

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

Monday, September 23, 1935

The City Council of the City of Lodi met at 8:00 o'clock P.M. of Monday, September 23, 1935 pursuant to its adjournment from the previous meeting of September 19, 1935. In the absence of the Mayor and City Clerk, it was moved by Councilman Weihe, seconded by Councilman Spooner and carried, that Councilman Graffigna be elected Mayor pro-tem and Councilman Clark be elected City Clerk pro-tem. Mayor Graffigna then took the chair and opened the meeting. The Clerk called the roll.

Present: Councilmen, Clark, Graffigna, Spooner and Weihe.
Absent: Councilman Steele.

On motion of Councilman Spooner, seconded by Councilman Weihe, and carried, the reading of the minutes of previous meetings was ordered dispensed with.

Resolution No. 801, being " A RESOLUTION RESCINDING RESOLUTION NO. 797" was introduced on motion of Councilman Weihe, seconded by Councilman Clark:

RESOLUTION NO. 801.

A RESOLUTION RESCINDING RESOLUTION NO. 797

BE IT RESOLVED , by the City Council of the City of Lodi, as follows:

Resolution No. 797 heretofore adopted by this City Council on September 19th., 1935 be and the same is hereby repealed.

After consideration of the foregoing resolution by the Council, the same was passed and adopted by the following vote:-

AYES: Councilmen, Spooner, Weihe, Clark and Graffigna.

NOES: Councilmen, None.

ABSENT: Councilman, Steele.

Resolution No. 802, entitled " A RESOLUTION OF THE CITY OF LODI, CALIFORNIA, PROVIDING FOR THE ISSUANCE OF BONDS OF SAID CITY FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A CERTAIN MUNICIPAL IMPROVEMENT IN SAID CITY" was introduced by Councilman Spooner, seconded by Councilman Weihe and considered by the Council after the same had been read in full by the Clerk:

RESOLUTION NO. 802

A RESOLUTION OF THE CITY OF LODI, CALIFORNIA, PROVIDING FOR THE ISSUANCE OF BONDS OF SAID CITY FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A CERTAIN MUNICIPAL IMPROVEMENT IN SAID CITY.

WHEREAS, pursuant to Ordinance No. 212 of the City of Lodi, a special election was duly and regularly held in said City on the 12th day of September, 1935, at which election there was submitted to the qualified voters of said City the following Proposition, to-wit:-

PROPOSITION: Shall the City of Lodi incur a bonded indebtedness in the principal amount of \$466,000 for the acquisition and construction by the City of Lodi of a certain municipal improvement, to-wit:- The construction of a hydro-electric generating plant, Diesel electric generating plant and transmission line, including lands, rights of way, easements, dam, penstock, power plant and building, transmission lines, conduits, wires, poles substations, transformers, dynamos, motors, switches, machinery, apparatus, fixtures, equipment, and other structures, works, rights and properties necessary or convenient to generate electricity to supply said City of Lodi and its inhabitants with electricity for lights, heat and power; and

WHEREAS, said proposition received the affirmative vote and assent of more than two-thirds of all the qualified voters of said City voting at the said election and the said City is now authorized to issue bonds in the amounts and for the purposes hereinbefore specified:

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NOW, THEREFORE, the City Council of the City of Lodi does resolve as follows:

Section 1: That bonds of the City of Lodi in the amount of Four Hundred Sixty-six Thousand Dollars (\$466,000), be issued and sold for the purposes stated in the proposition set forth in the recitals hereof. Said bonds shall be designated "1935 ELECTRIC BONDS". Said bonds shall be Four Hundred Sixty-six (466) in number, numbered from one (1) to Four Hundred Sixty-six (466), inclusive, and shall be of the denomination of One Thousand Dollars (\$1,000) each; all of said bonds shall be dated October 1, 1935. Said bonds shall mature in consecutive numerical order, as follows, namely:-

\$13,000 on October 1 in each of the years 1936 and 1937;
14,000 on October 1 in each of the years 1938 and 1939;
15,000 on October 1 in each of the years 1940 and 1941;
16,000 on October 1 in each of the years 1942 and 1943;
17,000 on October 1 in each of the years 1944 and 1945;
18,000 on October 1 in each of the years 1946 and 1947;
19,000 on October 1 in each of the years 1948 and 1949;
20,000 on October 1 in each of the years 1950 and 1951;
21,000 on October 1 in each of the years 1952 and 1953;
22,000 on October 1 in each of the years 1954 to 1956 ;
both inclusive;
23,000 on October 1 in each of the years 1957 and 1958; and
24,000 on October 1 in each of the years 1959 and 1960.

