

ORDINANCE NO. 2

AN ORDINANCE CALLING A SPECIAL BOND ELECTION IN SPECIAL TRANSIT SERVICE DISTRICT NO. 1 OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID SPECIAL TRANSIT SERVICE DISTRICT NO. 1 THE MEASURE OF INCURRING A BONDED INDEBTEDNESS OF ALAMEDA-CONTRA COSTA TRANSIT DISTRICT ON BEHALF OF SPECIAL TRANSIT SERVICE DISTRICT NO. 1 FOR THE ACQUISITION, CONSTRUCTION AND COMPLETION OF THE FOLLOWING IMPROVEMENTS, TO WIT: TRANSIT FACILITIES WITHIN THE BOUNDARIES OF SPECIAL TRANSIT SERVICE DISTRICT NO. 1; 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.

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WHEREAS, the Board of Directors of Alameda-Contra Costa Transit District, by its resolution No. 96 duly passed and adopted on May 25, 1959 at a meeting of said Board of Directors duly and regularly held, did create Special Transit Service District No. 1 within the boundaries of said District pursuant to the provisions of Chapter 10.5 of the Alameda-Contra Costa Transit District Act, as added by Chapter 116, Stats. 1959; and

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 hereinafter mentioned on behalf of said Special Transit Service District No. 1, 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, including the income and revenue derived from taxes levied upon taxable property in Special Transit Service District No. 1, and will require the incurring of a bonded indebtedness of Alameda-Contra Costa Transit District on behalf of said Special Transit Service District No. 1, 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;

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF DIRECTORS OF ALAMEDA-CONTRA COSTA TRANSIT DISTRICT:

Section 1. A special bond election be and is hereby called and ordered to be held in said Special Transit Service District No. 1 of Alameda-Contra Costa Transit District on TUESDAY, OCTOBER 20, 1959, at which election shall be submitted to the qualified electors of said Special Transit Service District No. 1 the question of incurring a bonded indebtedness of said District on behalf of said Special Transit Service District No. 1 for the object and purpose set forth in the following measure, to wit:

MEASURE A:

(Transit Facilities  
for Special Transit  
Service District No. 1)

Shall the Alameda-Contra  
Costa Transit District  
incur a bonded indebtedness  
on behalf of Special Tran-  
sit Service District No. 1,

in the principal amount of \$16,500,000 to pay the cost of acquiring, constructing and completing the following improvements, to wit: transit facilities within the boundaries of Special Transit Service District No. 1, including automotive passenger buses, service vehicles and equipment, buildings, stations, platforms, fare boxes and collection equipment, maintenance yards, garages and shops, repair and maintenance equipment, radio and telephone dispatch system, easements, rights of way, and furniture, office equipment and supplies, together with any and all necessary additions, betterments, improvements and replacements and any and all other facilities necessary or convenient for said transit facilities and all other works, lands, structures, rights, equipment, or other property necessary or convenient for said transit facilities?

Section 2. The estimated cost of the improvements as set forth in said measure is the sum of Sixteen Million Five Hundred Thousand Dollars (\$16,500,000) and the amount of the principal of the bonded indebtedness proposed to be incurred for said improvements is Sixteen Million Five Hundred Thousand Dollars (\$16,500,000). 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 Special Transit Service District No. 1 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, condemnation or lease, or by the acquisition, construction or completion of new and independent transit facilities. The exact details of the various individual items of acquisition and construction 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 said measure.

Section 3. The maximum rate of interest on said bonds shall not exceed six per cent (6%) per annum, payable semiannually or annually the first year and thereafter semiannually. 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. The Board of Directors does hereby submit to the qualified electors of said Special Transit Service District No. 1 of Alameda-Contra Costa Transit District at said special bond election the measure set forth in Section 1 of this ordinance, and designates and refers to said measure in the form of ballot hereinafter prescribed for use at said election.

(a) Said special bond election shall be held and conducted, and the votes thereof canvassed, and the returns thereof made, and the result thereof ascertained and determined as herein provided; and in all particulars not prescribed by this ordinance, said election shall be held as provided by law for the holding of elections in said District.

(b) All persons qualified to vote at elections in said Special Transit Service District No. 1 upon the date of the election herein provided for shall be qualified to vote upon the measure submitted at said special bond election.

(c) The polls at the polling places hereinafter designated shall be opened at 7:00 o'clock A.M. (P.S.T.) of said day of election and shall be kept open continuously thereafter until 7:00 o'clock P.M. (P.S.T.) of said day of election, when the polls shall be closed

