

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, CALLING A SPECIAL MAIL BALLOT ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF SUCH DISTRICT SEPARATE PROPOSITIONS TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, TO AUTHORIZE SUCH DISTRICT TO INCUR A BONDED INDEBTEDNESS SECURED BY THE LEVY OF SPECIAL TAXES THEREIN AND TO ESTABLISH AN APPROPRIATIONS LIMIT FOR SUCH DISTRICT

WHEREAS, the City Council (“City Council”) of the City of Chula Vista (the “City”), on September 10, 2019, adopted its Resolution No. 2019-168 (the “Resolution of Intention”) and its Resolution No. 2019-169, as amended by Resolution No. 2019-\_\_\_ adopted on November 12, 2019 (“Resolution Declaring Necessity to Incur Bonded Indebtedness”) thereby initiating proceedings to establish the Bayfront Project Special Tax Financing District (the “District”) pursuant to Chapter 3.61 of the Chula Vista Municipal Code (“Chapter 3.61”); and

WHEREAS, both the Resolution of Intention and the Resolution Declaring Necessity to Incur Bonded Indebtedness set public hearings to be held concurrently on October 15, 2019 (collectively, the “Public Hearings”); 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, at the close of the continued Public Hearings, the City Council determined that there was no majority protest under the provisions of Chapter 3.61; and

WHEREAS, at the conclusion of the continued Public Hearings, the City Council, acting pursuant to Chapter 3.61, adopted Resolution No. \_\_\_ establishing the District (the “Resolution of Formation”) and Resolution No. \_\_\_ deeming it necessary that a bonded indebtedness be incurred by the District (the “Resolution Deeming It Necessary to Incur Bonded Indebtedness”); and

WHEREAS, pursuant to Chapter 3.61 it is necessary that the City Council submit to the qualified electors of the District three separate propositions (collectively, the “Propositions” and

individually, a “Proposition”) to: (i) authorize the levy of special taxes within the District as specified in the Resolution of Formation, (ii) authorize the District to incur a bonded indebtedness of such District as provided by the Resolution Deeming It Necessary to Incur Bonded Indebtedness and (iii) establish an appropriations limit for the District; and

WHEREAS, Chapter 3.61 provides that the election called for the purpose of submitting the Propositions to the qualified electors of the District must be held at least 90 days, but not more than 180 days following the adoption of the Resolution of Formation; and

WHEREAS, the City Council, acting as the legislative body of the District, desires to call a special mail ballot election (the “Election”) to be held on February 18, 2020 (the “Election Date”) for the purpose of submitting the Propositions to the qualified electors;

WHEREAS, Chapter 3.61 provides that if the Election is to be held less than 125 days following the adoption of the Resolution of Formation, the concurrence of the official conducting the election shall be required; and

WHEREAS, the City Clerk, as the official designated pursuant to Chapter 3.61 as the official to conduct the Election (the “Election Official”), has concurred with the shortening of time for conducting the Election to the Election Date.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Findings and Declaration. The City Council hereby specifically finds and declares that the vote in the Election called by this Resolution shall be by the Landowners (as such term is defined in Chapter 3.61) as the qualified electors of the District pursuant to Chapter 3.61 and the applicable provisions of the Elections Code of the State of California (the “Elections Code”). Each Landowner, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land owned within the District.

SECTION 3. Call of Election. The City Council hereby calls and schedules the Election for the Election Date on the Propositions.

SECTION 4. Propositions. If the Proposition for the levy of the special tax and the Proposition for incurring the bonded indebtedness receives the approval of two-thirds (2/3) or more of the votes cast on each respective Proposition, bonds may be authorized, issued and sold for the applicable purposes set forth in the Resolution Deeming It Necessary to Incur Bonded Indebtedness and the applicable special tax may be levied as provided in the Resolution of Formation. If the Proposition to establish the appropriations limit for the District receives the approval of a majority of the votes cast on such Proposition, such appropriations limit shall be established.

SECTION 5. The Propositions. The Propositions to be submitted to the qualified electors at the election shall generally be as follows:

PROPOSITION A

Shall the measure to authorize the Bayfront Project Special Tax Financing District (the “District”) to levy special taxes at rates not to exceed 5% of Rent charged on Hotel Property and Campsite Property (as such terms are defined in Resolution No. 2019-\_\_\_\_ accompanying this ballot) within the District, until the end of the term set forth in such resolution, raising an estimated \$30,000,000 annually to finance Improvements and Services described in such resolution, be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_

PROPOSITION B

Shall the measure to authorize the Bayfront Project Special Tax Financing District (the “District”) to incur a bonded indebtedness of the District in an amount not to exceed \$175,000,000, to be secured by special taxes subject to the approval of Proposition A above, be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_

PROPOSITION C

Shall the measure to establish an Article XIIB appropriations limit equal to \$125,000,000 for the Bayfront Project Special Tax Financing District be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_

SECTION 6. Vote. The appropriate mark placed on the line following the word “YES” shall be counted in favor of the adoption of the proposition, and the appropriate mark placed on the line following the word “NO” in the manner as authorized, shall be counted against the adoption of such proposition.

