

## **RESOLUTION NO. 22-5019**

**A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF LATHROP PROPOSING TO ESTABLISH AN ENHANCED INFRASTRUCTURE FINANCING DISTRICT TO FINANCE THE CONSTRUCTION AND/OR ACQUISITION OF CAPITAL IMPROVEMENTS, ESTABLISH A PUBLIC FINANCING AUTHORITY (PFA), APPOINT TWO LATHROP COUNCIL MEMBERS AND TWO PUBLIC MEMBERS TO THE PFA, AND AUTHORIZE CERTAIN OTHER ACTIONS RELATED THERETO**

**WHEREAS**, pursuant to Chapter 2.99 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with section 53398.50) (the "EIFD Law"), the City Council (the "City Council") of the City of Lathrop (the "City") is authorized to initiate the process to establish an enhanced infrastructure financing district (the "EIFD"); and

**WHEREAS**, in accordance with section 53398.54 of the EIFD Law, the City has complied with the prerequisites prior to initiating the creation of or participating in the governance of the EIFD and will provide the required certification to the Department of Finance in accordance with the EIFD Law; and

**WHEREAS**, the City Council proposes the establishment of an EIFD to finance certain public flood control facilities including, but not limited to, public flood risk reduction infrastructure; and

**WHEREAS**, the EIFD will be formed by a public financing authority (the "Public Financing Authority" or "PFA") that will be the governing board of the EIFD and will be responsible for implementing the infrastructure financing plan; and

**WHEREAS**, in accordance with section 53398.51.1 of the EIFD Law, it is anticipated that the Public Financing Authority's governing board shall consist of members from the legislative bodies of the participating taxing entities, which are the City, San Joaquin County (the "County"), the City of Manteca, the City of Stockton (collectively, the "Participating Entities"), and two public members to be appointed by the legislative bodies of the Participating Entities;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council for the City of Lathrop does hereby determine and declare as follows:

**SECTION 1.** Recitals. The foregoing recitals are true and correct.

**SECTION 2.** Intention and Proposal to Establish EIFD. The City Council proposes and intends to cause the establishment of an EIFD under the provisions of the EIFD Law.

**SECTION 3.** Name of EIFD. The name proposed for the EIFD is "Mossdale Tract Enhanced Infrastructure Financing District."

**SECTION 4. Description of Boundaries.** The proposed boundaries of the EIFD are as shown on the map of the EIFD (attached to the January 13, 2022 staff report as Attachment B) which boundaries are hereby approved and to which map reference is hereby made for further particulars.

**SECTION 5. Description of Facilities & Development.** The types of public facilities proposed to be financed by the EIFD and pursuant to the EIFD Law are those listed as facilities in the January 13, 2022 staff report as Attachment C, incorporated herein (the "Facilities"). The development area to be assisted by the EIFD is commonly referred to as Mossdale Tract.

**SECTION 6. Necessity of EIFD and Goal.** The City Council hereby finds that the EIFD is necessary for the area within the EIFD, the City, and the Participating Entities. The City Council's goal for the EIFD is to create the means by which to assist in the provision of public flood control facilities of communitywide significance that provide significant benefits within the boundaries of the EIFD or the surrounding community and, for those facilities located outside the EIFD boundaries, also have a tangible connection to the EIFD.

**SECTION 7. Use of Incremental Tax Revenues.** The City Council hereby declares that, pursuant to the EIFD Law and, if approved by resolution of the City and if approved by resolution of the Participating Entities, pursuant to Government Code section 53398.68, incremental property tax revenue from the City and the Participating Entities within the EIFD, but not from any of the other affected taxing entities within the EIFD, will finance the Facilities. The incremental property tax revenues will be described in an infrastructure financing plan (the "Infrastructure Financing Plan") to be prepared for the PFA, the City Council, and the Participating Entities under the EIFD Law.

**SECTION 8. Establishment of Public Financing Authority.**

A. The City Council agrees to the following legislative membership appointment structure and hereby establishes the PFA as the governing board of the EIFD.

B. PFA membership shall be comprised of:

- (i) The following two members of the City Council who also serve on the board of San Joaquin Area Flood Control Agency are hereby appointed by the City Council: **Paul Akinjo; Diane Lazard.**
- (ii) From the County of San Joaquin, two Board of Supervisors members who also serve on the board of the San Joaquin Area Flood Control Agency to be appointed by the County of San Joaquin Board of Supervisors.

