

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), MAKING CERTAIN DETERMINATIONS AND AUTHORIZING THE SUBMITTAL OF THE PROPOSED CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO BE LEVIED WITHIN IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA) TO THE QUALIFIED ELECTORS THEREOF

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, subsequent to the formation of the District and such election, SLF IV-Millenia, LLC (the “Developer”), the master developer of the property within the District requested that the City Council, acting as the legislative body of the District, delete certain commercial property from Improvement Area No. 2 and initiate proceedings to consider modifying the Existing Improvement Area No. 2 RMA (the “Change Proceedings”); and

WHEREAS, the modified boundaries of Improvement Area No. 2 were approved by the City Council on January 7, 2020 by the adoption of its Resolution No. 2020-001 and are shown on the map entitled “Amended Boundary Map of Community Facilities District No. 16-I (Millenia), City of Chula Vista, County of San Diego, State of California,” which was filed on January 15, 2020 in Page 67 of Book 48 of Maps of Assessment and Community Facilities Districts as Instrument No. 2020-7000009 (the “Improvement Area No. 2 Amended Boundary Map”). A copy of the Improvement Area No. 2 Amended Boundary Map is also on file in the Office of the City Clerk (the “City Clerk”); and

WHEREAS, the City Council has adopted its Resolution No. 2020-001 declaring its intention to consider modifications to the Existing Improvement Area No. 2 RMA so that the rate and method of apportionment of special taxes authorized to be levied within Improvement Area No. 2 reads as set forth in Exhibit A attached to Resolution No. 2020-001 (the “Amended Improvement Area No. 2 RMA”) and attached as Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, notice of a public hearing to consider the modifications to the Existing Improvement Area No. 2 RMA has been given in the form and manner required by the Act; and

WHEREAS, it has now been determined that written protests have not been received by (a) 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing within Improvement Area No. 2 or (b) owners of one-half or more of the area of land in the territory included in Improvement Area No. 2 to the Amended Improvement Area No. 2 RMA; and

WHEREAS, inasmuch as there have been less than twelve (12) persons registered to vote within Improvement Area No. 2 for each of the ninety (90) preceding days, this legislative body desires to submit the question of authorizing special taxes to be levied in Improvement Area No. 2 in accordance with the Amended Improvement Area No. 2 RMA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), AS FOLLOWS:

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

SECTION 2. Determinations. It is hereby determined by this City Council that:

- A. All prior proceedings pertaining to the Change Proceedings were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Community Facilities District Law.
- B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law as applied to Improvement Area No. 2 and, therefore, the special tax proposed to be levied within Improvement Area No. 2 in accordance with the Amended Improvement Area No. 2 RMA has not been precluded by majority protest.
- C. The Change Proceedings conform to the City of Chula Vista Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts (the “Goals and Policies”), as amended, with the exception of certain exemptions to the Goals and Policies provided for in the terms and conditions of the “Financing Plan” contained within that certain Development Agreement pertaining to the Millenia project by and between the City and McMillin Otay Ranch LLC, predecessor in interest to SLF IV-Millenia, LLC, the current owner of a portion of the property within Improvement Area No. 2.

- D. Less than twelve (12) registered voters have resided within the territory of Improvement Area No. 2 for each of the ninety (90) days preceding the close of the public hearing, therefore, pursuant to the Act the qualified electors of Improvement Area No. 2 shall be the landowners of Improvement Area No. 2 as such term is defined in Section 53317(f) of the Act and each such landowner who is the owner of record as of the close of the public hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that she or he owns within Improvement Area No. 2.
- E. The time limit specified by the Community Facilities District Law for conducting an election to submit the question to authorize the levy of the special taxes within Improvement Area No. 2 in accordance with the Amended Improvement Area No. 2 RMA to the qualified electors of Improvement Area No. 2 and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified electors of Improvement Area No. 2.

SECTION 3. Election. The proposition to authorize the levy of special taxes within Improvement Area No. 2 pursuant to the Amended Improvement Area No. 2 RMA shall be submitted to the qualified electors of Improvement Area No. 2, such electors being the landowners in Improvement Area No. 2, with each landowner having one (1) vote for each acre or portion thereof of land which he or she owns within Improvement Area No. 2, at a special election to be held on February 18, 2020, and such election shall be a special election to be conducted by the City Clerk (the "Election Official"). If the proposition receives the approval of two-thirds (2/3) or more of the votes cast, the proposition shall be approved.

SECTION 4. Ballots. The ballot proposal to be submitted to the qualified electors of Improvement Area No. 2 at the election shall generally be as follows:

PROPOSITION A

Shall Community Facilities District No. 16-I (Millenia) (the "CFD No. 16-I"), subject to accountability measures set forth in California Government Code Section 50075.1, be authorized to levy a special tax throughout Improvement Area No. 2 of CFD No. 16-I pursuant to the rate and method of apportionment of such special taxes set forth in Attachment A to this ballot (the "Amended Improvement Area No. 2 RMA")?

SECTION 5. Vote. The appropriate mark placed on the line in front of the word "YES" shall be counted in favor of the adoption of the proposition, and the appropriate mark placed on the line in front of the word "NO" in the manner as authorized, shall be counted against the adoption of such proposition.

SECTION 6. Election Procedure. The Election Official is hereby authorized to take any and all steps necessary for the holding of such 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. Printed 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 and supplies.
- F. Sort and assemble the election material 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.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Director of Developmental Services

Glen R. Googins
City Attorney

EXHIBIT A

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