Section 2: All of the bonds provided for herein shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the first days of April 1 and October 1 of each year. Both principal and interest of said bonds shall be payable in any coin or currency which on the respective dates of payment is legal tender for the payment of public and private debts, at the office of the City Treasurer of the City of Lodi in said City, or, at the option of the holder, at NATIONAL CITY BANK, in the City and State of New York.

Section 3: That the executive of said City, to-wit, the Mayor of said City, and the Treasurer of said City, are hereby authorized and directed to sign all of said bonds and the City Clerk is hereby authorized and directed to countersign said bonds and to affix thereto the corporate seal of said City, and the Treasurer of said City is hereby authorized and directed to sign the interest coupons of said bonds by his printed, lithographed or engraved facsimile signature, and to number said interest coupons of each of said bonds consecutively.

Section 4: That all of said bonds shall be issued in accordance with the provisions of an act of Legislature of the State of California, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisitions, construction or completion thereof", which became a law February 25, 1901, and acts amendatory thereof and supplementary thereto.

Section 5: That all of said bonds and coupons for the interest thereof shall be issued in substantially the following form:

FORM OF BOND
UNITED STATES OF AMERICA
STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN
CITY OF LODI.

No. _____

1935 ELECTRIC BOND

\$1,000.00

The City of Lodi, a municipal corporation of the State of California, hereby acknowledges itself indebted and for value received promises to pay to the bearer (or, if this bond be registered, to the registered owner hereof), on the first day of October 19____, the sum of ONE THOUSAND DOLLARS, and to pay interest hereon at the rate of four per cent (4%) per annum, payable semi-annually on April 1 and October 1 in each year, upon surrender of the annexed coupons as they severally become due (or, if this bond be registered as to both principal and interest, to the registered owner hereof). Both principal and interest of this bond are payable in any coin or currency which on the respective dates of payment is legal tender for the payment of public

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and private debts at the office of the City Treasurer in the City of Lodi, San Joaquin County, California, or, at the option of the holder, at NATIONAL CITY BANK, in the City and State of New York. For the punctual payment of this bond, with interest hereon as aforesaid, and for the levy and collection of taxes sufficient for that purpose, the full faith and credit of said City of Lodi are hereby irrevocably pledged.

This bond may be registered as to both principal and interest in accordance with the provisions on the back hereof.

This bond is issued by the City of Lodi for the purpose of financing the acquisition and construction of a certain municipal improvement, to-wit: a Hydro-electric generating plant, a Diesel electric generating plant and transmission lines, and by virtue of a two-thirds vote of the qualified voters of said City of Lodi voting at an election duly called and held on the 12th day of September, 1935, and pursuant to the Constitution and Statutes of the State of California, including an Act of the Legislature of the State of California entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements and regulating the acquisition, construction or completion thereof," which became a law February 25, 1901, and acts amendatory thereof and supplementary thereto.

It is hereby certified and recited that all the conditions, acts and things required by the Constitution and Statutes of the State of California to exist, to have happened and to have been performed, precedent to and in the issuance of this bond exist, have happened, and have been performed in regular and due time, form and manner as required by law, and that the issue of bonds of which this is one, together with all other indebtedness of said City of Lodi, is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF, the City of Lodi has caused this bond to be signed by the Mayor and Treasurer of the City of Lodi, to be countersigned by the City Clerk of the City of Lodi, and to be sealed with its corporate seal, and the coupons hereto annexed to be signed by the facsimile signature of its Treasurer, and this bond to be dated the 1st day of October, 1935.

