

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, ACTING IN ITS CAPACITY AS THE
LEGISLATIVE BODY OF THE BAYFRONT PROJECT
SPECIAL TAX FINANCING DISTRICT DETERMINING THAT
THE CHANGES TO THE RATE AND METHOD OF
APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO
BE LEVIED THEREIN AND THE EXPANSION OF
TERRITORY WHEREIN IMPROVEMENTS MAY BE
LOCATED AND SERVICES MAY BE PROVIDED ARE
LAWFULLY AUTHORIZED

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, the City and the San Diego Unified Port District (“Port District”) entered into that certain Joint Community Facilities Agreement (Chula Vista Bayfront Project Special Tax Financing District), as amended and restated by the Amended and Restated Joint Community Facilities Agreement (the “Amended and Restated 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 in Resolution No. 2019-220) within the District pursuant to a rate and method of apportionment of such special taxes for the District (the rate and method of apportionment of special taxes approved shall be referred to as the “Existing RMA”); 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, on February 16, 2021, the City Council, acting as the legislative body of the District, adopted its Resolution No. 2021-030 (the “Resolution of Consideration”) declaring its intent to consider changes to the District (the “Change Proceedings”) to: (1) modify the Existing RMA, so that the rate and method of apportionment of special taxes authorized to be levied within the District shall read as set forth in Exhibit A attached hereto and incorporated herein by this referenced (the “Amended RMA”) and (2) expand the territory wherein the Improvement may be located and the Services may be provided, so that the Improvements shall be located, and the Services shall be provided, within or outside of the CVBMP (as defined in the Amended and

Restated JCFA) territory, subject to the priorities established in the Amended and Restated JCFA; and

WHEREAS, the Resolution of Consideration set a public hearing to be held on April 13, 2021 (the "Public Hearing") and at the time and place for the Public Hearing, the City Council opened and held the Public Hearing and it was determined that a majority protest as specified by Chapter 3.61 had not been received against the Amended RMA or the expansion of territory wherein the Improvements may be located and the Services may be provided; and

WHEREAS, on April 13, 2021, the City Council, acting as the legislative body of the District, adopted Resolution No. 2021-56 calling a special mail ballot election (the "Election") pursuant to Chapter 3.61 to be held on July 13, 2021 (the "Election Date") for the purpose of submitting to the qualified electors of the District a proposition (the "Proposition") to authorize the Amended RMA and to expand territory wherein the Improvements may be located and the Services may be provided; and

WHEREAS, at this time the Election has been held and the Proposition did receive the favorable two-thirds vote of the qualified electors, and this City Council has formally declared the results of the election in accordance with the provisions of the Elections Code of the State of California by the adoption of its Resolution No. [REDACTED];

WHEREAS, pursuant to Chapter 3.61, after the canvass of the Election, the legislative body shall adopt a resolution of change determining that the proposed modifications to the Existing RMA and the expansion of territory wherein the Improvements may be located and the Services may be provided is lawfully authorized if two-thirds of the votes cast on the Proposition are in favor.

NOW, THEREFORE, BE IT RESOLVED, DECLARED, AND DETERMINED 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. Modification of the Existing RMA. This City Council hereby determines that the levy of the special tax pursuant to the Amended RMA is lawfully authorized. Except where funds are otherwise available to the District, the special tax shall be levied in the District pursuant to the Amended RMA attached hereto as Exhibit A, 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 the District to estimate the maximum amount that such person will have to pay.

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 the District, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the District and this lien shall continue in force and effect until collection of the special tax by the legislative body ceases.

SECTION 3. Expansion to Territory Wherein Improvements May be Located and Services May be Provided. This City Council hereby determines that the territory where Improvements may be located and Services may be provided shall be expanded so that Improvements shall be located and Services shall be provided within or outside the CVBMP territory, subject to the priorities established in the Amended and Restated JCFA.

PREPARED BY:

APPROVED AS TO FORM BY:

Tiffany Allen
Director of Developmental Services

Glen R. Googins
City Attorney

EXHIBIT A

AMENDED RATE AND METHOD OF APPORTIONMENT
OF SPECIAL TAX
BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT