

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), DECLARING THE RESULTS OF A SPECIAL ELECTION IN IMPROVEMENT AREA NO. 2 THEREOF AND DETERMINING THAT THE CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO BE LEVIED WITHIN IMPROVEMENT AREA NO. 2 ARE LAWFULLY AUTHORIZED

WHEREAS, the City Council of the City of Chula Vista, California (the “City Council”), has previously undertaken proceedings to form Community Facilities District No 16-I (Millenia) (the “District”), to designate two improvement areas therein (“Improvement Area No.1” and “Improvement Area No. 2” each an “Improvement Area” and collectively, the “Improvement Areas”) and to authorize the levy of special taxes within each Improvement Area and the issuance by the District of bonds for each Improvement Area pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the “Act”) and the City of Chula Vista Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of Chula Vista under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California (the “Ordinance”) (the Act and the Ordinance may be referred to collectively as the “Community Facilities District Law”) to finance the acquisition or construction of certain authorized facilities; and

WHEREAS, the qualified electors of each Improvement Area of the District, voting in a special election held on September 13, 2016, approved the authorization to levy special taxes within each Improvement Area pursuant to a separate rate and method of apportionment of such special taxes for each Improvement Area (the rate and method of apportionment of special taxes approved for Improvement Area No. 2 shall be referred to as the “Existing Improvement Area No. 2 RMA”); and

WHEREAS, this City Council, acting as the legislative body of the District subsequently initiated proceedings to modify the Existing Improvement Area No. 2 RMA to authorize the levy of special taxes within Improvement Area No. 2 pursuant to the rate and method of apportionment of special taxes as set forth in Exhibit A to Resolution No. 2020-001 (the “Amended Improvement Area No. 2 RMA”); and

WHEREAS, this City Council did call for and order to be held an election to submit to the qualified electors of Improvement Area No. 2 a proposition relating to Amended Improvement Area No. 2 RMA; and

WHEREAS, pursuant to Section 53338 of the Act, after the canvass of the election, the legislative body shall adopt a resolution of change determining that the proposed modifications to the Existing Improvement Area No. 2 RMA is lawfully authorized if two-thirds of the votes cast on the proposition are in favor of the proposed change; and

WHEREAS, at this time said election has been held and the measure did receive the favorable two-thirds vote of the qualified electors, and this City Council desires to declare the results of the election in accordance with the provisions of the Elections Code of the State of California.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), DOES HEREBY RESOLVE, DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

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

SECTION 2. Approval of Results of the Election. This City Council hereby receives and approves the CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST (“Certificate of Election Official”), as submitted by the City Clerk, acting in her capacity as the Election Official, said Statement setting forth the number of votes cast in the election, the measure voted upon, and the number of votes given for and/or against the measure voted upon. A copy of said Certificate of Election Official is attached hereto, marked Exhibit A, referenced and so incorporated.

SECTION 3. Entry of the Election Results in the Minutes. The City Clerk is hereby directed, pursuant to the provisions of the Elections Code of the State of California, to enter in the minutes the results of the election as set forth in said Certificate of Election Official.

SECTION 4. Modification of the Existing Improvement Area No. 2 RMA. This City Council hereby determines that the levy of the special tax pursuant to the Amended Improvement Area No. 2 RMA is lawfully authorized. Except where funds are otherwise available to the District, the special tax shall be levied in Improvement Area No. 2 pursuant to the Amended Improvement Area No. 2 RMA attached hereto as Exhibit B, referenced and so incorporated, which sets forth in sufficient detail the method of apportionment of the special tax to allow each landowner or resident within Improvement Area No. 2 to estimate the maximum amount that such person will have to pay.

The Amended Improvement Area No. 2 RMA provides that under no circumstances will the special tax to be levied against any parcel within Improvement Area No. 2 used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within Improvement Area No. 2 by more than 10 percent.

This legislative body further authorizes that special taxes may be prepaid and satisfied by payment of the prepayment amount calculated pursuant to Amended Improvement Area No. 2 RMA.

Upon recordation of an Amendment to Notice of Special Tax Lien pursuant to Section 3117.5 of the Streets and Highways Code of the State of California against the property within Improvement Area No. 2, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in Improvement Area No. 2 and this lien shall continue in force and

effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the legislative body ceases.

Presented by:

Approved as to form by:

Kelly G. Broughton FASLA
Director of Developmental Services

Glen R. Googins
City Attorney

EXHIBIT A

**CERTIFICATE OF ELECTION OFFICIAL
AND STATEMENT OF VOTES CAST**

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

The undersigned, ELECTION OFFICIAL OF THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DOES HEREBY CERTIFY that pursuant to the provisions of Section 53326 of the Government Code and Division 12, commencing with Section 17000 of the Elections Code of the State of California, I did canvass the returns of the votes cast at the

CITY OF CHULA VISTA
COMMUNITY FACILITIES DISTRICT NO. 16-I
(MILLENNIA)
IMPROVEMENT AREA NO. 2
SPECIAL ELECTION

in said City, held February 18, 2020.

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in Improvement Area No. 2 of Community Facilities District No. 16-I (Millenia) in such City, and the whole number of votes cast for the Measure in Improvement Area No. 2 of Community Facilities District No. 16-I (Millenia) in said City, and the totals of the respective columns and the totals as shown for the Measures are full, true and correct.

1. VOTES CAST ON PROPOSITION A: YES _____
NO _____

WITNESS my hand this _____ day of _____, 2020.

CITY CLERK
ELECTION OFFICIAL
CITY OF CHULA VISTA
STATE OF CALIFORNIA

EXHIBIT B

**AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT
OF SPECIAL TAX
COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA)
IMPROVEMENT AREA NO. 2**