

RESOLUTION OMPFA-8

A RESOLUTION OF THE OTAY MESA ENHANCED INFRASTRUCTURE FINANCING DISTRICT PUBLIC FINANCING AUTHORITY REQUESTING THE CONSOLIDATION OF A SPECIAL ELECTION TO BE HELD IN THE DISTRICT ON TUESDAY, NOVEMBER 6, 2018, WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE; RESCINDING AND SUPERSEDING RESOLUTION OMPFA-6 ADOPTED ON JUNE 11, 2018; AND RELATED ACTIONS.

WHEREAS, the California Legislature enacted California Government Code sections 53398.50 through 53398.88 (“EIFD Law”) authorizing cities and counties to establish enhanced infrastructure financing districts and use specified property tax increment revenue generated within such districts to finance certain infrastructure and community benefit projects; and

WHEREAS, the Council of the City of San Diego (“Council”) adopted Resolution R-310937, effective February 13, 2017, as amended by Resolution R-310971, effective March 15, 2017, determining the benefit to the City of San Diego (“City”) of establishing, and stating the Council’s intent to establish, the Otay Mesa Enhanced Infrastructure Financing District (“District”) with boundaries coterminous with the Otay Mesa Community Planning Area; and

WHEREAS, the Council adopted Resolution R-310938, effective February 13, 2017, establishing the Otay Mesa Enhanced Infrastructure Financing District Public Financing Authority (“Authority”) to act as the governing board of the District; and

WHEREAS, the Authority adopted an Infrastructure Financing Plan (“IFP”) for the District and formed the District by Resolution OMPFA-2, effective July 24, 2017; and

WHEREAS, the IFP is the primary governing document for District financing activities and describes the public facilities that may be financed by the District; and

WHEREAS, California Government Code section 53398.80 provides that a District proposal to issue tax increment bonds may be submitted to the qualified voters of the District in the next California State General Election (officially titled the “Statewide General Election”); and

WHEREAS, in 2018, the California State General Election will be held on Tuesday, November 6, 2018; and

WHEREAS, at a meeting on July 16, 2018, the Authority adopted Resolution OMPFA-7 calling a special election in the District on Tuesday, November 6, 2018, for submitting to the qualified voters of the District a ballot measure to obtain approval of the issuance of tax increment bonds to finance some or all of the public facilities identified in Exhibit B attached to the IFP (“Special Election”); and

WHEREAS, it is desirable that the Special Election be consolidated with the California State General Election to be held on Tuesday, November 6, 2018, and that, within the District, the election precincts, polling places, voting booths, and election officials for the two elections be the same; and

WHEREAS, pursuant to Article III, Section 8, of the Authority’s Rules and Regulations, the City Clerk is the Authority elections official;

WHEREAS, pursuant to the EIFD Law and Council Resolution R-310938, the City’s Election Code (San Diego Municipal Code sections 27.0501 through 27.0517) governs District tax increment bond issuance elections;

WHEREAS, the request for consolidation of the Special Election with the California State General Election is made to the Board of Supervisors of the County of San Diego pursuant

to local procedures authorized under California Elections Code section 10402 and the City's Elections Code; and

WHEREAS, it is desirable that the Board of Supervisors of the County of San Diego be authorized to canvass the returns of the Special Election; and

WHEREAS, because the Special Election is to be consolidated with the California State General Election, the Board of Supervisors of the County of San Diego is authorized to canvass the returns of the Special Election; and

WHEREAS, it is desirable that the Special Election and the California State General Election be held, in all respects, as if there were only one election; NOW, THEREFORE,

BE IT RESOLVED, by the Authority that:

1. The Board of Supervisors of the County of San Diego is authorized and requested to consolidate the Special Election to be held in the District on Tuesday, November 6, 2018, with the California State General Election to be held on the same date for submitting to the qualified voters of the District one ballot measure to obtain approval of the issuance of tax increment bonds to finance some or all the public facilities identified in Exhibit B attached to the IFP.

2. The Board of Supervisors of the County of San Diego is authorized and requested to canvass the returns of the Special Election and conduct the Special Election and the California State General Election to be held on the same date, in all respects, as if there were only one election, using only one form of ballot.

3. The Board of Supervisors of the County of San Diego is authorized and requested to issue to all officers of the County of San Diego charged with duties pertaining to the California State General Election to be held on Tuesday, November 6, 2018, appropriate instructions to take all steps necessary for the holding of a consolidated election.

4. The Board of Supervisors of the County of San Diego is authorized and requested to authorize and direct the Registrar of Voters of the County of San Diego to perform the following actions regarding the Special Election:

- a. Furnish a tabulation of the number of registered voters in the District by precinct;
- b. Provide Special Election materials in languages other than English in accordance with federal law;
- c. Canvass the returns of the Special Election, including absent voter ballots;
- d. Furnish a tabulation of the number of votes given in each precinct in the Special Election;
- e. Complete all tasks required for the legal conduct of the Special Election.

5. The City Clerk, as the Authority elections official, is authorized and directed to file a certified copy of this Resolution with the Board of Supervisors of the County of San Diego and the Registrar of Voters of the County of San Diego.

6. The District is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters of the County of San Diego for the District relating to the Special Election.

7. The District is authorized to indemnify and hold harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney fees, as the result of an election contest initiated pursuant to California Elections Code sections 16000 through 16900 directly relating to the Special Election.

8. Resolution OMPFA-6, adopted on June 11, 2018, is expressly rescinded and superseded by this Resolution OMPFA-8.

9. If any provision of this Resolution is held or deemed to be, or is in fact, contrary to the EIFD Law or other applicable law, the remaining provisions of this Resolution shall remain in full force and effect and shall not be affected or invalidated.

PASSED AND ADOPTED by the Otay Mesa Enhanced Infrastructure Financing District Public Financing Authority on July 16, 2018.

David Alvarez
Chair

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