(SEAL)

(SIGNED) G.M. STEELE
Mayor of the City of Lodi, California

Countersigned:

(Signed) J. F. BLAKELY
City Clerk of the City of Lodi
California

(Signed) J. HAMILTON DAVIS
Treasurer of the City of Lodi
California

(FORM OF COUPON)

NO. _____ \$20.00

The City of Lodi, a municipal corporation of the State of California will pay to the bearer on the 1st day of _____ 19____, the sum of TWENTY DOLLARS in any coin or currency which on said date is legal tender for the payment of public and private debts, at the office of the City Treasurer of the City of Lodi, San Joaquin County, California, or, at the option of the holder hereof, at NATIONAL CITY BANK, in the City and State of New York, being six months' interest then due on its 1935 ELECTRIC BOND, dated October 1, 1935, and bearing NO. _____.

(Signed) J. HAMILTON DAVIS
Treasurer of the City of Lodi, Calif.

(FORM OF REGISTRATION INDORSEMENT)

This bond is registered pursuant to the statute in such cases made and provided in the name of _____, 19____, and the interest and principal thereof are hereafter payable to such owner.

Treasurer of the City of Lodi,
California

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Section 6: That said bonds shall be sold by the City Council of said City as it may hereafter determine and that the proceeds of the sale of said 1935 Electric Bonds (exclusive of accrued interest) shall forthwith be turned over and placed to the credit of a fund of the City of Lodi, to be known as "1935 ELECTRIC IMPROVEMENT FUND" and shall be used exclusively for the acquisition, construction and completion of the municipal improvement described in the Proposition set forth in the recitals hereof.

Section 7: That for the purpose of paying the principal and interest of said 1935 Electric Bonds, the City Council of the City of Lodi shall at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the Treasury of said City set apart for that purpose sufficient to meet all sums coming due for principal and interest of said bonds, a tax sufficient to pay the annual interest on said bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. Said tax shall be in addition to all other taxes levied for municipal purposes and shall be collected, and shall forthwith be turned over and paid into a fund of the City of Lodi, to be known as "1935 ELECTRIC BONDS INTEREST AND BOND REDEMPTION FUND", Said fund shall be used for no other purpose than the payment of said bonds and accruing interest thereof. Accrued interest received on the sale of said bonds shall be deposited in said fund.

Section 8: That the City Clerk shall certify to the passage and adoption of this resolution by a vote of at least two-thirds of all the members of the City Council of said City of Lodi at a regular meeting of the said Council and to its approval by the Mayor of said City.

After consideration of the foregoing resolution by the Council, the same was passed and adopted by the following vote:-

AYES: Councilmen, Spooner, Weihe, Clark and Graffigna

NOES: Councilmen, None

ABSENT: Councilmen, Mayor Steele

City Attorney West presented the Affidavit of Publication in the matter of the Notice of Sale of Bonds, and same was ordered filed.

Resolution No. 803 entitled, "A RESOLUTION CONFIRMING NOTICE OF SALE OF CITY OF LODI'S 1935 ELECTRIC BONDS," was introduced by Councilman Spooner, seconded by Councilman Clark.

RESOLUTION NO. 803

RESOLUTION CONFIRMING NOTICE OF SALE OF CITY
OF LODI'S 1935 ELECTRIC BONDS.

BE IT RESOLVED By the City Council of the City of Lodi, as follows:

The action of the City Clerk in publishing and mailing notice of sale of City of Lodi's 1935 Electric Bonds, all dated October 1st, 1935, aggregating in principal amount Four Hundred Sixty-six Thousand (\$466,000) Dollars, and the form of such notice as presented to this City Council be and the same are hereby approved and confirmed.

The foregoing Resolution No. 803 was then passed and adopted by the following vote:

AYES: Councilmen, Spooner, Weihe, Clark and Graffigna

NOES: Councilmen, None

ABSENT: Councilmen, Mayor Steele

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The City Attorney brought up the matter of the City furnishing legal opinion regarding the validity of the Bonds and thus strengthening the sale of same. After considerable discussion, the following Resolution was introduced on motion of Councilman Clark, Councilman Weihe, second.