(iii) From the City of Manteca, California, two City Council members who also serve on the board of the San Joaquin Area Flood Control Agency to be appointed by the Manteca City Council.

(iv) From the City of Stockton, California, two City Council members who also serve on the board of the San Joaquin Area Flood Control Agency to be appointed by the Stockton City Council.

(v) Two public members to be appointed by the legislative bodies of the Participating Agencies. The City Council approves the appointment of the following two PFA public members subject to approval by the legislative bodies of the Participating Entities:

**Steve Dresser; Michael R. Morowit**

C. Members shall serve at the pleasure of their respective appointing legislative bodies and shall continue to serve unless and until their respective appointing legislative bodies make a new appointment, the member resigns, or other forfeiture by operation of law. However, the term of the public members will be for a two (2) year term.

D. The PFA membership is subject to compliance with the EIFD Law and Government Code sections 54970 and 54972.

E. In the event any of the Participating Entities listed herein choose not to participate as a taxing entity under the EIFD Law, the PFA membership shall be adjusted to reflect that occurrence.

F. Participating Entities may appoint alternates to their respective PFA membership appointments in accordance with the EIFD Law.

G. Subsequent PFA public member appointments will be initiated by the legislative bodies of the other Participating Entities in alphabetical order.

H. County of San Joaquin, City of Stockton, and City of Manteca's participation in the governance of the PFA is subject to adoption of the intent to participate by the respective legislative bodies of said agencies.

**SECTION 9.** Preparation of Infrastructure Financing Plan. The City Council hereby requests the PFA to request the assistance of County staff, San Joaquin Area Flood Control Agency ("SJAFC") staff, and to direct Larsen Wurzel & Associates and Economic & Planning Systems Inc. to prepare the Infrastructure Financing Plan in accordance with the EIFD Law.

**SECTION 10.** Distribution of Infrastructure Financing Plan. In accordance with and in the manner authorized by the EIFD Law, the City Council hereby authorizes the City staff and requests the assistance of County staff and SJAFCA staff to distribute a notice which summarizes the Infrastructure Financing Plan and lists the internet website where applicable EIFD and CEQA documents may be found to each owner of land and resident within the boundaries of the EIFD and each affected taxing entity (as defined in the EIFD law). The City hereby authorizes City staff and requests the assistance of County staff and SJAFCA staff to also make available for public inspection the Infrastructure Financing Plan and any required CEQA documents and to also distribute the Infrastructure Financing Plan to the PFA, the planning commissions of the Participating Entities, and the legislative bodies of the Participating Entities in the manner authorized under the EIFD Law.

**SECTION 11.** Public Hearing. In accordance with the EIFD Law, the City Council hereby sets a public hearing for July 11, 2022, at the hour of 7:00 p.m. or as soon as possible thereafter as the matter may be heard at Lathrop City Hall, as the time and place when and where the City Council will conduct a hearing on the proposed establishment of the EIFD. In accordance with the EIFD Law, the City Council hereby sets the first PFA public hearing to be Wednesday, April 21, 2022 at the hour of 10:00 a.m. or as soon as possible thereafter as the matter may be heard, at the principal meeting place of the PFA which shall be the location of the SJAFCA Board meetings typically held at Stockton City Hall, 425 N. El Dorado Street, Second Floor in Council Chambers, as the time and place when and where the PFA will conduct the first public hearing on the proposed establishment of the EIFD and the Infrastructure Financing Plan in accordance with the EIFD Law. The date, time, and location of the following two public hearings required by the EIFD Law shall be established by the PFA in accordance with, and in the manner required by, the EIFD Law.

**SECTION 12.** Providing of Notice. City Clerk is directed to and the Clerk of the Board of Supervisors is hereby requested to mail a copy of (i) this Resolution, or (ii) a notice of intention containing specific information as set forth in California Government Code section 53398.60, to the PFA and each owner of land (as defined in the EIFD Law), within the EIFD, the Participating Entities, and to each affected taxing entity (as defined in the EIFD Law). The Clerk of the Board of Supervisors is hereby requested to provide any assistance to the PFA so as to cause notice of the public hearings to be given in the manner and at the times and to have the notices contain the information required by the EIFD Law. The City Clerk is hereby authorized to carry out the intent of this section and is directed to assist the Clerk of the Board of Supervisors or the clerk of any of the other Participating Entities in any manner reasonably necessary to give effect to or carry out the intent of this section.

**SECTION 13.** Establishment of EIFD. This Resolution in no way obligates the PFA to establish the EIFD or for the Participating Entities to approve the Infrastructure Financing Plan.

The establishment of the EIFD is subject to the approval of the PFA by resolution following the holding of the public hearing(s) referred to above. The approval of the Infrastructure Financing Plan is subject to approval by the respective legislative bodies of the Participating Entities at a later date in accordance with the EIFD Law.

**SECTION 14.** Severability. If any section, subsection, phrase, or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase, or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution that can be given effect without the severed portion.

**SECTION 15.** General Authorization. The City Clerk and all other officers and agents of the City are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution. Any actions heretofore taken by said officers and agents, on behalf of the City, that is in conformity with the purposes and intent of this Resolution and with the provisions of the EIFD Law with respect to the Mossdale EIFD, are hereby approved and confirmed.

**SECTION 16.** Effective Date. This Resolution shall take effect immediately upon its adoption.

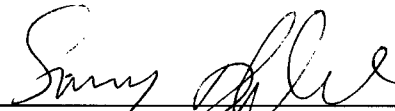
The foregoing resolution was passed and adopted this 13<sup>th</sup> day of January 2022, by the following vote of the City Council, to wit:

AYES: Akinjo, Lazard, Torres-O'Callaghan, and Dhaliwal

NOES: None

ABSENT: Diallo

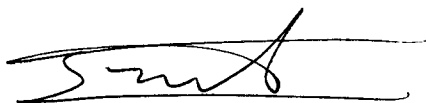
ABSTAIN: None

  
\_\_\_\_\_  
Sonny Dhaliwal, Mayor

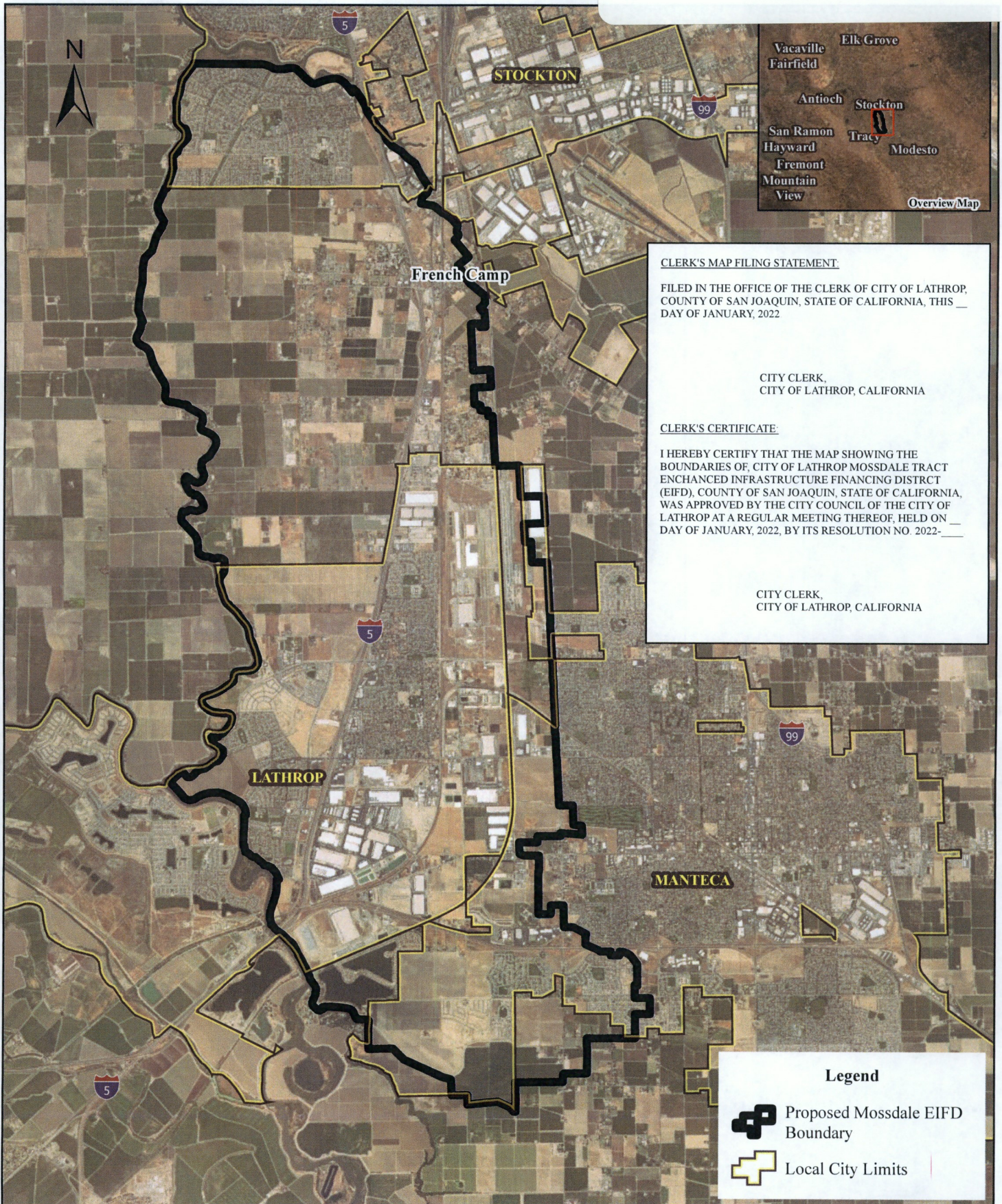
**ATTEST:**

  
\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney



CLERK'S MAP FILING STATEMENT:

FILED IN THE OFFICE OF THE CLERK OF CITY OF LATHROP,  
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, THIS \_\_\_\_  
DAY OF JANUARY, 2022

CITY CLERK,  
CITY OF LATHROP, CALIFORNIA

CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE MAP SHOWING THE  
BOUNDARIES OF, CITY OF LATHROP MOSSDALE TRACT  
ENHANCED INFRASTRUCTURE FINANCING DISTRICT  
(EIFD), COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA,  
WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF  
LATHROP AT A REGULAR MEETING THEREOF, HELD ON \_\_\_\_  
