



Crows Landing Industrial Business Park
Enhanced Infrastructure Financing District
Public Financing Authority
www.crowsbizpark.biz

1010 10th Street, Suite 6800
Modesto, CA 95354
Phone: 209-525-6333

AGENDA

Tuesday, February 4, 2020, 8:00 AM
Third Floor, Conference Room 3100
1010 10th Street
Modesto, CA

- 1. Welcome and Roll Call**
- 2. Election of Chair**
- 3. Election of Vice Chair**
- 4. Public Comment***
- 5. Consent Items:**
 - a. None
- 6. Non-Consent Items:**
 - a. Resolution Directing the Preparation of an Infrastructure Financing Plan, Adopting a Conflict of Interest Code, Establishing a Regular Meeting Date, Adopting the State CEQA Guidelines for Use in Implementing CEQA, and Other Related Actions
- 7. Correspondence:**
 - a. None
- 8. Additional Matters:**
 - a. None
- 9. Adjournment**

**PUBLIC COMMENT: Limit comments to five (5) minutes so that everyone may be heard. Matters under the jurisdiction of the Authority and not on this posted agenda may be addressed by the general public at this time, and the Authority may consider adding the item to the next month's agenda for further consideration. California law prohibits the Authority from taking any action on a matter that is not on the posted agenda unless it is determined to be an emergency by the Authority.*

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Patrick Cavanah at (209) 525-6333. Notification 72 hours prior to the meeting will enable the Council to make reasonable arrangements to ensure accessibility to this meeting.

**Public Financing Authority of the
Crows Landing Industrial Business Park Enhanced Infrastructure Financing District
Agenda Item**

BOARD AGENDA: 6.a
AGENDA DATE: February 4, 2020

SUBJECT:

Resolution Directing the Preparation of an Infrastructure Financing Plan, Adopting a Conflict of Interest Code, Establishing a Regular Meeting Date, and Adopting the State CEQA Guidelines for Use in Implementing CEQA, and Other Related Actions

STAFF RECOMMENDATIONS:

1. Adopt a Resolution to direct the preparation of an Infrastructure Financing Plan (IFP), adopt a conflict of interest code, designate officials and disclosure categories, establish a time and place for holding regular meetings, and adopt California Environmental Quality Act (CEQA) guidelines.

DISCUSSION:

On January 28, 2020 the Board of Supervisors adopted a Resolution of Intention (ROI) to for an Enhanced Infrastructure Financing District (EIFD). Section 53398.51.1(b) of EIFD Law requires that the Public Financing Authority be established at the same time the Board adopts the ROI. The PFA will serve as the governing board of the EIFD and is to consist of three members of the Board of Supervisors and two members of the public.

As part of the EIFD formation process, the PFA is required to direct the preparation of an Infrastructure Financing Plan (IFP). The IFP is a legal document which describes the EIFD and specific requirements related to financing and implementing goals of the EIFD over the life of the EIFD (45-years from the first debt issuance, if a loan or debt is incurred).

Upon completion, the IFP will be distributed to the Board of Supervisors and other interested parties as identified in the EIFD Law. There will be three scheduled noticed public hearings held by the PFA. The IFP will be presented to the Board for approval soon after the second public hearing. After the IFP is approved by the Board, the PFA will conduct a third public hearing on the IFP and formation of the EIFD and, upon conclusion, approve the IFP and officially establish the EIFD.

The IFP will include the following key components:

- A map of the area and description of public facilities to be financed;
- A financing section that addresses the maximum amount of tax increment to be committed to the EIFD; and
- An analysis of the fiscal impact to the County of committing tax increment to the EIFD.

In addition to ordering the preparation of the IFP, the PFA must also, at its first meeting, adopt a Conflict of Interest Code (per the Political Reform Act, Government Code section 81000 et seq.), establish a regular meeting place and time, and adopt local CEQA Guidelines.

POLICY ISSUE:

This recommendation is consistent with the Board of Supervisors' direction of pursuing an EIFD as a necessary tool to assist in financing the development of the Crows Landing Industrial Business Park.

FISCAL IMPACT:

The EIFD's funding of infrastructure costs will be limited to new incremental property tax revenue that is directly derived from development within the proposed EIFD boundary.