(except as provided in Section 5734 of the Elections Code), and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(d) For the conduct of said special bond election said Special Transit Service District No. 1 is hereby divided into 37 consolidated election precincts in Contra Costa County and 996 consolidated election precincts in Alameda County, each of which shall comprise one or more of the general state and county election precincts in Contra Costa County or in Alameda County into which said Special Transit Service District No. 1 is divided for general state and county election purposes, to wit: the consolidated election precincts hereinafter designated in each of said counties by number comprise one or more of the general election precincts in such county into which said Special Transit Service District No. 1 is divided for general state and county election purposes and the general election precincts hereinafter referred to by numbers or names and numbers comprise the general election precincts as numbered, or named and numbered (and so designated by number or by name and number) for general state and county election purposes in said Special Transit Service District No. 1 by the Board of Supervisors of Alameda County and the Board of Supervisors of Contra Costa County, respectively. Reference is hereby made to the records of the Board of Supervisors of Alameda County and of the Board of Supervisors of Contra Costa County establishing general election precincts in said Special Transit Service District No. 1 as the same are now on file in the offices of the respective County Clerks of Alameda County and Contra Costa County for a more particular description of said general election precincts as so numbered, or named and numbered. Said consolidated election precincts and polling places therein and the election officers appointed to conduct said election thereat are as follows:

(e) The ballots to be used at said special bond election shall be substantially in the following form, to wit:

No. _____	(This number shall be torn off by Inspector and handed to the Voter)	<p>MARK CROSS (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL</p> <p>(ABSENTEE BALLOTS MAY BE MARKED WITH <u>PEN AND INK OR PENCIL</u>)</p> <p>(Fold ballot to this perforated line, leaving top margin exposed)</p>
<p>OFFICIAL BALLOT</p> <p>ALAMEDA-CONTRA COSTA TRANSIT DISTRICT SPECIAL TRANSIT SERVICE DISTRICT NO. 1</p> <p>SPECIAL BOND ELECTION</p> <p>TUESDAY, OCTOBER 20, 1959</p>		
<p><b>INSTRUCTIONS TO VOTERS:</b> To vote on any measure stamp a cross (X) in the voting square after the word "YES" or after the word "NO." All marks except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another. On absent voter ballots mark a cross (X) with pen or pencil.</p>		
<p><b>MEASURE A:</b> Shall the Alameda- (Transit Facilities Contra Costa Tran- for Special Transit sit District incur Service District No. 1) a bonded indebted- ness on behalf of Special Transit Service District No. 1 in the: principal amount of \$16,500,000 to pay the cost of acquiring, constructing and complet- ing the following improvements, to wit: Tran- sit facilities within the boundaries of Special Transit Service District No. 1, in- cluding automotive passenger buses, service vehicles and equipment, buildings, stations, platforms, fare boxes and collection equip- ment, maintenance yards, garages and shops, repair and maintenance equipment, radio and telephone dispatch system, easements, rights of way, and furniture, office equipment and supplies, together with any and all neces- sary additions, betterments, improvements and replacements and any and all other facil- ities necessary or convenient for said tran- sit facilities, and all other works, lands, structures, rights, equipment, or other property necessary or convenient for said transit facilities?</p>		
		<p>YES: _____</p> <p>NO: _____</p>

(f) Each voter to vote for said measure hereby submitted and for incurring said bonded indebtedness set forth in said measure 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. On absent voter ballots the cross (X) may be marked with pen or pencil.

(g) The returns of said election shall be made out and signed by the election officers and shall be by them deposited with the Secretary of the District, together with the ballots cast at said election; and this Board of Directors shall meet at its usual meeting place and canvass said returns on Monday, October 26, 1959 (being the first Monday after said election) at the hour of 8:00 o'clock P.M. (P.S.T.), and declare the result of said election.

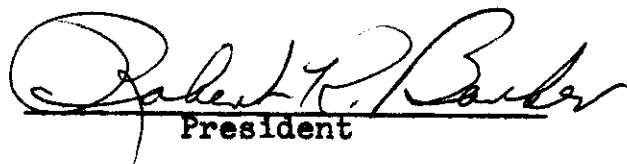
Section 5. Said Board of Directors proposes to issue and sell bonds of the District on behalf of Special Transit Service District No. 1 for the object and purpose, but not exceeding the amount, specified in said measure if a majority of the qualified electors voting on said measure at said special election shall vote in favor of said measure. Only the property in said Special Transit Service District No. 1 shall be taxable for the payment of the principal and interest on said bonds. Until the bonds are paid, taxes shall be levied in substantial compliance with Section 25893 of the Public Utilities Code.

Section 6. 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 said Special Transit Service District No. 1, and said publication shall constitute notice of said election and no other notice of the said special bond election need be given.

Section 7. This ordinance shall take effect immediately upon its passage and approval.

  
President

Attest:

  
Secretary


SECRETARY'S CERTIFICATE

I, ROBERT E. NISSET, Secretary of the Board of Directors of ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, do hereby certify that the foregoing ordinance is a full, true and correct copy of an ordinance introduced and read at a \_\_\_\_\_ regular meeting of the Board of Directors of said District duly and regularly held on the 2nd day of September, 1959, and said ordinance was thereafter duly passed and adopted by vote of the Board of Directors at an adjourned regular meeting of said Board of Directors duly and regularly held at the regular meeting place thereof on the 10th day of September, 1959, of which meeting all of the members of said Board of Directors had due notice, as follows:

AYES: Directors Bettencourt, Coburn, Copeland, Deadrich, McDonnell;  
President Barber,  
NOES: Director Arnold  
ABSENT: None

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

WITNESS my hand and the seal of the Alameda-Contra Costa Transit District this 11th day of September, 1959.

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