments deposited in the redemption fund provided in the Resolution of Issuance, by giving at least thirty (30) days' notice by registered or certified mail to the registered owner hereof at the registered owner's address as it appears on the registration books maintained by the Paying Agent, upon payment of the principal amount thereof and interest accrued thereon to the date of redemption, without a redemption premium.

The City shall proceed pursuant to Part 11.1 of the Improvement Bond Act of 1915 in determining those bonds or portions thereof to be redeemed and the manner of the redemption thereof; provided, that prior to September 2, 2013, the City may only redeem the bonds required to be redeemed from landowner prepayments of assessments; and provided further, that notice of redemption of any bond shall be given by the City as provided in the Act, which notice shall be given at least thirty (30) days' by registered mail to the registered owner of any such bond at the registered owner's address as it appears on the registration books maintained by the Paying Agent.

This bond is transferable by the registered owner hereof, in person or by the registered owner's attorney duly authorized in writing, at the above-mentioned office of the Paying Agent, subject to the terms and conditions provided in the Resolution, including the payment of certain charges, if any, upon surrender and cancellation of this bond accompanied by delivery of a duly executed written instrument of transfer in a form satisfactory to the Paying Agent. Upon such transfer, a new registered bond or bonds, of any authorized denomination or denominations, of the same maturity, for the same aggregate principal amount, will be issued to the transferee in exchange therefor.

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\*To be used if term bonds are issued.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Bonds shall be registered only in the name of an individual (including joint owners), a corporation, a partnership or a trust.

Neither the City nor the Paying Agent shall be required to make such exchange or registration of transfer of bonds during the fifteen (15) days immediately preceding any interest payment date.

The City and the Paying Agent may treat the registered owner hereof as the absolute owner for all purposes, and the City and the Paying Agent shall not be affected by any notice to the contrary.

This bond shall not be entitled to any benefit under the Act or the Resolution, or become valid or obligatory for any purpose, until the certificate of authentication and registration hereon endorsed shall have been dated and signed by the Paying Agent.

IN WITNESS WHEREOF, the City Council of the City of Sacramento has caused this bond to be signed by the City Treasurer of the City and by the City Clerk of the City, and has caused its corporate seal to be impressed hereon, all as of \_\_\_\_\_, 2004.

CITY OF SACRAMENTO

\_\_\_\_\_  
City Treasurer

[SEAL]

\_\_\_\_\_  
City Clerk

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

[FORM OF AND CERTIFICATE  
OF AUTHENTICATION AND REGISTRATION]

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is one of the bonds described in the within-mentioned Resolution which has been authenticated and registered on \_\_\_\_\_.

U.S. BANK NATIONAL ASSOCIATION,  
as Paying Agent

By \_\_\_\_\_  
Authorized Representative

[FORM OF ASSIGNMENT]

ASSIGNMENT

For value received the undersigned do(es) hereby sell, assign and transfer unto \_\_\_\_\_ the within bond and do(es) hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the same on the register of the Paying Agent, with full power of substitution in the premises.

\_\_\_\_\_  
Date: \_\_\_\_\_.

SIGNATURE GUARANTEED:  
  
\_\_\_\_\_

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

NOTE: The signature(s) to this Assignment must correspond with the name(s) as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: \_\_\_\_\_

[FORM OF DTC ENDORSEMENT]

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Paying Agent or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof Cede & Co. has an interest herein.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Section 6. The City Treasurer and the City Clerk are hereby authorized and directed, respectively, as such officers to execute each of the Bonds on behalf of the City by the use of their manual or printed facsimile signatures, and the City Clerk is hereby authorized and directed to affix the official seal of the City thereto; and such signing and sealing as herein provided shall be a sufficient and binding execution of the Bonds by the City. In case either of such officers whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds to the purchaser, such signature shall nevertheless be valid and sufficient for all purposes the same as though such officer had remained in office until the delivery of the Bonds; provided, that only such of the Bonds as shall bear thereon a certificate of authentication and registration in the form hereinabove set forth, executed and dated by the Paying Agent, shall be entitled to any benefits hereunder or be valid or obligatory for any purpose, and such certificate shall be conclusive evidence that the Bonds so authenticated have been duly authorized, executed, issued and delivered hereunder and are entitled to the benefits hereof.

Section 7. U.S. Bank National Association is hereby appointed Paying Agent of the City for the purpose of performing the obligations imposed on it in this resolution. The Paying Agent may at any time resign, which resignation shall become effective upon the appointment of a successor Paying Agent. Upon receiving notice of such resignation, the City shall promptly appoint a successor Paying Agent, except that if no successor Paying Agent shall have been appointed by the City within thirty (30) days of receiving such notice, the resigning Paying Agent may petition any court of competent jurisdiction for the appointment of a successor Paying Agent. The City may at any time in its sole discretion remove the Paying

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Agent initially appointed and any successor thereto and may appoint a successor or successors thereto by an instrument in writing. The Paying Agent is hereby authorized at its corporate trust office in St. Paul, Minnesota, to pay interest on the Bonds due on or before the maturity or prior redemption thereof to the registered owners thereof as their names appear at the close of business as of the fifteenth (15th) day of the month next preceding each Interest Payment Date on the registration books required to be kept by the Paying Agent at its corporate trust office in San Francisco, California, pursuant to this section as the registered owners thereof, such interest to be paid by check mailed on each Interest Payment Date to such registered owners at their addresses appearing on such books or at such other addresses as they may have filed in writing with the Paying Agent for that purpose, and to pay to such registered owners the principal of and redemption premiums, if any, on the Bonds upon presentation and surrender of the Bonds to the Paying Agent at its corporate trust office in St. Paul, Minnesota, at maturity or on redemption prior to maturity.

The Paying Agent will keep at its corporate trust office in San Francisco, California, sufficient books for the registration, transfer and exchange of the Bonds, which books shall at all times be open to inspection by the City. Upon presentation for such purpose, the Paying Agent shall, under such reasonable regulations as it may prescribe, register or transfer or exchange Bonds on such books as hereinafter provided.

Any Bond may be transferred or exchanged on such books by the registered owner thereof, in person or by his duly authorized attorney, upon payment by the person requesting such transfer or exchange of any tax or other governmental charge required to be paid

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

with respect to such transfer or exchange and upon surrender of such Bond for cancellation accompanied by delivery of a duly executed written instrument of transfer or exchange in a form approved by the Paying Agent. Whenever any Bond or Bonds shall be surrendered for transfer or exchange, the City shall execute and the Paying Agent shall authenticate and deliver at its corporate trust office in San Francisco, California, a new Bond or Bonds of authorized denominations and of the same maturity date aggregating the principal amount of the Bond or Bonds so surrendered. The City and the Paying Agent may deem and treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of receiving payment thereof and for all other purposes, whether such Bond shall be overdue or not, and neither the City nor the Paying Agent shall be affected by any notice or knowledge to the contrary; and payment of the interest on and principal of and redemption premium, if any, on such Bond shall be made only to such registered owner as above provided, which payment shall be valid and effectual to satisfy and discharge liability on such Bond to the extent of the sum or sums so paid.

The City shall from time to time pay the Paying Agent compensation for its services, reimburse the Paying Agent for all its advances and expenditures, including but not limited to advances to and fees and expenses of independent accountants, counsel and engineers or other experts employed by it in the exercise and performance of its rights and obligations hereunder, and indemnify and save the Paying Agent harmless against liabilities not arising from its gross negligence or willful misconduct which it may incur in the exercise and performance of its rights and obligations hereunder; provided, that the Paying Agent shall not have any lien for

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

such compensation or reimbursement against any money held by it for any purposes hereof, although it may take whatever legal actions are lawfully available to it directly against the City.

The statements, agreements, conditions, covenants and terms contained herein and in the Bonds shall be taken as statements, agreements, conditions, covenants and terms of the City, and the Paying Agent (i) does not assume any responsibility for the correctness of the same or for the observance or performance by the City of the same, and (ii) does not make any representation as to the sufficiency or validity hereof or of the Bonds, and (iii) shall not incur any responsibility in respect hereof other than in connection with the rights and obligations assigned to or imposed upon it herein or in the Bonds.