CONTACT PERSON:

Patrick Cavanah, Sr. Management Consultant Telephone: 209.525.6333

ATTACHMENTS:

1. Resolution
2. EIFD Boundaries
3. 2020 CLIBP PFA Meeting Schedule DRAFT

RESOLUTION _____

**Public Financing Authority of the
Crows Landing Industrial Business Park Enhanced Infrastructure Financing District**

**A RESOLUTION DIRECTING THE PREPARATION OF AN INFRASTRUCTURE
FINANCING PLAN, ADOPTING A CONFLICT OF INTEREST CODE,
ESTABLISHING A REGULAR MEETING DATE, AND ADOPTING THE COUNTY
CEQA GUIDELINES FOR USE IN IMPLEMENTING CEQA, AND OTHER RELATED
ACTIONS**

WHEREAS, pursuant to Resolution R-____, the Board of Supervisors (the "Board of Supervisors") of the County of Stanislaus (the "County") authorized the initiation of proceedings to establish the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District (the "EIFD") and established the Public Financing Authority (the "Authority") in accordance with the requirements of 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");

WHEREAS, as part of the EIFD formation process, the Authority is required to direct the preparation of an infrastructure financing plan (the "Plan");

WHEREAS, the Political Reform Act, Government Code section 81000, et seq., requires every state or local government agency to adopt and promulgate a conflict of interest code;

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations section 18730, setting forth the terms of a standard model conflict of interest code, which can be incorporated by reference, and which will be amended by the Fair Political Practices Commission to conform to any amendments in the Political Reform Act after public notice and hearing pursuant to the Administrative Procedures Act, Government Code section 11370, et seq.;

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it as the conflict of interest code of the Authority will minimize the actions required to keep the Authority's conflict of interest code in conformity with state statutes and regulations;

WHEREAS, pursuant to California Government Code section 54954, the Authority must establish the time and place for holding its regular meetings;

WHEREAS, the California Environmental Quality Act ("CEQA") requires the Authority to adopt, by resolution or rule, objectives, criteria, and procedures for the evaluation of projects and the preparing of environmental impact reports and negative declarations (California Public Resources Code section 21082; 14 California Administrative Code section 15022);

WHEREAS, for purposes of adopting procedures to implement CEQA, Section 15022 of Title 14 of the California Administrative Code authorizes the Authority to adopt the County's CEQA Guidelines; and

WHEREAS, the Authority desires to adopt the County's CEQA Guidelines through incorporation by reference.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Public Financing Authority of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District that:

Section 1. Recitals. The Governing Board of the Authority (the "Board") finds and determines that the foregoing recitals are true and correct.

Section 2. Direction to Prepare Infrastructure Financing Plan. Pursuant to Government Code section 53398.62, the Authority hereby designates and directs the Executive Director to work with the necessary County staff and professionals to prepare and distribute the Plan.

Section 3. Name of Authority. The Board hereby determines that the Authority shall be named "Crows Landing Industrial Business Park Public Financing Authority."

Section 4. Adoption of Conflict of Interest Code. The terms of 2 Cal. Code of Regulations section 18730, and any amendments to it which may be duly adopted by the Fair Political Practices Commission, are hereby adopted by reference as the body of the conflict of interest code of the Authority.

Section 5. Designated Officials and Disclosure Categories. The list of designated officials and disclosure categories specified in "Exhibit A" is hereby adopted as the Appendix of designated employees and disclosure categories referred to in 2 Cal. Code of Regulations section 18730(b)(2).

Section 6. Effective Date of Conflict of Interest Code. The conflict of interest code shall become effective upon the date of approval by the Board of Supervisors, the code reviewing body for the Authority.

Section 7. Statement of Economic Interests. Designated officials shall file Statements of Economic Interest with the Secretary of the Authority within thirty (30) days after the effective date of this conflict of interest code. Upon receipt of Statements of Economic Interests, the Secretary shall retain the originals as the filing officer.

Section 8. Establishment of Meeting Date. The Authority shall hold its regular meetings on the same dates, commencing February 4, 2020 at 8:00 a.m., and in the same location as the Board of Supervisors' regular meetings. If no agenda of a regular meeting of the Authority is posted at least 72 hours before the time of that regular meeting, then that regular meeting is cancelled.

