

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 DECLARING ITS INTENTION TO CONSIDER CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO BE LEVIED THEREIN AND EXPAND TERRITORY WHEREIN IMPROVEMENTS MAY BE LOCATED AND SERVICES MAY BE PROVIDED

WHEREAS, the City Council (the “City Council”) of the City of Chula Vista (the “City”), has previously initiated proceedings, held a public hearing, formed the Bayfront Project Special Tax Financing District (the “District”) by the adoption of Resolution No. 2019-220 on November 19, 2019 (“Resolution No. 2019-220”), conducted an election and received a favorable vote from the qualified electors of the District, authorizing the levy of special taxes in the District, all as authorized pursuant to Chapter 3.61 of the Chula Vista Municipal Code (Chapter 3.61); and

WHEREAS, City and the San Diego Unified Port District (the “Port District”) entered into that certain Joint Community Facilities Agreement (Chula Vista Bayfront Project Special Tax Financing District), which is proposed to be amended and restated by the Amended and Restated Joint Community Facilities Agreement on file with the City Clerk and to be approved concurrently with the adoption of this Resolution (the “JCFA”) to set forth the essential terms for the allocation and payment of special tax revenues generated from the District; and

WHEREAS, the qualified electors of the District, voting in a special mail ballot election held on February 18, 2020, approved Proposition A which authorized the District to levy special taxes at rates not to exceed 5% of Rent annually charged on Hotel Property and Campsite Property (as such terms are defined Resolution No. 2019-220) within the District pursuant to a rate and method of apportionment of such special taxes (the rate and method of apportionment of special taxes approved shall be referred to as the “Existing RMA”); and

WHEREAS, in order to generate additional funds for public improvements and services to be financed by the District, the City Council, acting as the legislative body of the District, has determined that the public convenience and necessity require the City Council to initiate proceedings to consider modifications to the Existing RMA to: (1) increase the maximum rate at which to levy the special tax to 5.5% of Rent annually charged on Hotel Property and Campsite Property and (2) extend the term of the special tax; and

WHEREAS, Resolution No. 2019-220 set forth a limitation on territory wherein the Improvements (as defined in Resolution No. 2019-220) could be located and wherein the Services (as defined in Resolution No. 2019-220) could be provided; and

WHEREAS, an expansion of the territory wherein the Improvements may be located and the Services may be provided would be beneficial to the residents and tenants of, and visitors to, the District; and

WHEREAS, the City Council, acting as the legislative body of the District, has

determined that the public convenience and necessity require the City Council to initiate proceedings to consider an expansion of the territory wherein the Improvements may be located and the Services may be provided; and

WHEREAS, the City Council desires to initiate such proceedings and to set the time and place for a public hearing on this Resolution.

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. Determinations. It is hereby determined by this City Council that public convenience and necessity require modification of the Existing RMA and changes to the territory where the Improvements may be located and the Services may be provided.

SECTION 3. Declaration of Intention to Consider the Modifications of the Existing RMA. This City Council hereby declares its intention to consider modification of the Existing RMA so that the rate and method of apportionment of special taxes authorized to be levied within the District reads as set forth in Exhibit 1 attached hereto and incorporated herein by this reference (the "Amended RMA").

SECTION 4. Declaration of Intention to Consider Expansion to Territory Wherein Improvements May be Located and Services May be Provided. This City Council hereby declares its intention consider an expansion to the territory where Improvements may be located and Services may be provided. The Improvements shall be located, and the Services shall be provided, within or outside the CVBMP (as defined in the JCFA) territory, subject to the priorities established in the JCFA.

SECTION 5. Notice of Public Hearing. NOTICE IS GIVEN THAT on April 13, 2021, at the hour of 5:00 o'clock p.m., in the regular meeting place of the City Council being the Council Chambers, City Hall, located at 276 Fourth Avenue, Chula Vista, California, a public hearing will be held where this City Council will consider this Resolution and to consider the approval of the modification of the Existing RMA and the expansion of territory wherein the Improvements shall be located and the Services shall be provided, all as described herein. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners, may appear and be heard, in accordance with the current format of City Council meetings pursuant to the Governor of the State of California's Executive Order N-29-20, should it still be in effect. The testimony of all interested persons for or against the modification of the Existing RMA or the expansion of territory wherein the Improvements shall be located and the Services shall be provided will be heard and considered. Any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. Any written protest not personally presented by the author of such protest at the public hearing shall be filed with the City Clerk of the City (the "City Clerk") at or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing.

If a written majority protest as determined pursuant to Chapter 3.61 is filed against the proposed modification of the Existing RMA, the proposed modification shall be eliminated from the resolution and the proceedings with respect to the modification of the Existing RMA shall be abandoned. If a written majority protest as determined pursuant to Chapter 3.61 is filed against the expansion of territory wherein the Improvements shall be located and the Services shall be provided, the expansion of territory shall be eliminated from the resolution and the proceedings with respect to the expansion of territory wherein the Improvements shall be located and the Services shall be provided shall be abandoned. Notwithstanding the abandonment of the proceedings with respect to the modification of the Existing RMA or the expansion of territory wherein the Improvements shall be located and the Services shall be provided, new proceedings to modify the Existing RMA and expand the territory wherein the Improvements shall be located and the Services shall be provided may be initiated at any time thereafter.

The public hearing may be continued from time to time without further notice, but shall be completed within two years of the original hearing date.

SECTION 6. Report. A report (the “Report”) was submitted by Willdan Financial Services (“Willdan”), as special tax consultant, at the Establishment Public Hearing (as defined in Resolution No. 2019-220) which contained a brief description of the Improvements and Services by type which would adequately meet the needs of the District and their estimate of the cost of providing those Improvements and Services and, with regard to those Improvements proposed to be acquired upon the completion thereof and those Incidental Expenses (as such term is defined in Resolution 2019-220) proposed to be paid for, an estimate of the fair and reasonable cost of such Improvements and such Incidental Expenses. This City Council hereby directs Willdan to amend the Report to reflect the proposed modification of the Existing RMA and the expansion of territory where the Improvements shall be located and the Services shall be provided. Such report shall be made a part of the record of the public hearing to be held pursuant to Section 5 hereof.

SECTION 7. Election. If, following the public hearing described in Section 5, the City Council determines to approve the Amended RMA and the expansion of territory wherein the Improvements shall be located and the Services shall be provided, the City Council shall then submit question of levying the special taxes pursuant to the Amended RMA and expanding the territory in which the Improvements shall be located and the Services shall be provided to 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 California 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 8. Publication of Notice. Notice of the time and place of the public hearing shall be given by the City Clerk by causing the publication of a notice of public hearing in the legally designated newspaper of general circulation, such publication pursuant to Section 6061 of the Government Code, with such publication to be completed at least seven (7) days prior to the date set for the public hearing.

The City Clerk shall also cause notice to be given by first-class mail to each Landowner of property within the District. Such notice shall be mailed at least 15 days before the public

hearing and shall contain the same information as is required to be contained in the notice published pursuant to the preceding paragraph.

Presented by:

Approved as to form by:

Tiffany Allen
Director of Development Services

Glen R. Googins
City Attorney

EXHIBIT 1

AMENDED RATE AND METHOD OF APPORTIONMENT