Section 8. The unpaid assessments in the aggregate principal amount of two hundred ninety-five thousand dollars (\$295,000), together with interest thereon computed at the rate specified in the Bonds (which interest shall begin to run from the date of the Bonds), shall, in accordance with and consistent with the 1915 Act, remain and constitute a trust fund for the redemption and payment of the principal of the Bonds and for the interest due thereon, and such assessments and each installment thereof and the interest and penalties thereon shall constitute a lien against the lots and parcels of land on which they are made until the same are paid. The Director of Finance shall annually make a record in his office showing the several installments of principal and interest on such assessments which are to be collected for the forthcoming year during the term of the Bonds; and an annual installment of such assessments shall be payable and shall be collected in each year corresponding in amount to the amount of Bonds unpaid and maturing or becoming subject to mandatory redemption in such year, which amount shall be

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

sufficient to pay the Bonds as the same become due or as the same become subject to mandatory redemption in such year, and an annual installment of interest on such unpaid assessments shall be payable and shall be collected in each year corresponding in amount to the amount of interest which will accrue on the Bonds outstanding for such year, which amount shall be sufficient to pay the interest thereon that shall become due on the next succeeding March 2 and September 2. The annual proportion of such assessments coming due in any year, together with the annual interest on such assessments, shall be payable in the same manner and at the same time and in the same installments as the general taxes on real property in the City are payable, and such assessment installments and the annual interest on such assessments shall be payable and become delinquent on the same dates and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do general taxes on real property in the City.

The Council hereby covenants with the registered owners of the Bonds that if and so long as the Bonds are not subject to the Teeter Plan for the County of Sacramento, it will review the records of the County of Sacramento by November 1 of each calendar year and, if it determines on the basis of such review that any assessment, or installment thereof, including any interest thereon, was not paid when due in the prior Fiscal Year, it will order and cause to be commenced by December 1 of each calendar year, and thereafter diligently prosecute, judicial foreclosure proceedings upon such delinquent assessment or installment thereof and interest thereon against (i) any parcel in the assessment district for which the delinquent assessment in the immediately preceding Fiscal Year exceeded \$1,000; (ii) any parcels in the assessment

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

district owned by the same property owner for which the aggregate delinquent assessments on all such parcels in the immediately preceding Fiscal Year exceeded \$1,000; and (iii) all parcels in the assessment district having delinquent assessments in the immediately preceding Fiscal Year (regardless of the amount of such delinquency) if the aggregate amount of delinquencies in the assessment district in the immediately preceding Fiscal Year exceeded five per cent (5%) of the total amount actually levied on all parcels in the assessment district in such Fiscal Year.

Section 9. There is hereby created and established a fund to be known as the City of Sacramento Midtown Street Lighting Assessment District No. 2003-05 Limited Obligation Improvement Bonds Redemption Fund (the "Redemption Fund"), which fund shall be kept by the City Treasurer and shall constitute a trust fund for the benefit of the registered owners of the Bonds, and all sums received by the City which are received from the collection of such assessments (except for those amounts allocable to administrative expenses) and of the interest and penalties thereon shall upon receipt be deposited in the Redemption Fund. All sums to become due for the payment of the principal of and the interest on the Bonds shall be withdrawn from said fund and transferred to the Paying Agent for use for the payment of the principal of and the interest on the Bonds, and the Bonds and the interest thereon shall not be paid out of any other funds; provided, that in lieu of the payment of Bonds at maturity or redemption, any money in the Redemption Fund may be used and withdrawn by the City for the purchase of any outstanding Bonds (at public or private sale) as and when and at such prices (including brokerage and other charges) as the City may determine, but in no event may any Bonds be purchased at a price in excess of the principal amount thereof, plus interest accrued to

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

the date of purchase. Any surplus remaining in the Redemption Fund on September 3 in each year shall be retained in the Redemption Fund; provided, that after the payment in full of all Bonds and the interest thereon, any balance in the Redemption Fund shall be applied as directed by the City. All money in the Redemption Fund shall be invested in any lawful investments of City funds maturing not later than the date on which such money is estimated to be required for disbursement as herein provided, and all interest earned on such investments shall be credited to such fund, except as otherwise required by Section 12 of this resolution.

Section 10. There is hereby created and established a fund to be known as the City of Sacramento Midtown Street Lighting Assessment District No. 2003-05 Limited Obligation Improvement Bonds Improvement Fund (the "Improvement Fund"), which fund shall be kept by the City Treasurer. All proceeds of the sale of the Bonds (together with all payments of such assessment now held by the City) shall be deposited by the City Treasurer in the Improvement Fund (except for the deposit required to be made in the Reserve Fund as provided in Section 11 of this resolution) and shall be kept separate and distinct from all other City funds. All money in the Improvement Fund shall be invested in any lawful investments of City money maturing not later than the date on which such money is estimated to be required for disbursement hereunder. All interest earned on such investments shall be credited to the Improvement Fund, except as otherwise required by Section 12 of this resolution. The money in the Improvement Fund shall be applied exclusively for the purpose of paying the cost of the acquisition and construction of the Improvements, including payment of the incidental expenses in connection with the acquisition and construction of the Improvements, and the payment of the

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

costs of issuance of the Bonds (including, but not limited to, fees of bond counsel, costs of printing the official statement for the Bonds, and administrative expenses and other charges of the City in connection with the issuance of the Bonds); provided, that after completion of the acquisition and construction of the Improvements and the payment of all claims from the Improvement Fund, any surplus money remaining in said fund (as determined by the Council ), or such portion thereof as is allowed by law, shall be used as a credit on the assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code or to maintain the Improvements, as determined by the Council. The Council hereby agrees and covenants with the registered owners of the Bonds that it will proceed in good faith to complete the acquisition and construction of the Improvements in a timely manner pursuant to the 1913 Act, reserving the right to make changes and modifications as permitted by the 1913 Act.

Section 11. There is hereby created and established a fund to be known as the City of Sacramento Midtown Street Lighting Assessment District No. 2003-05 Limited Obligation Improvement Bonds Reserve Fund (the “Reserve Fund”), which fund shall be kept by the Paying Agent and shall constitute a trust fund for the benefit of the registered owners of the Bonds. At the time of the issuance of the Bonds, the City Treasurer shall deposit in the Reserve Fund from the proceeds of the sale of the Bonds a sum of money equal to the maximum annual debt service on the Bonds or one hundred twenty-five per cent (125%) of the average annual debt service on the Bonds or six per cent (6%) of the original principal amount of the Bonds, whichever is the least (the “Reserve Requirement”), and all money in the Reserve Fund shall be

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

paid and transferred in the following amounts and at the following times and under the following circumstances:

(a) Whenever there are insufficient funds in the Redemption Fund to meet the next maturing installment of principal of or interest on the Bonds, an amount necessary to satisfy such deficiency shall be transferred by the Paying Agent from the Reserve Fund to the Redemption Fund, and the City agrees and covenants that if such insufficiency was caused by delinquent payment of installments of assessments, then an amount equal to the amount so transferred shall be reimbursed and deposited by the City Treasurer in the Reserve Fund from the proceeds of redemption or sale of the parcel in respect of which payment of installments of assessments was delinquent.

(b) In the event any unpaid assessments are paid in cash prior to their final due date, the Paying Agent shall (upon direction of the City Treasurer) transfer from the Reserve Fund to the Redemption Fund an amount equal to the ratio of the amount then contained in the Reserve Fund to the total amount originally assessed in the proceedings for the Bonds multiplied by the reduction in said assessments.

(c) Whenever the balance in the Reserve Fund is sufficient to retire all the remaining outstanding Bonds, the Paying Agent shall (upon direction of the City Treasurer) transfer the balance in the Reserve Fund to the Redemption Fund and the City shall cease the collection of the assessments, and in such case, the City Treasurer shall credit such balance against the unpaid assessments in the manner set forth in the 1915 Act, with the amount apportioned to each unpaid assessment credited against the last unpaid assessment installment;

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

and if the amount apportioned to each parcel exceeds the amount of said last installment, then such excess shall be credited against the next preceding unpaid assessment installment or installments until exhausted. In the event that the balance in the Reserve Fund at the time of such transfer exceeds the amount required to retire all outstanding Bonds, then such excess shall be returned by the Paying Agent to the City Treasurer who shall apportion such excess to each parcel upon which an individual assessment remained unpaid at the time the balance in the Reserve Fund was sufficient to retire all outstanding Bonds, and such payments shall be made by the City Treasurer in cash to the respective owners of the parcels, except that if such excess is not greater than one thousand dollars (\$1,000), such excess may be transferred to the General Fund of the City.

