



CITY OF SACRAMENTO
CALIFORNIA

OFFICE OF THE
CITY MANAGER

December 2, 1981

CITY HALL
915 I STREET - 95814
(916) 449-5704

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Acceptance of Memorial Gift to Benefit the Library System

SUMMARY

This report recommends that the City Council authorize the City Manager to accept the gift from the estate of Mrs. Bernice Horne Moore subject to the conditions specified to benefit the Sacramento Public Library System.

BACKGROUND

On November 30, 1981, Jack P. Sanders, Jr., Trust Officer for the Bank of America, provided this office with a copy of the Will prepared by Bernice Horne Moore. The Moore Will designated the Bank of America as Trustee for the estate. The instrument prepared by Mrs. Moore, now deceased, instructs the Trustee to manage her estate and to provide the proceeds of the earnings of the investment to the City to benefit the Sacramento City-County Library System. The specific conditions to be met by the City are to utilize "said income for the purchase of books", and further, "that the funds be used primarily to purchase novels and particularly, mysteries and novels of suspense."

The Trust is to be known as the Bernice Horne Moore and Robert A. Moore Memorial Fund.

FINANCIAL DATA

Preliminary estimates by bank officials indicate that investments from the estate can produce \$15,000 per year which is to be used to purchase books for the Library system.

APPROVED
BY THE CITY COUNCIL

DEC 8 1981

OFFICE OF THE
CITY CLERK

RECOMMENDATION

It is recommended that the City Council, by resolution, authorize the City Manager to notify the Bank of America of the City's acceptance of the Moore gift.

Respectfully submitted,

Solon Wisham, Jr.
SOLON WISHAM, JR.
Assistant City Manager

Recommendation Approved:

Walter J. Slope

WALTER J. SLOPE
City Manager

RESOLUTION NO. 81-896

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION ACCEPTING GIFT TO LIBRARY
FROM MRS. BERNICE HORNE MOORE

WHEREAS, Mrs. Bernice Horne Moore has by her will placed certain assets in trust with Bank of America and the object of said trust is to make an annual gift to the library of the income produced by such assets under specified conditions;

WHEREAS, the Charter of the City of Sacramento authorizes the City to accept such gifts;

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

The Council of the City of Sacramento accepts the gift of Mrs. Bernice Horne Moore to the library subject to the conditions specified; and,

FURTHER RESOLVED:

The City Manager is authorized and directed to do all acts necessary and convenient to accept said gift of Mrs. Bernice Horne Moore and to comply with the conditions to which said gift are subject.

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

DEC 8 1981

OFFICE OF THE
CITY CLERK

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CITY MANAGER'S OFFICE
RECEIVED
NOV 30 1981

5397 Hale Court
Sacramento, Ca. 95819
January 27, 1977

TO: Sacramento City and County Libraries
FROM: Mrs. Bernice Horne Moore

Enclosed is a copy of my Will.

All my life I have enjoyed the public libraries. Sacramento has excellent libraries, and everyone working for them has always been very kind and helpful to me.

I wish to express my thanks to the Sacramento City and County Libraries for all the help and reading enjoyment they have given me, and to leave this Memorial Fund gift to purchase books for the reading enjoyment of everyone in Sacramento.

Bernice Horne Moore
(Mrs. Robert A. Moore)

CITY MANAGER'S OFFICE
RECEIVED
NOV 30 1981

of
BERNICE HORNE MOORE

I, BERNICE HORNE MOORE, a resident of Sacramento County, California, declare that this is my Will.

FIRST: I revoke all Wills and Codicils that I have previously made.

SECOND: I was formerly married and my husband is now deceased. I have no children the issue of my marriage.

THIRD: I give all of my estate, both real and personal property, wherever situated to Bank of America, including any successor thereof whether by merger, consolidation, transfer of Trust business or otherwise, in trust to be held and administered as follows:

1. The Trustee shall hold the trust estate and shall manage, invest and reinvest it as provided in this will, and as permitted by the law of the State of California and shall receive and collect the income therefrom. After deducting the expenses necessarily incurred in administering the Trust property, the Trustee shall disburse and pay out, not less frequently than annually, all income to the Sacramento City and County Library. The Trustee, upon payment of said income, shall direct the Sacramento City and County Library to use said income for the purpose of purchasing books. In utilizing said income for the purchase of books, it is my wish and desire, to the extent possible, that the funds be used primarily to purchase novels and, particularly, mysteries and novels of suspense.

