

RESOLUTION NUMBER R- 308414

ITEM # 103
9/10/13

DATE OF FINAL PASSAGE SEP 25 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE JOINT COMMUNITY FACILITIES AGREEMENT (JCFA) BY AND AMONG POWAY UNIFIED SCHOOL DISTRICT, CITY OF SAN DIEGO, AND BLACK MOUNTAIN RANCH, LLC.

WHEREAS, pursuant to the application of Black Mountain Ranch, LLC (Owner), the owner of certain properties located within the City commonly known as Black Mountain Ranch and/or Del Sur, the Board of Education of the Poway Unified School District (PUSD) has initiated proceedings to: (1) established a communities facilities district (CFD) pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982; (2) designate one or more improvement areas to include certain territory within the CFD; (3) authorize the CFD to finance certain city facilities (City Facilities) in addition to school facilities; and (4) authorize the levy of special taxes within each improvement area to finance such City Facilities and school facilities; and

WHEREAS, the City Facilities to be financed through the CFD are included in the Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2013, approved by Council on October 23, 2012, by Resolution No. R-307790, and also in the Reimbursement Agreement for Black Mountain Ranch North (Reimbursement Agreement) approved by Council on August 7, 2006, by Resolution No. R-301820; and

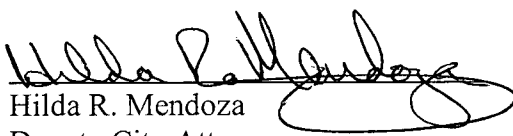
WHEREAS, the Mello-Roos Community Facilities Act of 1982 provides that the CFD may finance the City Facilities only pursuant to a joint community facilities agreement, pursuant to Government Code Section 53316.2; and

WHEREAS, the PUSD and the City have determined that entering into a joint community facilities agreement to enable the CFD to finance the construction of the City Facilities will be beneficial to each entity and residents of the area; and

WHEREAS, the City is willing to enter into such agreement provided the Owner agrees to indemnify the City as provided for in the joint community facilities agreement, and design and construct the City Facilities in accordance with the terms and conditions of the Reimbursement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council President, in his capacity under Charter section 265(i), is authorized and directed to execute, for and on behalf of City, the Joint Community Facilities Agreement by and among Poway Unified School District, City of San Diego, and Black Mountain Ranch, LLC, on file in the Office of the City Clerk as Document No. RR- 308414 (Agreement), under the terms and conditions set forth in the Agreement.

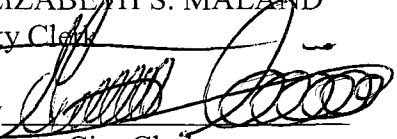
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney

HRM:als
08/27/13
Or.Dept:DSD-Facilities Financing
Doc. No.: 608322

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 10 2013

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

Approved pursuant to Charter Section 265(i).

Passed by the Council of The City of San Diego on SEP 10 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Lorie Zapf	<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"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 25 2013

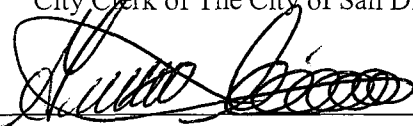
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim 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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