All money in the Reserve Fund shall be invested in direct obligations of, or obligations the interest on and principal of which are unconditionally guaranteed by, the United States of America (including obligations issued or held in book-entry form on the books of the Department of the Treasury of the United States of America) maturing not later than five (5) years from the date of purchase. All interest earned on such investments shall be credited to the Reserve Fund , so long as the amount in said fund does not exceed an amount equal to the Reserve Requirement, but if at any time the amount of money in the Reserve Fund shall accumulate to an amount which exceeds the Reserve Requirement, such excess shall be credited by the City Treasurer upon the unpaid assessments in the manner set forth in the 1915 Act, except in either case as otherwise required by Section 12 of this resolution.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Section 12. The City will not take or omit to take any action that would cause the interest on the Bonds to be included in gross income for federal income tax purposes.

Without limiting the generality of the foregoing:

(a) The City will not directly or indirectly use or allow the use of more than ten per cent (10%) of the proceeds of the Bonds in the trade or business of any nongovernmental persons, and the City will not allow any actions to be taken that would result in the Bonds being treated as federally guaranteed pursuant to Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code"); and

(b) The City will not directly or indirectly use or allow the use of the proceeds of the Bonds in a manner that would cause the Bonds to be arbitrage bonds described in Section 148 of the Code, and in particular, the City will not invest or allow the investment of proceeds of the Bonds in investments with a yield materially higher than the yield on the Bonds except as described in the Tax Certificate executed in connection with the issuance of the Bonds. In addition, the City will pay from time to time all amounts required to be rebated to the United States Government pursuant to Section 148(f) of the Code.

Section 13. The form of the Bond Purchase Contract (the "Bond Purchase Contract") providing for the sale of the Bonds proposed to be entered into between Stone & Youngberg (the "Underwriter") and the City, presented to this meeting and on file with the City Clerk, is hereby approved, and the City Treasurer is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Underwriter the Bond Purchase Contract in substantially said form (which Bond Purchase Contract shall specify the maturity

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

schedule and the interest rates and the mandatory redemption provisions (if any) for the Bonds), with such changes thereto as the City Treasurer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, that the Bonds shall bear interest at a true interest cost of not to exceed six and one-half per cent (6.50%) (with no single coupon interest rate in excess of twelve per cent (12%) per annum), and the underwriter's discount for the purchase of the Bonds shall be not more than eleven and one-half per cent (11.50%) of the principal amount of the Bonds.

Section 14. The Official Statement in preliminary form relating to the Bonds (the "Official Statement"), presented to this meeting and on file with the City Clerk, is hereby approved, and the City Treasurer is hereby authorized and directed to approve the distribution of the Official Statement in preliminary form and to certify on behalf of the City that the Official Statement in preliminary form has been "deemed final" by the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission, and the City Treasurer is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Underwriter the Official Statement in final form, with such changes as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof, and the Underwriter is hereby authorized to distribute copies of the Official Statement to persons who may be interested in the purchase of the Bonds, including all purchasers of the Bonds.

Section 15. The City Treasurer is directed to cause the Bonds to be lithographed, printed or engraved, and to cause the blank spaces thereof to be filled in to comply with the provisions hereof, and to procure their execution by the proper officers, and thereafter to

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

deliver them, when so executed, to the Paying Agent at its corporate trust office in San Francisco, California, who shall authenticate them, and thereafter to deliver them to the purchaser thereof on receipt by the City of the purchase price thereof. The City Treasurer and the City Clerk are further authorized and directed to make, execute and deliver to the purchaser of the Bonds a signature certificate in the form customarily required by purchasers of municipal bonds, certifying to the genuineness and due execution of the Bonds, and the City Treasurer is authorized and directed to make, execute and deliver to the purchaser of the Bonds a no-litigation certificate in the form customarily required by purchasers of municipal bonds, certifying to all facts within his knowledge relative to any litigation which may or might affect the City or said officers or the Bonds, and the City Treasurer is further authorized and directed to make, execute and deliver to the purchaser of the Bonds a receipt in the form customarily required by purchasers of municipal bonds, evidencing the payment of the purchase price of the Bonds, which receipt shall be conclusive evidence that said purchase price has been paid and has been received by the City. Any purchaser or subsequent taker or holder of the Bonds is hereby authorized to rely upon and shall be justified in relying upon such signature certificate, such no-litigation certificate and such receipt with respect to the Bonds executed, sold and delivered pursuant to the authority of this resolution.