DAY OF JANUARY, 2022, BY ITS RESOLUTION NO. 2022-\_\_\_\_

CITY CLERK,  
CITY OF LATHROP, CALIFORNIA

**Proposed Boundary of Mossdale Tract  
Enhanced Infrastructure Financing District (EIFD)  
County of San Joaquin, California**



### **Description of Facilities to be Financed**

The EIFD is authorized to finance the purchase, construction, expansion, improvement, or rehabilitation of the facilities described herein. These facilities have an estimated useful life of 15 years or longer and are public facilities of communitywide significance that provide significant benefits to the EIFD or the surrounding community. Any facilities located outside the boundaries of the EIFD have a tangible connection to the work of the EIFD. The EIFD will also finance planning and design activities that are directly related to the purchase, construction, expansion, or rehabilitation of these facilities. Facilities authorized to be financed by the EIFD include the following:

Public flood control facilities including, but not limited to, public flood risk reduction infrastructure associated with ensuring that the resulting levee system complies with the Urban Levee Design Criteria promulgated by the California Department of Water Resources and San Joaquin Area Flood Control Agency Resolution (“SJAFCA”) No. 19-06 and SJAFCA’s Adopted Policy for Adapting Design Standards for the Mossdale Tract Area of SJAFCA in light of Climate Change.

### **Other Expenses**

In addition to the direct costs of the above facilities, other incidental expenses as authorized by the EIFD Law, including but not limited to: the cost of engineering, planning, and surveying; construction staking; utility relocation and demolition costs incidental to the construction of the facilities; costs of project/construction management; costs (including the costs of legal services) associated with the creation of the EIFD; issuance of bonds or other debt; costs incurred by the City of Lathrop, City of Manteca, City of Stockton, County of San Joaquin or the EIFD in connection with the division of taxes pursuant to Government Code section 53398.75; costs otherwise incurred in order to carry out the authorized purposes of the EIFD; and any other expenses incidental to the formation and implementation of the EIFD and to the construction, completion, inspection, and acquisition of the authorized facilities.