

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A JOINT COMMUNITY
FACILITIES AGREEMENT BY AND BETWEEN THE CITY
OF CHULA VISTA AND THE SAN DIEGO UNIFIED PORT
DISTRICT (CHULA VISTA BAYFRONT PROJECT SPECIAL
TAX FINANCING DISTRICT)

WHEREAS, the City of Chula Vista, California (the “City”) is a municipal corporation and charter city duly organized and existing under a charter pursuant to which the City has the right and power to make and enforce all laws and regulations with respect to municipal affairs and certain other matters in accordance with and as more particularly provided in Sections 3, 5, and 7 of Article XI of the Constitution of the State of California and the Charter of the City; and

WHEREAS, Chapter 3.61 of the Chula Vista Municipal Code (“Chapter 3.61”) was enacted for the purpose of establishing a procedure for financing certain public and private improvements and maintenance and services to serve the Chula Vista Bayfront Project through the establishment of the Bayfront Project Special Tax Financing District (the “District”), the levy and collection of special taxes within the District and the issuance of bonds of the District secured by such special taxes for the purpose of financing a Convention Center Facility (as defined in Chapter 3.61) and certain other public and/or private improvements; and

WHEREAS, the City Council of the City (the “City Council”) duly adopted its Resolution No. 2019-168 on September 10, 2019 (the “Resolution of Intention”) wherein the City Council declared its intention and initiated proceedings to consider the establishment of the District, to set forth the proposed boundaries for the District, to indicate the improvements and the services proposed to be financed by the District, to indicate the proposed rate and apportionment of a special tax sufficient to finance the purchase, construction, expansion, improvement, rehabilitation, replacement and upgrade, including ongoing capital repairs, of the improvements and the services, and the administration of the District and to repay any indebtedness incurred by the District, and to set a time and place for a public hearing relating to the establishment of the District (the “Establishment Public Hearing”); and

WHEREAS, the City Council also adopted on September 10, 2019, its Resolution No. 2019-169, as amended by Resolution No. 2019-__ adopted on November 12, 2019 (“Resolution Declaring Necessity to Incur Bonded Indebtedness”), declaring that the public convenience and necessity requires that a bonded indebtedness be incurred by the District in an amount not to exceed \$175,000,000 to contribute to the financing of the improvements; and

WHEREAS, the Resolution Declaring Necessity to Incur Bonded Indebtedness fixed the time and place for a public hearing to be held on the intention of the City Council to incur a bonded indebtedness of the District to contribute to the financing of the improvements, such indebtedness to be secured by all or a portion of the levy of special taxes within the District (the “Indebtedness Public Hearing” and, together with the Establishment Public Hearing, the “Public Hearings”); and

WHEREAS, pursuant to the Resolution of Intention and the Resolution Declaring Necessity to Incur Bonded Indebtedness, the Public Hearings were set by the City Council for Tuesday, October 15, 2019, at the hour of 5:00 p.m., or as soon thereafter as the City Council might reach the matters, in the Council Chambers, City Hall, 276 Fourth Avenue, Chula Vista, California; and

WHEREAS, at the time and place specified for the Public Hearings, the City Council consolidated and opened the Public Hearings and approved a motion to continue the Public Hearings to November 5, 2019, at the hour of 5:00 p.m., or as soon thereafter as the City Council might reach the matters, in the Council Chambers, City Hall, 276 Fourth Avenue, Chula Vista, California; and

WHEREAS, on November 5, 2019 at the time and place specified for the continued Public Hearings, the City Council reopened the consolidated Public Hearings and approved a motion to continue the Public Hearings to November 19, 2019, at the hour of 5:00 p.m., or as soon thereafter as the City Council might reach the matters, in the City Council Chambers, City Hall, 276 Fourth Avenue, Chula Vista, California; and

WHEREAS, pursuant to Government Code Section 533162.2, in order for the District to finance facilities to be owned or operated by the San Diego Unified Port District (the "Port District"), a joint community facilities agreement or joint exercise of powers agreement must be adopted prior to the adoption of the resolution of formation creating the District; and

WHEREAS, the City and Port District have negotiated a Joint Community Facilities Agreement (the "JCFA") pursuant to Government Code Section 53316.2 to set forth the essential terms for the allocation and payment of the Special Tax Revenues (as such term is defined in the JCFA) for the development, operation, maintenance and servicing of various improvements (a) within the Chula Vista Bayfront Master Plan (the "CVBMP") and (b) outside the CVBMP but required by mitigation measures specified within the Project EIR (as such term is defined in the JCFA) and for which the District or City are responsible, in the form presented in Exhibit 1 to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it declares that the JCFA would be beneficial to the residents and tenants of, and visitors to, the territory within the boundaries of the District.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it approves the Joint Community Facilities Agreement By and Between the City of Chula Vista and the San Diego Unified Port District for the Chula Vista (Chula Vista Bayfront Project Special Tax Financing District), in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the Mayor to execute same.

Presented by

Approved as to form by

Gary Halbert
City Manager

Glen R. Googins
City Attorney