STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE CITY OF STOCKTON TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS, AND LEVY ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF STOCKTON; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AUTHORIZING THE CITY MANAGER TO ENTER INTO FUTURE ACQUISITION AGREEMENTS WITH PROPERTY OWNERS/DEVELOPERS; AND AUTHORIZING RELATED ACTIONS

The California Statewide Communities Development Authority ("Authority") is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including the City of Stockton ("City"); and

The Authority has established the Statewide Community Infrastructure Program ("SCIP") to allow the financing of certain development impact fees ("Fees") levied in accordance with the Mitigation Fee Act (Gov. Code, §§ 66000 and following) and other authority providing for the levy of fees on new development to pay for public capital improvements (collectively "Fee Act") through the levy of special assessments pursuant to the Municipal Improvement Act of 1913 (Sts. & Hy. Code, §§ 10000 and following ["1913 Act"]) and the issuance of improvement bonds ("Local Obligations") under the Improvement Bond Act of 1915 (Sts. & Hy. Code, §§ 8500 and following ["1915 Act"]) upon the security of the unpaid special assessments; and

SCIP will also allow the financing of certain public capital improvements to be constructed by or on behalf of property owners for acquisition by the City or another public agency ("Improvements"); and

The City desires to allow the owners of property being developed within its jurisdiction ("Participating Developers") to participate in SCIP and to allow the Authority to conduct assessment proceedings under the 1913 Act and to issue Local Obligations under the 1915 Act to finance Fees levied on such properties and Improvements, provided that such Participating Developers voluntarily agree to participate and consent to the levy of such assessments; and

In each year in which eligible property owners within the jurisdiction of the City elect to be Participating Developers, the Authority will conduct assessment proceedings under the 1913 Act and issue Local Obligations under the 1915 Act to finance Fees payable by such property owners and Improvements and, at the conclusion of such proceedings, will levy special assessments on such property within the territory of the City; and
There has been presented at this meeting a proposed form of Resolution of Intention ("ROI") to be adopted by the Authority in connection with such assessment proceedings, a copy of which is attached hereto as Exhibit 1, and the territory within which assessments may be levied for SCIP (provided that each Participating Developer consents to such assessment) shall be coterminous with the City’s official boundaries of record at the time of adoption of each such ROI ("Proposed Boundaries"), and reference is hereby made to such boundaries for the plat or map required to be included in this Resolution pursuant to Section 10104 of the Streets and Highways Code; and

There has also been presented at this meeting a proposed form of Acquisition Agreement ("Acquisition Agreement"), a copy of which is attached hereto as Exhibit 2, to be approved “as to form” for use with respect to any Improvements to be constructed and installed by a Participating Developer and for which the Participating Developer requests acquisition financing as part of its SCIP application; and

The City will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale, or administration of the Local Obligations or any other bonds issued in connection with SCIP; and

Pursuant to Government Code section 6586.5, notice was published at least five days prior to the adoption of this resolution at a public hearing, which was duly conducted by this Council concerning the significant public benefits of SCIP and the financing of the Improvements and the public capital improvements to be paid for with the proceeds of the Fees. The City is exempt from all other notices required by section 6586.5; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City hereby consents to the conduct of special assessment proceedings by the Authority in connection with SCIP pursuant to the 1913 Act and the issuance of Local Obligations under the 1915 Act on any property within the Proposed Boundaries; provided, that

   (a) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI attached hereto as Exhibit 1 and incorporated by this reference; and

   (b) The Participating Developers, who shall be the legal owners of such property, execute a written consent to the levy of assessment in connection with SCIP by the Authority and execute an assessment ballot in favor of such assessment in compliance with the requirements of Section 4 of Article XIIIID of the State Constitution.

2. The City hereby finds and declares that the issuance of bonds by the Authority in connection with SCIP will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting
and bond issuance costs, and the more efficient delivery of local agency services to residential and commercial development within the City.

3. The Authority has prepared and will update from time to time the “SCIP Manual of Procedures” (“Manual”), and the City will handle Fee revenues and funds for Improvements for properties participating in SCIP in accordance with the procedures set forth in the Manual attached hereto as Exhibit 3.

4. The Form of Acquisition Agreement, attached hereto as Exhibit 2, is hereby approved, and the City Manager is authorized to execute completed Acquisition Agreements in substantially said form and pertaining to the Improvements being financed on behalf of the applicable Participating Developer.

5. The appropriate officials and staff of the City are hereby authorized and directed to make SCIP applications available to all property owners who are subject to Fees for new development within the City and/or who are conditioned to install Improvements and to inform such owners of their option to participate in SCIP; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The staff persons listed on the attached Exhibit 4, together with any other staff persons chosen by the City Manager, or his designee, from time to time, are hereby designated as the contact persons for the Authority in connection with the SCIP program.

6. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements, and related documents including, but not limited to: such documents as may be required by Bond Counsel in connection with the participation in SCIP of any districts, authorities, or other third-party entities entitled to own Improvements and/or to levy and collect fees on new development to pay for public capital improvements within the jurisdiction of the City, as are reasonably required by the Authority in accordance with the Manual to implement SCIP for Participating Developers and to evidence compliance with the requirements of federal and state law in connection with the issuance by the Authority of the Local Obligations and any other bonds for SCIP. To that end, and pursuant to Treasury Regulations Section 1.150-2, the staff persons listed on Exhibit 4, or other staff person acting in the same capacity for the City with respect to SCIP, are hereby authorized and designated to declare the official intent of the City with respect to the public capital improvements to be paid or reimbursed through participation in SCIP.

7. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority.

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8. The City Manager is authorized to take such other actions as are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED and ADOPTED June 10, 2014.

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ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

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BONNIE PAIGE, City Clerk
of the City of Stockton