

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY; CONSENTING TO THE APPOINTMENT OF THE CITY ATTORNEY TO SERVE AS CO-COUNSEL TO SUCH AUTHORITY; AND APPOINTING A COUNCILMEMBER TO ITS GOVERNING BOARD

WHEREAS, on May 6, 2014, acting pursuant to Article I (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “JPA Act”), the San Diego Unified Port District (the “District”) adopted Resolution 2014-109 approving a Joint Exercise of Powers Agreement (the “JEPA Agreement”) with the City of Chula Vista (the “City”) creating the Chula Vista Bayfront Facilities Financing Authority (the “Authority”); and

WHEREAS, on May 13, 2014, acting pursuant to the JPA Act, the City Council of the City of Chula Vista adopted Resolution 2014-070 approving the JEPA Agreement with the District creating the Authority; and

WHEREAS, on September 25, 2018, the City Council adopted Resolution 2018-200 approving an Amended and Restated JEPA Agreement (the “2018 Amended and Restated JEPA Agreement”); and

WHEREAS, the District did not take action on the 2018 Amended and Restated JEPA Agreement; and

WHEREAS, the City and the District have worked cooperatively to draft additional amendments to the JEPA Agreement limiting the Authority’s jurisdiction to the Chula Vista Bayfront and clarifying the structure and operations of the Authority (the “2019 Amended and Restated JEPA Agreement”); and

WHEREAS, the City Council desires to approve the 2019 Amended and Restated JEPA Agreement as set forth in Exhibit 1, attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, pursuant to Section 4.D (4) of the 2019 Amended and Restated JEPA Agreement, the Port Attorney of the District and the City Attorney of the City shall act as co-counsel to the Authority; provided, however, that the Board of Port Commissioners, as it relates to the Port Attorney, and the City Council, as it relates to the City Attorney, shall consent to the appointment of its respective counsel to serve as co-counsel to the Authority prior to the Port Attorney or the City Attorney acting on behalf of the Authority; and

WHEREAS, the City Council desires to consent to the appointment of the City Attorney to serve as co-counsel to the Authority; and

WHEREAS, pursuant to Section 4.B of the JEPA Agreement, as amended and restated, the Authority shall be administered by a Governing Board, which shall be comprised of five Board Members, consisting of (i) two members appointed by the City Council of the City, (ii) two members appointed by the District Board of Commissioners, and (iii) the Port Commissioner appointed by the City Council of the City; and

WHEREAS, at its regular meeting of September 25, 2018, the City Council did approve Resolution 2018-200 appointing Mayor Casillas Salas and Councilmember Aguilar to the City's two Governing Board seats; and

WHEREAS, Councilmember Aguilar's Governing Board term expired concurrent with her exit from City Council office on December 11, 2018 and it is now necessary for the City Council to appoint a new Governing Board Member; and

WHEREAS, adopting an Amended and Restated Joint Exercise of Powers Agreement, consenting to the appointment of the City Attorney to serve as co-counsel to the Authority, and appointing a new Governing Board Member are not projects as defined under Section 15378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines because these actions involve only an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it does hereby approve and adopt the Amended and Restated Joint Exercise of Powers Agreement by and between the City of Chula Vista and the San Diego Unified Port District for the Chula Vista Bayfront Facilities Financing Authority in substantially the form set forth in Exhibit 1 to this Resolution, with such minor modifications as may be required or approved by the City Manager and the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby authorize and direct the Mayor to execute the subject Amended and Restated Joint Exercise of Powers Agreement in a final form approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby consent to the appointment of the City Attorney to serve as co-counsel to such Authority.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby appoint Councilmember _____ **[to be completed by the City Clerk upon Council action]** to the Governing Board of the Authority.

Presented by

Approved as to form by

Gary Halbert
City Manager

Glen R. Googins
City Attorney