

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 CREATING THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY; APPOINTING THE MAYOR TO THE GOVERNING BOARD OF THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY; AND APPOINTING THE COUNCILMEMBER REPRESENTING CITY COUNCIL DISTRICT 2 TO THE GOVERNING BOARD OF THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY

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 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, the City and the District have worked cooperatively to draft amendments to the JEPA Agreement limiting the Authority's jurisdiction to the Chula Vista Bayfront and adopting Chapter 2.56 of the Chula Vista Municipal Code as the Authority's procurement policy; and

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

WHEREAS, pursuant to Section 4(B) of the JEPA Agreement, Board Members shall be designated from time to time by action of the governing board of the City Council and the District, respectively and must be members of the governing body or employees of the District or the City, as applicable; and

WHEREAS, adopting an Amended and Restated Joint Exercise of Powers Agreement and appointing Governing Board Members 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 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 creating the Chula Vista Bayfront Facilities Financing Authority in the form set forth in Exhibit 1 to this Resolution, with such modifications as may be required or approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby authorize and recommend that the Mayor execute the subject Amended and Restated Joint Exercise of Powers Agreement.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby appoint the Mayor to the Governing Board of the Chula Vista Bayfront Facilities Financing Authority.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby appoint the councilmember representing City Council District 2 to the Governing Board of the Chula Vista Bayfront Facilities Financing Authority.

Presented by

Approved as to form by

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Kelly G. Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney