

RESOLUTION NO.

RESOLUTION OF INTENT TO PARTICIPATE IN THE PROPOSED MOSSDALE TRACT ENHANCED INFRASTRUCTURE FINANCING DISTRICT AND NEWLY FORMED PUBLIC FINANCING AUTHORITY

WHEREAS, on January 13, 2022, the City Council of the City of Lathrop (the “Lathrop City Council”) approved Resolution No. 22-5019 which is attached to this Resolution as **Exhibit 1** (the “Lathrop Resolution”); and

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 Lathrop Resolution authorized the initiation of a process to establish an Enhanced Infrastructure Financing District whose proposed name is the “Mosssdale Tract Enhanced Infrastructure Financing District” (“Mosssdale EIFD”); and

WHEREAS, in accordance with section 53398.54 of the EIFD Law, the City of Stockton (the “City”) is required to comply with the prerequisites prior to initiating the creation of or participating in the governance of the proposed Mosssdale EIFD and will provide the required certification to the Department of Finance in accordance with the EIFD Law; and

WHEREAS, the proposed boundaries of the Mosssdale EIFD are identified on a map of the Mosssdale EIFD on file in the office of the City Clerk of the City of Lathrop entitled “Proposed Boundaries of the Mosssdale EIFD” a copy of which is attached to this Resolution as **Exhibit 2**; and

WHEREAS, the proposed Mosssdale EIFD will be used to finance certain public flood control facilities including, but not limited to, public flood risk reduction infrastructure within the proposed boundaries of the Mosssdale EIFD; and

WHEREAS, the Lathrop Resolution also established a Public Financing Authority (“PFA”) to serve as the governing body of the proposed Mosssdale EIFD and which will also be responsible for implementing the Infrastructure Financing Plan (“IFP”) required under EIFD Law; and

WHEREAS, as stated in the Lathrop Resolution, it is proposed that the City participate with the City of Lathrop in the proposed Mosssdale EIFD as a taxing entity; and

WHEREAS, the IFP must be approved by the Stockton City Council (“City Council”) before the City may be considered a participating taxing entity in the proposed Mosssdale EIFD or any incremental tax revenue from the City may be used by the proposed Mosssdale EIFD; and

WHEREAS, it is anticipated that the participating taxing entities for the proposed Mosssdale EIFD shall be the City of Stockton, County of San Joaquin, the City of Manteca, and the City of Lathrop, as participating taxing entities (collectively, the “Participating Entities”);

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Stockton that:

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

SECTION 2. Intention to Participate. The City Council intends that the City of Stockton will participate in the proposed Mossdale EIFD as described in the Lathrop Resolution as a taxing entity if the City Council approves the IFP at a later date.

SECTION 3. Appointment of City PFA Members. Pursuant to Government Code section 53398.51.1, the City Council hereby conditionally appoints the following two City Council members, who also serve on the board of the San Joaquin Area Flood Control Agency (“SJAFCA”), to serve on the governing board of the Public Financing Authority:

Dan Wright

Kimberly Warmsley

Such appointment and participation in the governance of the PFA is conditioned on the City’s compliance with the prerequisites of Government Code section 53398.54 and City’s appointment and participation will only become effective upon said compliance. City Manager is authorized to take all actions necessary or advisable to achieve said compliance.

SECTION 4. Approval of Public Membership Appointments and Membership Appointment Structure. In compliance with the requirements of the EIFD Law, the City Council approves the appointment of the following PFA public membership (subject to approval by the legislative bodies of the Participating Entities) and the legislative body membership appointment structure of the PFA:

Michael R. Morowit

Steve Dresser

SECTION 5. Distribution of Materials and Notices. 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 City of Lathrop staff, San Joaquin County staff, and SJAFCA staff to distribute, mail, post, and provide any and all necessary materials and notices related to the formation of the proposed Mossdale EIFD. The City Manager is hereby authorized to provide any assistance to the PFA 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 Manager is hereby directed to assist 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 6. 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 7. General Authorization. The City Manager 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 proposed Mossdale EIFD, are hereby approved and confirmed.

SECTION 8. Effective Date. This Resolution shall take effect immediately upon its approval by the City Council of the City of Stockton.

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PASSED AND ADOPTED _____, 2022, by the following vote of the City Council of the City of Stockton, to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton