

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2018

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
WITH THE MOUNTAIN VIEW SHORELINE REGIONAL PARK COMMUNITY
AND AUTHORIZING AND DIRECTING OFFICIAL ACTIONS

WHEREAS, the Mountain View Shoreline Regional Park Community (the "Shoreline Community") was formed in 1969 pursuant to Chapter 1109 of the 1969 Regular Session Laws of the California Legislature, which is known as the Mountain View Shoreline Regional Park Community Act (the "Act"); and

WHEREAS, the Shoreline Community is a public body, corporate and politic, exercising public and essential governmental functions, has perpetual succession, and may exercise the powers enumerated in the Act, including those necessarily implied therefrom and such other powers as the law may provide; and

WHEREAS, the Act is liberally construed to effectuate its purpose; and

WHEREAS, the City of Mountain View (the "City"), in cooperation with the County of Santa Clara and the United States Department of Interior, designated approximately 544 acres within the Shoreline Community to be utilized as a regional park and recreational facility; and

WHEREAS, an express purpose of the Act is to provide a governmental agency to own, maintain, operate, and administer the park which is called Shoreline at Mountain View (the "Park"); and

WHEREAS, the Shoreline Community is a form of local government created by the Act to: (a) contribute to better living conditions through improved overall community design; (b) make substantial contributions to the sound and economic growth of the area; (c) provide needed additions to the general housing supply; (d) provide opportunities for innovation in housing and community development technology and land use planning; (e) enlarge housing, employment, and investment opportunities; (f) encourage a diversified local homebuilding industry; and (g) provide a suitable environment to a significant public regional recreational facility which is the Park; and

WHEREAS, the Shoreline Community is governed by a board of directors (the "Board"), and the members of the City Council serve ex officio as the members of the Board; and

WHEREAS, the Shoreline Community area is located in the City; and

WHEREAS, the Board approved the North Bayshore Area Plan, as amended (the "Plan") as the official plan for the Shoreline Community pursuant to: (i) Resolution No. S-33, adopted on December 15, 1977 ("Resolution No. S-33"); (ii) Resolution No. S-43, adopted on March 26, 1979; and (iii) Resolution No. S-95, adopted on July 27, 1993; and

WHEREAS, the Board determined in Resolution No. S-33 that the boundaries of the project area covered in the Plan are coextensive with the boundaries of the Shoreline Community as set forth in the Act, and a legal description and map of the project area are attached to Resolution No. S-33; and

WHEREAS, under Section 42 of the Act, the Shoreline Community may acquire, construct, reconstruct, alter, enlarge, lay, renew, and replace certain facilities and works used or useful for the purposes specified in Section 42; and

WHEREAS, under Section 49 of the Act, the Shoreline Community may provide for such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare; and

WHEREAS, under Section 50 of the Act, the Shoreline Community may take, acquire, hold, use, and dispose of property of every kind within the Shoreline Community area necessary, expedient, or advantageous to the full exercise and economic enjoyment of its purposes and powers; and

WHEREAS, under Section 43 of the Act, the Shoreline Community may acquire, develop, improve, enlarge, redevelop, renew, replace, maintain, operate, and administer the Park; and

WHEREAS, the Shoreline Community is authorized under the Plan to use Shoreline Community funds pay the costs of maintaining and operating the improvements and programs described in the Plan; and

WHEREAS, under Section 52 of the Act, the Shoreline Community may make and accept contracts that, in the judgment of the Board, are necessary or proper in the exercise of any of Shoreline Community's powers, including those powers enumerated in Sections 42, 43, 49 and 50 of the Act; and

WHEREAS, in accordance with Sections 154 to 156 inclusive of the Act, the Shoreline Community is allocated certain property taxes (the "Tax Revenues") that it pays into a special fund of the Shoreline Community to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed,

or otherwise) incurred by the Shoreline Community to finance or refinance, in whole or in part, to implement the Plan; and

WHEREAS, the Shoreline Community's financial obligations under contracts entered into by Shoreline Community pursuant to Section 52 of the Act constitute indebtedness for purposes of the Act; and

WHEREAS, the Shoreline Community is authorized under Section 130 of the Act to issue bonds from time to time for any of its corporate purposes; and

WHEREAS, the Shoreline Community has pledged the Tax Revenues to the payment of certain outstanding bonds under an Indenture of Trust, dated as of April 1, 1992 (as amended and supplemented, the "Indenture"), and expects to issue additional bonds that are secured by and payable from Tax Revenues; and

WHEREAS, the City and Shoreline Community wish to ratify and memorialize their respective roles in connection with the effectuation of the purposes of the Act, including certain loans, advances, and indebtedness that are payable from Tax Revenues, and there has been presented to the City Council for approval a Memorandum of Understanding (the "Memorandum of Understanding") between the City and the Shoreline Community; and

WHEREAS, the Memorandum of Understanding has been filed with the City, and the members of the City Council, with the aid of its staff, have reviewed the Memorandum of Understanding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

Section 1. Findings. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

Section 2. Approval of Memorandum of Understanding. The City Council hereby approves the Memorandum of Understanding between the City and the Shoreline Community, in the form thereof on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Manager or the Finance and Administrative Services Director (each, an "Authorized Officer"). The execution of the Memorandum of Understanding by an Authorized Officer shall be conclusive evidence of the approval of any such changes or additions. An Authorized Officer is hereby authorized and directed for and in the name and on behalf of the City to execute the final form of the Memorandum of Understanding. The City Council hereby authorizes the delivery and performance by the City of the Memorandum of Understanding.

Section 3. Official Actions. The Authorized Officers, the City Attorney, the City Clerk and all other officers of the City are each authorized and directed in the name and on behalf of the City to execute any other documents and take any other actions which they or any of them deem necessary or appropriate in order to accomplish the purposes of this Resolution. Whenever in this Resolution any officer of the City is authorized to execute any document or take any action, such execution or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

Section 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PJK/2/RESO
546-11-13-18r-3