

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CITRUS BAY), THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, A PROPOSITION REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR

WHEREAS, the City Council (the “City Council”) of the City of Chula Vista (the “City”), pursuant to Section 53325.1 of the California Government Code, has adopted the resolution of formation of Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista, County of San Diego, State of California (“CFD No. 2024-1”), establishing CFD No. 2024-1 and the boundaries thereof (the “Resolution of Formation”); and

WHEREAS, pursuant to Section 53326 of the California Government Code, it is necessary that the City Council also submit to the voters of CFD No. 2024-1 the proposition relating to the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay the costs for certain facilities, and establishing an appropriations limit for CFD No. 2024-1; and

WHEREAS, the City Clerk (the “City Clerk”) has advised the City Council that they have received a statement from the Registrar of Voters of the County of San Diego that there are no persons registered to vote in the territory of CFD No. 2024-1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that the forgoing recitals are true and correct and are incorporated herein by this reference.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the City Council finds that: (i) twelve persons have not been registered to vote within the territory of CFD No. 2024-1 for each of the 90 days preceding the close of the public hearing on July 16, 2024; (ii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (i) above, the vote in the special election called by this Resolution shall be by the landowners of CFD No. 2024-1 whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within CFD No. 2024-1 which would be subject to the proposed special taxes if they were levied at the time of the election; (iii) the owner of all of the property in CFD No. 2024-1 has by written consent (a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this Resolution, (b) consented to the holding of the special election on July 16, 2024, (c) waived notice and mailed notice of the time and date of the special election, and (d) waived an impartial analysis of the ballot proposition pursuant to Section 9313 or 13119 of the California Elections Code and arguments and rebuttals pursuant to Sections 9314 to 9317, inclusive, mailing of a statement pursuant to Section 9401 of that Code and receipt of a ballot pamphlet as required by

Section 3023 of that Code; (iv) waived any word limit requirement for the ballots pursuant to Sections 13247 and 9051 of the Elections Code; and (v) the City Clerk has consented to the holding of the special election on July 16, 2024.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the City Council hereby calls and schedules the special election for July 16, 2024, within and for CFD No. 2024-1 on the proposition with respect to the annual levy of special taxes on taxable property within CFD No. 2024-1 to finance facilities and establish an appropriations limit for CFD No. 2024-1.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the following proposition to be submitted to the voters of CFD No. 2024-1 at such special election shall be as follows:

PROPOSITION B: Shall Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista, County of San Diego, State of California be authorized to levy special taxes within such Community Facilities District, to finance street and transportation improvements including parking, rights of way, curbs and gutters, and other improvements relating thereto; park acquisition and improvements; and sewer improvements, including collection, transportation, treatment and sewer disposal; and general civic facilities such as civic center, police, fire suppression, library, corporation yard, and public recreation and incidental expenses (either directly or through payment of debt service on bonds), and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes at the special tax rates as set below:

<u>Assigned Special Tax Rates for Developed Property</u>			
<i>Land Use Class</i>	<i>Land Use Type</i>	<i>Building Square Footage</i>	<i>Assigned Special Tax</i>
1	Residential Property	<1,201	\$2,702 per Residential Unit
2	Residential Property	1,201 to 1,400	\$2,752 per Residential Unit
3	Residential Property	1,401 to 1,600	\$2,802 per Residential Unit
4	Residential Property	>1,600	\$2,812 per Residential Unit

Plus an annual increase of the assigned special tax rate by two percent of the amount in effect in the prior fiscal year, commencing July 1, 2025 and ending July 1, 2035, as provided in the Rate and Method of Apportionment of Special Tax for Community Facilities District No. 2024-1

(Citrus Bay) of the City of Chula Vista, County of San Diego, State of California, which is attached as Exhibit “C” to Resolution No. 2024-114 adopted by the City Council of the City of Chula Vista on June 11, 2024, be approved?

PROPOSITION C: Shall Proposition C authorizing an annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Community Facilities District No. 2024-1 (Citrus Bay) of City of Chula Vista, County of San Diego, State of California, in the amount of \$10,000,000 be approved?

