

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA ACTING AS THE
LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL
TAX FINANCING DISTRICT, AMENDING ORDINANCE NO.
3481 AND AUTHORIZING THE LEVY OF A SPECIAL TAX IN
SUCH DISTRICT PURSUANT TO AN AMENDED RATE AND
METHOD OF APPORTIONMENT THEREOF

WHEREAS, the City Council (the “City Council”) of the City of Chula Vista (the “City”), has previously initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of special taxes in the Bayfront Project Special Tax Financing District (the “District”), all as authorized pursuant to Chapter 3.61 of the Chula Vista Municipal Code (Chapter 3.61); and

WHEREAS, the City Council, acting as the legislative body of the District, previously enacted Ordinance No. 3481 to authorize the levy of special taxes within the District pursuant to a rate and method of apportionment of special taxes; and

WHEREAS, the City Council has subsequently initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors of the District authorizing the levy of special taxes therein pursuant to an amended rate and method of apportionment thereof (the “Amended Rate and Method”), a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, it is necessary for the City Council to enact an ordinance to amend Ordinance No. 3481 to enable the District to levy special taxes within the District pursuant to the Amended Rate and Method.

THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, ACTING AS
THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING
DISTRICT, DOES ORDAIN AS FOLLOWS:

SECTION 1. This City Council does, by the passage of this ordinance, authorize the levy of special taxes on taxable properties located in the District pursuant to the Amended Rate and Method.

SECTION 2. This City Council, acting as the legislative body of the District, is hereby further authorized, by resolution, to annually determine the special tax to be levied within the District for the then current tax year or future tax years; provided, however, the special tax to be levied shall not exceed the maximum special tax authorized to be levied pursuant to the Amended Rate and Method.

SECTION 3. The Special Taxes will be due and remitted with the Operator’ s payment of transient occupancy taxes as set forth in Chapter 3.40 of the Chula Vista Municipal Code (Chapter 3.40). If a Landowner is not an Operator, the Landowner shall cause the Operator to remit the Special Taxes imposed with the Operator’ s payment of transient occupancy tax. Such Landowner obligation may be met by including a requirement to remit the Special Taxes in a lease or other real property instrument for a Campsite Property or Hotel Property (each as defined in the Amended Rate and

Method) and enforcing such requirement, as provided for in the real property instrument. However, the Special Tax is not imposed on the Transient (as defined in Chapter 3.40), but on the parcel or possessory interest in a parcel containing a Hotel or Campsite as such terms are defined in Chapter 3.61). The Operator may, but is not required to, pass the Special Tax through to the Transients and collect it with Rent (as defined in Chapter 3.40). Despite the method of collection and administration, the Special Tax is distinct from the City's transient occupancy tax and, subject to the Amended Rate and Method, may be enforced, in the event of nonpayment, as provided in the Mello-Roos Community Facilities Act of 1982, including through a judicial foreclosure; however, the City Council reserves the right to utilize any other lawful means of billing, collecting, and enforcing the Special Taxes, including billing on the secured property tax roll, direct and supplemental billing, any other legal authority to collect delinquent Special Taxes, penalties and interest and when lawfully available, judicial foreclosure of the lien of the Special Taxes.

Subject to the Amended Rate and Method, any Special Taxes delinquent as of July 1 of any fiscal year, together with any penalties and interest accrued as of that date, may, at the option of the City Council, acting as the legislative body of the District, be placed on the secured property tax roll in that fiscal year and be levied on the parcel for which such Special Taxes are delinquent, where it shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes.

The Special Taxes are imposed by the District and not the City. The Special Tax shall be levied by the District, in any year, only on a parcel or a possessory interest in a parcel within the District for the use of such property during such year as Hotel Property or Campsite Property.

SECTION 4. This Ordinance shall be effective upon its adoption, pursuant to Section 312(d)(3) of the Charter of the City of Chula Vista (the "City Charter"). Within fifteen (15) days after its adoption, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in the City pursuant to Section 312(b) of the City Charter.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this ____ day of _____, 2021, by the following vote:

AYES:

NAYS:

ABSENT:

Mary Casillas Salas, Mayor

ATTEST:

Kerry K. Bigelow, MMC, City Clerk

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

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. _____ had its first reading at a regular meeting held on the _____ day of _____, 2021, and its second reading and adoption at a regular meeting of said City Council held on the _____ day of _____, 2021; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Dated

Kerry K. Bigelow, MMC, City Clerk

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