

RESOLUTION NUMBER R- **310937**
DATE OF FINAL PASSAGE **FEB 13 2017**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING ITS INTENTION TO ESTABLISH THE
OTAY MESA ENHANCED INFRASTRUCTURE FINANCING
DISTRICT AND APPROVING CERTAIN RELATED ACTIONS.

WHEREAS, the California Legislature enacted California Government Code (Code) sections 53398.50 through 53398.88 (EIFD Law) authorizing cities to form 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, in enacting the EIFD Law, the California Legislature found and determined that with the dissolution of redevelopment agencies, public benefits will accrue, if local agencies finance certain public infrastructure and community benefit projects authorized under the EIFD Law; and

WHEREAS, the Council has determined that it will be beneficial to the City of San Diego (City) to form an enhanced infrastructure financing district (EIFD) with boundaries coterminous with the Otay Mesa Community Planning Area identified in the Otay Mesa Community Plan adopted by the Council in Resolution R-308810 effective as of March 25, 2014, and amended by the Council in Resolution R-309773 effective as of June 11, 2015, and specifically described in the map provided in the docket materials accompanying this Resolution (Territory), and establish a public financing authority to act as the governing board of the EIFD, all in accordance with the EIFD Law; and

WHEREAS, by its Resolution No. **R-310938** adopted concurrently with this Resolution, the Council is establishing the Otay Mesa Enhanced Infrastructure Financing District

Public Financing Authority (Authority) to act as the governing board of the proposed Otay Mesa EIFD (defined in Section 1), at the same time that the Council adopts this Resolution stating its intention to form the proposed Otay Mesa EIFD; and

WHEREAS, the EIFD Law provides, at Code section 53398.59, that proceedings for the establishment of an EIFD shall be instituted by the Council adopting a resolution of intention stating: (1) the EIFD is proposed to be established under the EIFD Law; (2) the boundaries of the proposed EIFD; (3) the types of public facilities and development proposed to be financed or assisted by the EIFD; (4) the need for the EIFD and the goals the EIFD proposes to achieve; (5) that incremental property tax revenue from the City and some, all or none of the affected taxing entities within the EIFD may be used to finance these activities; and (6) a time and place for a public hearing on the proposed EIFD; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. Intention. The Council states its intention to establish a proposed EIFD pursuant to the EIFD Law to be known as the Otay Mesa Enhanced Infrastructure Financing District (Otay Mesa EIFD).
2. Boundaries. The boundaries of the proposed Otay Mesa EIFD shall be within the Territory, which is generally shown in the map provided in the docket materials accompanying this Resolution (Map) and on file with the City Clerk as a public record of the City.
3. Public Facilities and Development. The public facilities and development proposed to be financed or assisted by the proposed Otay Mesa EIFD shall be some or all of the facilities described in Code section 53398.52 and more particularly described in the infrastructure financing plan (IFP) to be developed in the future by the Authority and approved in the future by the Authority and the City, and may include specific public facilities and

development. The scope of the public facilities and development in the IFP is anticipated to be consistent with the public facilities and development identified in the City's Otay Mesa Public Facilities Financing Plan adopted by the Council in Resolution R-308811 effective as of March 25, 2014, and amended by the Council in Resolution R-309815 on July 16, 2015 (collectively, Otay Mesa PFFP).

4. Need for the Otay Mesa EIFD and Goals the Otay Mesa EIFD Proposes to Achieve. The Otay Mesa EIFD is necessary to support the provision of needed public infrastructure identified in the Otay Mesa PFFP and promote economic development within the Territory, thereby promoting public safety, commerce, revenues and the public health, safety and welfare of the City.

5. Use of Incremental Property Tax Revenue. Incremental property tax revenue otherwise allocable to the City regarding properties within the Otay Mesa EIFD, subject to the requirements of City Charter section 77.1, may be used by the Otay Mesa EIFD to finance public facilities and development in accordance with a future IFP approved by the Authority and the City.

6. Preparation of Infrastructure Financing Plan. The Authority shall designate and direct the City Engineer or other appropriate City official to prepare a proposed IFP for the Otay Mesa EIFD in accordance with Code section 53398.63. In preparing the proposed IFP, the City Engineer or other designated City official shall consult with all affected taxing entities of the Otay Mesa EIFD (excluding school entities). The Authority shall provide all required notices and information, and conduct a public hearing regarding the IFP, all in accordance with the EIFD Law, and perform all other duties of the Authority under the EIFD Law, as necessary or desirable from time to time.

7. Transmittal of Resolution. The City Clerk is authorized and directed on behalf of the Council to send a copy of this Resolution to the Authority, each owner of land within the Otay Mesa EIFD, and each affected taxing entity of the Otay Mesa EIFD. City staff shall provide the City Clerk with a mailing list of owners of land within the Otay Mesa EIFD from property owner of record data maintained by the County of San Diego Assessor.

8. Time and Place for Public Hearing. The Council has determined that the “public hearing on the proposal” referred to in Code section 53398.59(e) means and refers to the public hearing of the Authority for adoption of the proposed IFP referred to in Code section 53398.66, and the Council sets the time and place of such public hearing as June 26, 2017, at 10:00 a.m. Pacific Time, in the Council Chambers located at 202 C Street, 12th Floor, San Diego, subject to potential continuance as determined to be necessary in the discretion of the Authority, in accordance with Code section 53398.67 and other applicable law.

9. Successor Agency Finding of Completion. The City, solely in its capacity as the designated successor agency to the former Redevelopment Agency of the City of San Diego (Successor Agency), has received a finding of completion, as specified in California Health and Safety Code section 34179.7.

10. DOF Certification. In accordance with Code section 53398.54, the City certifies to the California Department of Finance (DOF) and the Authority that no former Redevelopment Agency of the City of San Diego (Former RDA) assets that are the subject of litigation involving the State of California, where the City or the Successor Agency are a named plaintiff, have been or will be used to benefit any efforts of the Otay Mesa EIFD. The City Clerk is authorized and directed on behalf of the City to provide or make this certification to the DOF within 10 days

after the date of adoption of this Resolution, by delivery of a copy of this Resolution or signing a separate certification, if and as required by the DOF.

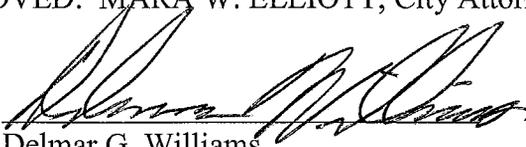
11. State Controller Review. The State Controller has completed its review as specified in California Health and Safety Code section 34167.5 of asset transfers between the Former RDA, the City or any other public agency. The Successor Agency and the City have complied with all of the State Controller's findings and orders stemming from such review.

12. Effectiveness; Amendment. This Resolution shall be effective upon its adoption and shall be subject to amendment or modification, from time to time, to the full extent permitted by the EIFD Law and other applicable law.

13. Further Action. The Mayor or designee is authorized and directed to take such further action as is necessary or desirable to carry out the purposes and intent of this Resolution consistent with the EIFD Law and other applicable law.

14. Severability. If any provision of this Resolution shall be held or deemed to be, or shall in fact be, 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 in any way.

APPROVED: MARA W. ELLIOTT, City Attorney

By: 
Delmar G. Williams
Deputy City Attorney

DGW: dkr:slo
01/24/2017
02/07/2017 REV. COPY
Or. Dept.: Fin. Mgmt.
Doc. No.: 1331254_11

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 07 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/13/17
(Date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(Date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on FEB 07 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 13 2017.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
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