2. This trust shall be known as the Bernice Horne Moore and Robert A. Moore Memorial Fund.

3. It is my intent in establishing this memorial fund that the uses and purpose described above are exclusively charitable. In the event that it is determined either by court adjudication or by the

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Trustee that such uses and purposes are not exclusively charitable, or in the event that Sacramento City and County Library ceases to exist or to operate or ceases to be a charitable organization under the law, or in the event that any part of the fund or income therefrom under any circumstance shall be contributed or inure to the benefit of any private person or corporation, except for Trustee fees and administration expenses, or in the event that Sacramento City and County Library does not use said income for the purpose of purchasing books, then, upon the happening of any one of the foregoing events, the Trustee shall devote and apply all net income exclusively to some charitable use or purposes which at the time is most nearly comparable to the above use or purpose and which at the time of contribution is an organization specified in the internal revenue code to which contributions are deductible for income tax purposes.

FOURTH: To carry out the purposes of any of the trust created in this Will, the trustee is vested with the following powers with respect to the trust estate, in addition to those powers now or hereafter conferred by law:

(a) To manage, control, grant options on, sell (for cash or on deferred payments), convey, exchange, partition, divide, improve, and repair trust property;

(b) To lease trust property for terms within or beyond the term of the trust and for any purpose, including exploration for and removal of gas, oil and other minerals; and to enter into community oil leases, pooling, and unitization agreements;

(c) To borrow money, and to encumber or hypothecate trust property by mortgage, deed of trust, pledge, or otherwise;

(d) To carry, at the expense of the trust, insurance of such kinds and in such amounts as the Trustee shall deem advisable to protect the trust estate and the Trustee against any hazard;

(e) To commence or defend such litigation with respect to the Trust or any property of the trust estate as the Trustee may deem advisable, at the expense of the trust;

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(f) To compromise or otherwise adjust any claims or litigation against or in favor of the trust;

(g) To invest and reinvest the trust estate in every kind of property, real, personal, or mixed, and every kind of investment specifically including, but not by way of limitation, corporate obligations of every kind, stocks, preferred or common, shares of investment trusts, investment companies, and mutual funds, and mortgage participation, which men of prudence, discretion, and intelligence acquire for their own account;

(h) With respect to securities held in the trust, to have all the rights, powers, and privileges of an owner, including, but not by way of limitation, the power to vote, give proxies, and pay assessments; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, liquidations, sales and leases, and incident to any such participation, to deposit securities with and transfer title to any protective or other committee on such terms as the Trustee may deem advisable; and to exercise or sell stock subscription or conversion rights;

(i) Except as otherwise specifically provided in this Will, the determination of all matters with respect to what is principal and income of the trust estate and the apportionment and allocation of receipts and expenses between these accounts shall be governed by the provisions of the California Principal and Income Law from time to time existing. Any such matter not provided for either in this Will or in the Principal and Income Law shall be determined by the Trustee in the Trustee's discretion;

FIFTH: Except as otherwise provided in this Will, I have intentionally omitted to provide herein for any of my heirs living at the time of my death.

SIXTH: I nominate BANK OF AMERICA, as Executor of this Will. The term "my Executor" as used in this Will shall include any personal representative of my estate.

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I authorize my Executor to sell, with or without notice, at either public or private sale, and to lease any property belonging to my estate, and to operate and manage any business in the estate, subject only to such confirmation of Court as may be required by law.

I subscribe my name to this Will this 27th day of January, 1977.

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BERNICE HORNE MOORE

On the date last above-written, BERNICE HORNE MOORE declared to us, the undersigned, that the foregoing instrument, consisting of four (4) pages (including the page signed by us as witnesses), was her Will and requested us to act as witnesses to it. BERNICE HORNE MOORE thereupon signed this Will in our presence, all of us being present at the same time. We now, at her request, in her presence, and in the presence of each other, subscribe our names as witnesses.

17 Sue Marston residing at Sacramento, California.

17 J Fred Wright residing at Sacramento, California.