

ORDINANCE NO. 1

AN ORDINANCE CALLING A SPECIAL DISTRICT BOND ELECTION IN THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID DISTRICT THE MEASURE OF INCURRING A BONDED INDEBTEDNESS OF SAID DISTRICT FOR THE ACQUISITION, CONSTRUCTION AND COMPLETION OF THE FOLLOWING IMPROVEMENTS, TO WIT: TRANSIT FACILITIES; DECLARING THE ESTIMATED COST OF SAID IMPROVEMENTS, THE AMOUNT OF THE PRINCIPAL OF SAID INDEBTEDNESS TO BE INCURRED THEREFOR, AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON; FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME, AND PROVIDING FOR NOTICE THEREOF; AND CONSOLIDATING SAID SPECIAL DISTRICT BOND ELECTION WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD NOVEMBER 4, 1958.

WHEREAS, the Board of Directors of Alameda-Contra Costa Transit District, by resolution duly passed and adopted at a meeting of said Board of Directors duly and regularly held, by affirmative vote of more than two-thirds of all of its members, did determine that the public interest and necessity demand the acquisition, construction and completion of the improvements herein-after mentioned, and did further determine the cost of said proposed improvements will be too great to be paid out of the ordinary annual income and revenue of said District, and will require the incurring of a bonded indebtedness therefor, which resolution was duly entered on the minutes of said meeting of said Board of directors, and is now on file and of record in the office of the Secretary of said District,

Section 2. The estimated cost of the improvements as set forth in Section 1 of this Ordinance is the sum of Sixteen Million Nine Hundred Thousand Dollars (\$16,900,000) and the amount of the principal of the bonded indebtedness proposed to be incurred for said improvements is Sixteen Million Nine Hundred Thousand Dollars (\$16,900,000). Said estimated cost includes a sum sufficient to pay interest on all of said bonded indebtedness during the period of acquisition, construction or completion, as provided in and subject to the limitations of California Public Utilities Codes Section 26263. It is the present intention of the District to acquire all or a portion of the public utility properties of Key System Transit Lines which at the time of acquisition provide transit service for the inhabitants of Alameda-Contra Costa Transit District, subject to the approval of the Public Utilities Commission of the State of California, in the event a satisfactory agreement of purchase is negotiated, but the District reserves the right to condemn all or any part of said public utility properties, or in the alternative, to acquire, construct and complete new and independent transit facilities to provide said transit service. All of the properties and rights necessary to be acquired by the District in order to provide said transit service are hereby included within and made a part of the transit facilities referred to in the foregoing measure, irrespective of whether the same are acquired by purchase or condemnation, or by the acquisition, construction or completion of new and independent transit facilities. In view of the long range program, the exact detail of each individual item of construction in the overall comprehensive project will be left to the discretion of the Board of Directors who will be limited in their determination by the objects and purposes as set forth in the measure submitted to the voters.

Section 3. The maximum rate of interest on said bonds shall not exceed six (6) per cent per annum, payable semi-annually, or annually the first year, and thereafter semi-annually. It is contemplated that said bonds, if authorized, shall be issued progressively from time to time as funds are required for the acquisition, construction and completion of said improvements, such time or times of issuance to be determined as funds are required for said purposes. The proceeds of the sale of said bonds, as and when the same shall be issued and sold, shall be placed in the District treasury to the credit of the proper fund and shall be used exclusively for the objects and purposes for which the bonds were voted as herein set forth. The Board of Directors reserves the right at any time prior to the issuance and sale of the bonds, or any part thereof, to provide for the call or redemption of any or all of the bonds prior to their fixed maturity dates, in which event a statement of the terms and conditions upon which said bonds are subject to redemption shall be set forth on the face of each of said bonds so subject to redemption.