SECTION 7. Election Procedure. The Election Official is hereby authorized to take any and all steps necessary for the holding the Election. The Election Official shall perform and render, or cause to be performed and rendered, all services and proceedings incidental to and connected with the conduct of the Election, which services shall include, but not be limited to, the following activities as are appropriate to the Election:

- A. Prepare and furnish to the election officers necessary election supplies for the conduct of the Election.
- B. Print the requisite number of official ballots, tally sheets and other necessary forms.
- C. Furnish and address official ballots for the qualified electors.
- D. Deliver the official ballots to the qualified electors or their authorized representatives, as required by law.
- E. Receive the returns of the Election materials and supplies.
- F. Sort and assemble the Election materials and supplies in preparation for the canvassing of the returns.
- G. Canvass the returns of the Election.
- H. Furnish a tabulation of the number of votes given in the Election.
- I. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law.

SECTION 8. Arguments and Impartial Analysis.

- A. The City Council authorizes (i) any member(s) of the City Council and (ii) any Landowner eligible to vote on the Propositions, and/or an organization or association meeting the requirements of Elections Code Section 9287(b), to file written arguments in favor of or against the Propositions set forth in Section 5 of this Resolution, and may change the argument until and including December 3, 2019, after which no arguments for or against the Propositions may be submitted to the Election Official. Arguments in favor of or against the Propositions shall each not exceed 300 words in length. Each argument shall be filed with the Election Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The author(s) of an argument may allow additional persons to sign the argument at the discretion of the author(s). The additional signers are not required to meet the qualifications specified in Elections Code Section 9282.
- B. The Election Official shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the Election Official to transmit a copy of the Propositions to the City Attorney. The

City Attorney shall prepare an impartial analysis of the Propositions, not to exceed 500 words in length, showing the effect of the Propositions on the existing law and the operation of the Propositions. The City Attorney shall transmit such impartial analysis to the Election Official, who shall cause the analysis to be published in the voter information guide along with the Propositions as provided by law. The impartial analysis shall be filed by the deadline set for filing of arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the Propositions were placed on the ballot by a petition signed by the requisite number of voters or by the City Council.

- D. The provisions of this Section 8 herein shall apply only to the Election and shall then be repealed.

**SECTION 9. Rebuttals.**

- A. Pursuant to Section 9285 of the Elections Code, when the Election Official has selected the arguments for and against the Propositions which will be printed and distributed to the voters, the Election Official shall send copies of the argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the Election Official not later than December 13, 2019. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. The provisions of this Section 9 herein shall apply only to the Election and shall then be repealed.

**SECTION 10. Public Examination.** Pursuant to Elections Code Section 9295, the Propositions, the impartial analysis, the arguments for and against and the rebuttal arguments, if any, will be available for public examination for no fewer than ten (10) calendar days immediately following the filing deadline for those materials. The Election Official shall post notice in the Election Official's office of the specific dates that the examination period will run.

**SECTION 11. Additional Election Provisions.** The Election shall be subject to the following addition provisions:

A. For each of the propositions set forth in Section 5, each Landowner who is the owner of record as of the close of the Public Hearings or any subsequent owner if the City Clerk is informed, by reliable evidence, of a change in ownership after that time and at least 24 hours before the deadline to submit ballots, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that such Landowner owns within the District.

B. The Election shall be conducted by mailed ballot, there shall be no polling places for the Election, and 12:00 p.m. on the Election Date is set as the deadline for ballots to be received by the Election Official.

C. The Election Official is authorized and directed to publish the notice of the Election, as soon as possible following the adoption of this Resolution, in the Star News.

D. All ballots shall be mailed by the Election Official to the Landowners no sooner than January 20, 2020 and all voted ballots are required to be received by the Election Official not later than 12:00 p.m. on the Election Date in order to be counted.

E. The Election shall be held and conducted, and the votes canvassed and the returns made, and the results determined, as provided herein, and in all particulars not prescribed in this Resolution, the Election shall be held and conducted and the votes received and canvassed in the manner provided by law for holding special elections consistent with Chapter 3.61.

F. The Election Official shall commence the canvass of the returns of the Election as soon as possible following the deadline for ballots to be received and shall report the returns to the City Council at its next regularly scheduled meeting following the conclusion of the canvass.

G. Upon receipt of the report of the returns, the City Council may, by resolution, declare the results of the Election.

PRESENTED BY

APPROVED AS TO FORM BY

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Kelly G. Broughton, FASLA  
Director of Developmental Services

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Glen R. Googins  
City Attorney