

RESOLUTION NUMBER R- 310938

DATE OF FINAL PASSAGE FEB 13 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ESTABLISHING THE OTAY MESA ENHANCED
INFRASTRUCTURE FINANCING DISTRICT PUBLIC FINANCING
AUTHORITY.

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 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 (Otay Mesa EIFD); and

WHEREAS, by its Resolution No. R-310937 adopted concurrently with this Resolution, the Council has: (1) stated its intention that the Otay Mesa EIFD is proposed to be established under the EIFD Law; (2) identified the boundaries of the proposed Otay Mesa EIFD; (3) identified the types of public facilities and development proposed to be financed or assisted

by the proposed Otay Mesa EIFD; (4) described the need for the proposed Otay Mesa EIFD and the goals the Otay Mesa EIFD proposes to achieve; (5) confirmed that incremental property tax revenue from the City and some, all or none of the affected taxing entities within the proposed Otay Mesa EIFD may be used to finance these activities; and (6) set a time and place for a public hearing on the proposed Otay Mesa EIFD; and

WHEREAS, pursuant to the EIFD Law, the Council is required to establish a public financing authority to act as the governing board of the proposed Otay Mesa EIFD at the same time that the Council adopts a resolution stating its intention to form the proposed Otay Mesa EIFD; NOW, THEREFORE,

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

1. Establishment of Public Financing Authority. Pursuant to the EIFD Law, the Council establishes the Otay Mesa Enhanced Infrastructure Financing District Public Financing Authority (Authority), as the governing board of the proposed Otay Mesa EIFD.

2. Public Financing Authority Membership. The Authority shall have a membership consisting of three members of the Council and two members of the public chosen by the Council.

a. The three Council members of the Authority shall serve according to the following provisions:

i. Appointment. The Mayor shall recommend members of the Council for appointment to the Authority by memorandum to the Council President, who shall docket the appointments for Council consideration. The Council may appoint the members of the Council to the Authority as recommended by the Mayor or reject one or more of the Mayor's recommendations for members of the Council to be appointed to the Authority. If the Council

rejects one or more of the Mayor's recommendations for appointment of members of the Council to the Authority, the Council shall select a member or members of the Council for appointment to the remaining vacant Council member position(s) on the Authority by motion. If possible, the Council should give priority to appointing the Council member or members whose Council district(s) cover all or any portion of the Otay Mesa EIFD.

ii. Term. The members of the Council serving as members of the Authority shall serve for a term of one year with the Authority; provided, however, that the initial members of the Council appointed to the Authority shall serve for a term commencing on the date of their appointment to the Authority and ending on December 9, 2017.

b. The two public members of the Authority shall serve according to the following provisions:

i. Eligibility. Public members of the Authority shall have knowledge, experience, or an educational background in real property development or finance and be at least one of the following: (1) an owner of real property within the Otay Mesa EIFD; (2) a resident of the Otay Mesa EIFD; or (3) an owner or operator of any business, private or non-profit, that owns or leases real property within the Otay Mesa EIFD. A corporate entity may appoint a designee; provided, however, only one representative of a particular entity may hold a public member position with the Authority at one time.

ii. Appointment. Prior to the Council appointing public members to the Authority, the City Clerk shall advertise the public member appointments as unscheduled vacancies in accordance with Code section 54974. The Mayor shall also solicit nominations for public member appointments to the Authority from each member of the Council, who may submit one nominee for each vacancy on the Authority to the Mayor for consideration. The

Mayor shall recommend public member appointees to the Authority by memorandum to the Council President, who shall docket the appointments for Council consideration. The Council may appoint public members to the Authority as recommended by the Mayor or reject one or more of the Mayor's recommendations for public member appointments to the Authority. If the Council rejects one or more of the Mayor's recommendations for public member appointment(s) to the Authority, the Council shall select a public member or members for the remaining vacant position(s) on the Authority from the full list of qualified applicants received by the Mayor, pursuant to the procedure for Council appointments in Council Policy 000-13.

iii. Term. Public members of the Authority will serve a term of four years with the Authority, with the exception of the term of one seat of the inaugural public members that shall expire two years after the initial appointment. Appointments for each public member of the Authority shall thereafter be made effective upon the expiration of the preceding term for a period of four years. Each public member of the Authority shall serve until a successor is duly appointed and confirmed. No person may serve as a public member of the Authority for more than eight consecutive years. After a four-year break in service as a public member of the Authority, a person who has served for eight consecutive years as a public member of the Authority may again be eligible for appointment as a public member of the Authority.

3. Public Financing Authority Organization. The Authority is authorized and directed to adopt such bylaws, rules, regulations, and procedures as the Authority deems necessary or desirable for performance of its functions, all in accordance with applicable law.

4. Clerk of Authority. If requested by the Authority, the City Clerk or designee is authorized and directed to serve as either or both the clerk of the Authority and the elections official for the Authority for any and all bond issuance elections held by the Authority pursuant

to the EIFD Law. If the Authority requests that the City Clerk serve as the elections official for the Authority, the City's election laws shall govern all elections called by the Authority, in accordance with Code section 53398.70, except as otherwise required by applicable law. The Authority may only direct the City Clerk to perform the official duties assigned to the clerk of the Authority under the EIFD Law and election functions under the EIFD Law and the San Diego Municipal Code.

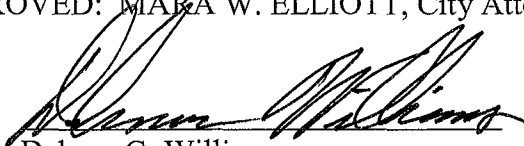
5. Further Action. The Mayor or designee is authorized and directed to take such further action as is necessary or desirable to carry out the purposes and intent of this Resolution consistent with the EIFD Law and other applicable law. If and as requested by the Authority, the Mayor or designee is authorized and directed to perform such services for the Authority as may be necessary or desirable for the conduct of Authority business consistent with or required by the EIFD Law and other applicable law.

6. 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.

7. 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

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01/24/2017
01/27/2017 COR. COPY
02/07/2017 REV. COPY
Or. Dept.: Fin. Mgmt.
Doc. No.: 1442071

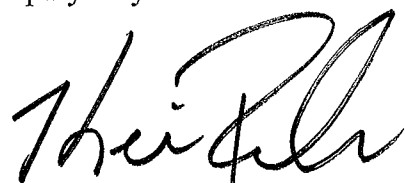
I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 07 2017.

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.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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