RESOLUTION NO. 804

WHEREAS, at an election held in the City of Lodi on September 12th, 1935, the electors of said City, being more than the necessary two-thirds majority, authorized the issuance and sale of bonds of said City in the sum of Four Hundred Sixty-six Thousand (\$466,000) Dollars wherewith to acquire moneys wherewith to acquire and construct a Hydro-Diesel Electric generating plant and transmission line (and all the necessary works and appliances in connection therewith); and

WHEREAS, the City Council of said City of Lodi has this day passed and adopted its Resolution No. 802 authorizing and directing the issuance of said bonds;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Lodi that said City shall and does hereby employ the firm of Messrs. Orrick, Palmer and Dahlquist, Attorneys at Law, of San Francisco, California, to make and render to said City of Lodi and to any purchasers or purchaser of said bonds the legal opinion of said firm as to the validity of said bonds.

BE IT FURTHER RESOLVED, That the compensation to be paid said firm of Orrick, Palmer and Dahlquist for their said services, is and shall be the sum of One Thousand (\$1,000) Dollars, which shall be a legal and valid charge against said City, and that said opinion shall be furnished to the purchaser or purchasers of said bonds, without any charge to such purchaser or purchasers, and at the sole cost and expense of said City.

The foregoing Resolution No. 804 was then passed and adopted by the following vote:

AYES: Councilmen, Spooner, Weihe, Clark and Graffigna
NOES: Councilmen, None
ABSENT: Councilmen, Mayor Steele

On motion of Councilman Spooner, seconded by Councilman Weihe Resolution No. 805 was introduced and read to the City Council.

RESOLUTION NO. 805

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LODI, CALIFORNIA, ORDERING PUB-
LICATION OF NOTICE OF SALE OF BONDS.

The City Council of the City of Lodi, California, does hereby resolve and it is hereby ordered:

1. That sealed proposals will be received by the City Council of the City of Lodi up to the hour of 8 o'clock p.m. on the 30th day of September, 1935, for the purchase of those certain bonds ordered to be issued pursuant to Resolution No. 802 duly adopted by the City Council of the City of Lodi on the 23rd day of September, 1935, for cash, at not less than principal and accrued interest, said City Council reserving the right to reject any and all bids; and that a certified check drawn by the cashier of a recognized bank payable to the order of the City of Lodi, California, in the sum of 3% of the amount of said bonds shall be required to accompany each bid (except that of any State or Federal agency) as a guarantee that the bidder, if successful, will accept and pay for said bonds in accordance with the terms of his bid when the same are ready for delivery.

2. The Clerk of this Board shall cause notice of the sale of said bonds, stating the terms of sale as hereinabove provided, to be published by one insertion before said date of sale in "The Lodi New-Sentinel," a newspaper printed and published in the City of Lodi, and he shall cause notice of said sale to be mailed as provided by law, to the State Treasurer and the State Department of Finance of the State of California.

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3. That said notice shall state, and give notice, that the City of Lodi will furnish to the successful bidder, without charge, the unqualified legal opinion of Messrs. Orrick, Palmer and Dahlquist of San Francisco, California, certifying to the validity of the said bonds, together with a certified transcript of the proceedings for their issuance.

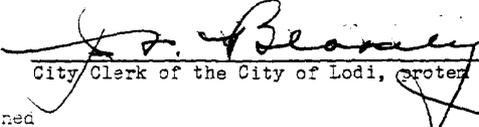
ADOPTED, SIGNED AND APPROVED this 23rd day of September, 1935

The foregoing Resolution No. 804 was then passed and adopted by the following vote:

AYES: Councilmen, Spooner, Weihe, Clark and Graffigna.
NOES: Councilmen, None
ABSENT: Councilmen, Mayor Steele.

It was decided to be to the best interest of the City during the stress and rush of extra legal work entailed in connection with the new bond issue to employ a stenographer with an office in the City Hall. Upon motion of Councilman Spooner, seconded by Councilman Clark, and carried unanimously, the City Attorney was authorized to secure the services of a competent stenographer.

On motion of Councilman Spooner, seconded by Councilman Weihe, the City Council then adjourned to and until 8:00 p.m. of Monday, September 30, 1935. Motion carried unanimously.


City Clerk of the City of Lodi, *pro tem*

The foregoing minutes of an adjourned regular meeting of the City Council of the City of Lodi were read and approved without correction at a subsequent meeting of said City Council held October 7, 1935.


Mayor of the City of Lodi

October 7, 1935