Section 16. The City Clerk is hereby authorized and directed to file a certified copy of this resolution with the Director of Finance.

Section 17. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents and

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

contracts which they may deem necessary or advisable in order to consummate the sale, execution and delivery of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of this resolution and the Bonds; and any such actions heretofore taken by such officers in connection therewith are hereby ratified, confirmed and approved.

Section 18. This resolution shall take effect immediately upon its passage and approval.

APPROVED:

\_\_\_\_\_  
Mayor of the City of Sacramento

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

[SEAL]

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**EXHIBIT A**

**DESCRIPTION OF STREET LIGHTING IMPROVEMENTS**

The improvements which are subject of this report are briefly described as follows:

The construction and installation of a complete high pressure sodium ornamental street lighting system together with all necessary appurtenances thereto on L St. from 22<sup>nd</sup> St. to 23<sup>rd</sup> St.; on 22<sup>nd</sup> St. from L St. to 210' south of centerline of 22<sup>nd</sup> St. and N St; on N St. from 22<sup>nd</sup> St. to 24<sup>th</sup> St; on O St. from 22<sup>nd</sup> St. to 24<sup>th</sup> St; on 23<sup>rd</sup> St from N St. to 210' south of centerline of 23<sup>rd</sup> St. and O St; on 24<sup>th</sup> St. from 210' south of centerline of 24<sup>th</sup> St. and L St to Capitol Ave; on 24<sup>th</sup> St from N St. to 210' south of centerline of 24<sup>th</sup> St. and O St; on Capitol Ave. from 24<sup>th</sup> St. to 26<sup>th</sup> St.; on 25<sup>th</sup> St. from Capitol Ave. to P St.; on N St. from 24<sup>th</sup> St. to 26<sup>th</sup> St.; on O St. from 24<sup>th</sup> St. to 25<sup>th</sup> St.; on 26<sup>th</sup> St. from N St. to O St.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

CLERK'S CERTIFICATE

I, Shirley Concolino, City Clerk of the City of Sacramento, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 9th day of March, 2004, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present, and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

An agenda for said meeting was posted at least seventy-two (72) hours before said meeting at the Sacramento Interim City Hall, 730 I Street, Sacramento, California 95814, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: \_\_\_\_\_, 2004.

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City Clerk of the City of Sacramento

[SEAL]

**RESOLUTION NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION AMENDING THE FISCAL YEAR 04 CAPITAL IMPROVEMENT PROGRAM BUDGET FOR TWO MIDTOWN STREET LIGHTING PROJECTS (SM72/SM73)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

1. The Midtown Street Lighting Assessment District No. 2003-05 (PN: SM72/SM73) is hereby amended to reflect the appropriations, as outlined on Exhibit A to this Resolution, herein incorporated, and will be supported by revenue from the sale of Limited Obligation Improvement Bonds, cash prepayment from property owners, General Fund Streetlight Match Program, and Jobs-Housing Balance Incentive Grant.
2. All Cost of Issuance expenditures for the bond proceeds must have written approval from the Office of the City Treasurer prior to final payment.
3. The City Treasurer is hereby authorized to modify the CIP budgets (SM72/SM73) for the bond funds as may be required after final pricing and sale of the bonds.
4. The Fiscal Year 03/04 Capital Improvement Program budget is amended as follows:

Jobs Housing Balance Grant (Fund 512)	(\$205,000)
SM72	\$102,500
SM73	\$102,500

APPROVED:

\_\_\_\_\_  
Mayor of the City of Sacramento

[Seal]

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**Midtown Street Lighting Assessment District No. 2003-05  
Projected Revenue and Expenditure Budget**

Exhibit A  
Budget Resolution

	Account Number <sup>1</sup>	Project Total	Assessment Bond Proceeds Fund 684	Assessment Prepayment Fund 684	Jobs- Housing Grant Fund 512	City Match - Fund 101 <sup>2</sup>
<b>PAR Amount of Bonds</b>		\$ 295,000	\$ 295,000	\$ -	\$ -	\$ -
<b>REVENUE BUDGET</b>		\$ 886,184	\$ 295,000	\$ 136,184	\$ 205,000	\$ 250,000
Underwriter's Discount	684-500-SM72/SM73-3713	\$ (32,950)	\$ (32,950)	\$ -	\$ -	\$ -
<b>Subtotal</b>		\$ 853,234	\$ 262,050	\$ 136,184	\$ 205,000	\$ 250,000
<b>EXPENDITURE BUDGET</b>						
<b>Cost of Issuance</b>						
City Treasurer	684-500-SM72/SM73-4880	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ -
City Attorney	684-500-SM72/SM73-4880	\$ 7,000	\$ 7,000	\$ -	\$ -	\$ -
Public Works	684-500-SM72/SM73-4880	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -
Bond Counsel	684-500-SM72/SM73-4802	\$ 32,500	\$ 32,500	\$ -	\$ -	\$ -
OS Printing	684-500-SM72/SM73-4258	\$ 5,000	\$ 5,000	\$ -	\$ -	\$ -
Bond Administration	684-500-SM72/SM73-4880	\$ 6,000	\$ 6,000	\$ -	\$ -	\$ -
S DIRS	684-500-SM72/SM73-4287	\$ 4,925	\$ 4,925	\$ -	\$ -	\$ -
Contingency	684-500-SM72/SM73-4414	\$ 4,982	\$ 4,982	\$ -	\$ -	\$ -
<b>Subtotal</b>		\$ 95,407	\$ 95,407	\$ -	\$ -	\$ -
<b>Other Funds</b>						
Capitalized Interest	684-500-SM72/SM73-4520	\$ -	\$ -	\$ -	\$ -	\$ -
Reserve Fund	xxx-500-SM72/SM73-4852	\$ 17,700	\$ 17,700	\$ -	\$ -	\$ -
<b>Subtotal</b>		\$ 17,700	\$ 17,700	\$ -	\$ -	\$ -
<b>Const Funds Available</b>		<b>740,127</b>	<b>148,943</b>	<b>136,184</b>	<b>205,000</b>	<b>250,000</b>
<b>Acquisition/Const Fund</b>						
Material Acquisition	xxx-500-SM72/SM73-4820	\$ 244,151	\$ 148,943	\$ -	\$ -	\$ 95,208
Const. Engineering	xxx-500-SM72/SM73-4880	\$ 52,876	\$ -	\$ -	\$ -	\$ 52,876
Improvements	xxx-500-SM72/SM73-4820	\$ 392,680	\$ -	\$ 136,184	\$ 205,000	\$ 51,496
Contingency	xxx-500-SM72/SM73-4411	\$ 50,420	\$ -	\$ -	\$ -	\$ 50,420
<b>Subtotal</b>		\$ 740,127	\$ 148,943	\$ 136,184	\$ 205,000	\$ 250,000
<b>TOTAL (excluding Underwriter Discount)</b>		\$ 853,234	\$ 262,050	\$ 136,184	\$ 205,000	\$ 250,000

<sup>1</sup> Each funding source is to be allocated on an equal basis to each of the two projects.

<sup>2</sup> The General Fund Street Match Program funds have already been appropriated and budgeted to two projects. They are shown here only to reflect the project total.

**RESOLUTION NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS, ACCEPTANCE OF LOW BID, AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE A CONTRACT WITH TIM PAXIN'S PACIFIC EXCAVATION FOR THE MIDTOWN STREET LIGHT INSTALLATION (PN: SM72/SM73)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:**

1. Approve plans and specifications;
2. Accept second low bid of Tim Paxin's Pacific Excavation in the amount of \$392,680; and
3. Authorize the City Manager to execute a contract for the Midtown Street Lighting Project (PN:SM72/SM73) contingent upon the successful close and receipt of bond proceeds from Midtown Street Lighting Assessment District No. 2003-05.

APPROVED:

\_\_\_\_\_  
Mayor of the City of Sacramento

[Seal]

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Sacramento

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_