Section 4. Said special District bond election hereby called shall be and is hereby consolidated with the State of California general election to be held in the State of California and in said Alameda-Contra Costa Transit District on said 4th day of November, 1958, all as required by and pursuant to law (such consolidation being duly authorized by the Boards of Supervisors of the County of Alameda and the County of Contra Costa, respectively), and for the purposes of said special district bond election, the election precincts, polling places and officers of election within the Alameda-Contra Costa Transit District shall be the same as those to be selected and designated by the Boards of Supervisors of the County of Alameda and the County of Contra Costa, respectively, for said general election. Reference is hereby made to the official notice of the County Clerk of Alameda County and the official notice of the County Clerk of Contra Costa County, respectively, setting forth the

lists of election officers appointed and the polling places designated in said precincts in said Alameda-Contra Costa Transit District for the purposes of said general election to be published by each of said County Clerks as required by Section 668 of the Elections Code of the State of California; and the Boards of Supervisors of the County of Alameda and the County of Contra Costa, respectively, are hereby authorized to cause the results of said special District bond election in said Alameda-Contra Costa Transit District to be canvassed and to certify such results to said Board of Directors of said Alameda-Contra Costa Transit District; provided, however, that no person not a qualified elector of said Alameda-Contra Costa Transit District shall be permitted to vote at said special District bond election hereby called. Said special District bond election shall be held and conducted as provided herein and in all particulars not provided herein said special District bond election shall be held and conducted as provided by law.

Section 5. On the ballots to be used at said special District bond election, in addition to any other matter required by law to be printed thereon, shall appear the proposition set forth in Section 1 hereof.

Section 6. Said Board of Directors does hereby submit to the qualified voters of said District at said special District bond election the proposition set forth in Section 1 hereof, and any qualified voter of said District may vote at said special District bond election for or against said proposition hereby submitted. Each voter, to vote for the proposition hereby submitted and for incurring said bonded indebtedness, shall stamp a cross (X) in the blank space opposite the word "Yes" on the ballot to the right of said measure, and to vote against said measure and against incurring said indebtedness, shall stamp a cross (X) in the blank space opposite the

word "No" on the ballot to the right of said measure. The votes cast for and against said proposition shall be canvassed separately and if it shall appear that at least two-thirds of the qualified voters of said District voting on said proposition at said election voted in favor thereof, such proposition shall be deemed adopted and bonds of said District in the aggregate amount set forth in said proposition shall be deemed to have been authorized.

Section 7. At the next regular meeting of the Board of Directors of the District occurring after the canvass of the returns of such special District bond election by the respective Boards of Supervisors of Alameda and Contra Costa Counties and the certification of the result thereof to the Board of Directors of the District, or at a special meeting called thereafter for such purpose, the Board of Directors of the District shall cause to be spread upon the minutes of the District a statement of the results of said special District bond election as ascertained by said canvass.

Section 8. The Secretary of said District is hereby directed, upon the passage and adoption of this ordinance, to publish the same (pursuant to Section 6066 of the Government Code) once a week for two (2) successive weeks (two publications) in the Oakland Tribune, a newspaper of general circulation published within the District and said publication shall constitute notice of said election and no other notice of the said special District bond election need be given.

Section 9. This ordinance shall take effect immediately upon its passage and approval.



President

ATTEST:



Secretary

SECRETARY'S CERTIFICATE

I, Robert E. Nisbet, Secretary of the Board of Directors of the Alameda-Contra Costa Transit District, do hereby certify that the foregoing is a full, true and correct copy of an ordinance introduced by Director McDennell, seconded by Director Bettencourt, at an Adjourned Regular Meeting of the Board of Directors of said District held at the regular meeting place thereof on the 28th day of August, 1958, and duly adopted at a Regular Meeting of said Board held at the regular meeting place thereof on the 16th day of September, 1958; of which meetings all of the members of said Board of Directors had due notice; that at said meeting of September 16, 1958, said Ordinance was adopted by the following vote:

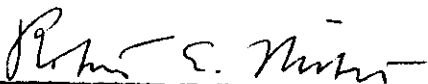
AYES: Directors Bettencourt, Copeland, Deadrach, MacLeod, and President Barber

NOES: Director Arnold

ABSENT: Director McDennell

That I have carefully compared the same with the original minutes of said meetings on file and of record in my office and that said Ordinance is a full, true and correct copy of the original ordinance introduced and adopted at said meetings and entered in said minutes; that said Ordinance has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and seal of the Alameda-Contra Costa Transit District this 17th day of September, 1958.


Secretary, Board of Directors of
Alameda-Contra Costa Transit District