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the ballot for said election shall be in the form attached hereto as Exhibit A.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that except as otherwise provided herein, the special election shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the procedures to be followed in conducting the special election on the proposition described herein (the “Special Election”) shall be as follows:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the Special Election shall be distributed to the qualified electors by the City Clerk by mail or personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and in particular Division 4 (commencing with Section 4000) of that Code with respect to elections conducted by mail, the City Clerk shall mail or deliver to each qualified elector an official ballot in the form attached hereto as Exhibit “A,” and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots and a copy of the Resolution of Formation adopted by the City Council of the City of Chula Vista on July 16, 2024.

(c) The official ballot to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the proposition set forth in the official ballot as marked

thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within CFD No. 2024-1.

(d) The return identification envelope to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The instruction to voter form to be mailed or delivered by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 4:00 p.m. on the date of the Special Election; provided that if all qualified electors have voted, the election shall be closed with the concurrence of the City Clerk.

(f) Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the election, the City Clerk shall canvass the votes cast in the Special Election, and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that this Resolution shall become effective immediately.

Presented by

Approved to form by

Laura C. Black, AICP
Director of Development Services

Marco A. Verdugo
City Attorney

EXHIBIT A

OFFICIAL BALLOT

SPECIAL ELECTION

NUMBER OF VOTES ENTITLED TO BE CAST: 13

**COMMUNITY FACILITIES DISTRICT NO. 2024-1
(CITRUS BAY),
CITY OF CHULA VISTA**

July 16, 2024

INSTRUCTIONS TO VOTER

To vote on any measure, mark an “X” in or fill in the box adjacent to the word “YES” or adjacent to the word “NO.” All erasures are forbidden and make the ballot void. If you tear or deface this ballot, notify Daniella V. Hernandez at Best Best & Krieger LLP at (951)-826-8306 to obtain a second ballot.

**COMMUNITY FACILITIES DISTRICT NO. 2024-1
(CITRUS BAY)
CITY OF CHULA VISTA**

PROPOSITION A:

Shall Proposition A authorizing a bonded indebtedness in an aggregate principal amount not to exceed \$10,000,000 be incurred by and for Community Facilities District No. 2024-1 (Citrus Bay) of City of Chula Vista, County of San Diego, State of California, with bonds issued for the purpose of financing street and transportation improvements including parking, rights of way, curbs and gutters, and other improvements relating thereto; park acquisition and improvements; and sewer improvements, including collection, transportation, treatment and sewer disposal; and general civic facilities such as civic center, police, fire suppression, library, corporation yard, and public recreation and incidental expenses (either directly or through payment of debt service on bonds), as provided in Resolution No. 2024-114, adopted by the City Council of the City of Chula Vista on June 11, 2024, be approved?

Please mark your selection to the question of Proposition A:

YES
NO

PROPOSITION B:

Shall Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista, County of San Diego, State of California be authorized to levy special taxes within such Community Facilities District, to finance street and transportation improvements including parking, rights of way, curbs and gutters, and other improvements relating thereto; park acquisition and improvements; and sewer improvements, including collection, transportation, treatment and sewer disposal; and general civic facilities such as civic center, police, fire suppression, library, corporation yard, and public recreation and incidental expenses (either directly or through payment of debt service on bonds), and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes at the special tax rates as set below:

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Plus an annual increase of the assigned special tax rate by two percent of the amount in effect in the prior fiscal year, commencing July 1, 2025 and ending July 1, 2035, as provided in the Rate and Method of Apportionment of Special Tax for Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista, County of San Diego, State of California, which is attached as Exhibit "C" to Resolution No. 2024-114, adopted by the City Council of the City of Chula Vista on June 11, 2024, be approved?

Please mark your selection to the question of Proposition B:

- YES
- NO

PROPOSITION C:

Shall Proposition C authorizing an annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Community Facilities District No. 2024-1 (Citrus Bay) of City of Chula Vista, County of San Diego, State of California, in the amount of \$10,000,000 be approved?

Please mark your selection to the question of Proposition C:

- YES
- NO

**PROPOSITION A IS SUBJECT TO THE ACCOUNTABILITY MEASURES
PRESCRIBED IN SECTION 53410 OF THE GOVERNMENT CODE OF THE STATE
OF CALIFORNIA.**