Section 9. Adoption of CEQA Guidelines. The Board hereby adopts the County's CEQA Guidelines as the same may be amended from time to time, as the District's procedures to implement CEQA pursuant to Section 21082 of the Public Resources Code and Section 15022 of Title 14 of the California Administrative Code.

Section 10. Appointment of Secretary. The Board hereby appoints the Senior Management Consultant to be the Secretary of the Authority.

Section 11. Appointment of Executive Director. The Board hereby appoints the County Assistant Executive Officer to serve as Executive Director of the Authority.

Section 12. Appointment of Legal Counsel. The Board hereby appoints County Counsel to serve as legal counsel to the Authority.

Section 13. Appointment of Treasurer. The Board hereby appoints the County Treasurer to serve as Treasurer of the Authority.

Section 14. Distribution of Plan and Posting of Notice. The Secretary of the Authority is hereby directed to work with County staff to distribute the Plan to each owner of land within the boundaries of the EIFD and each affected taxing entity, together with any report required by CEQA and for the materials to be available for public inspection. The Board hereby authorizes the Secretary of the Authority to work with County staff to also distribute the Plan together with any report required by CEQA to the Board of Supervisors, PFA, and the County Planning Commission. The Secretary of the Authority is authorized to provide notice of the next Authority meeting in the manner and at the times required by the EIFD Law.

Section 15. Effective Date. This Resolution shall take effect from and after its adoption.

Section 16. 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 17. General Authorization. The Executive Director, the Secretary of the Authority, and all other officers and agents of the Authority are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution.

Section 18. Exhibit A. Exhibit A is part of this Resolution.

PASSED AND ADOPTED by the Public Financing Authority of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District on this 4th day of February 2020, by the following votes.

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Chair, Public Financing Authority of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District

ATTEST:

Secretary, Public Financing Authority of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District

EXHIBIT A

The List of Designated Officials and Disclosure Categories

Public Financing Authority For Crows Landing Industrial Business Park Enhanced Infrastructure Financing District

The Political Reform Act, Government Code section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix A designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of the Public Financing Authority (the "Authority") for Crows Landing Industrial Business Park Enhanced Infrastructure Financing District (the "EIFD").

Designated employees shall file Statements of Economic Interest with the Secretary of the Authority. Upon receipt of the statements of the Board Members and Alternates (if any) and the Executive Director, the Authority shall make and retain copies and forward the originals of these statements to the Clerk of the Board of Supervisors of Stanislaus County. Statements for all other designated employees will be retained by the Authority as permanent public records. The Secretary shall forward copies of the statements of the Board Members and Alternates (if any) and the Executive Director to the Clerk of the Board of Supervisors of Stanislaus County.

APPENDIX A TO CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES

I. Disclosure and Disqualification Requirements

The disclosure and disqualification requirements for individuals occupying the positions designated below shall be as set forth by regulation of the Fair Political Practices Commission (California Code of Regulations, Title 2, Section 18730 ("Section 18730"), as Section 18730 may be amended by the Fair Political Practices Commission from time to time.

II. Designated Officials

The positions listed below constitute the list of designated officials required by Section 18730. The individual occupying each position is deemed to make, or participate in the making of, decisions which may have a material effect on a financial interest of that individual. Designated officials shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in section III below.

<u>Designated Official</u>	<u>Disclosure Categories</u>
Member of the Board of Directors	1
Executive Director	1
Secretary of the Board	1
Treasurer	1
Legal Counsel	1
Consultant	1

III. Disclosure Categories

1. All sources of income, gifts, loans and travel payments; all investments and interests in real property within the jurisdiction of the County; all investments and business positions in business entities.

¹ Disclosure by Consultants shall be subject to the following limitation: The Authority may determine in writing that a particular Consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Authority's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

* The jurisdiction of the Crows Landing Industrial Business Park Enhanced Infrastructure Financing District Public Financing Authority is defined as that same area as that within the Stanislaus County boundaries.

Boundaries
Enhanced Infrastructure Financing District
Crows Landing Industrial Business Park

All that real property being situate in Sections 8, 9, 17 and 20, Township 6 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

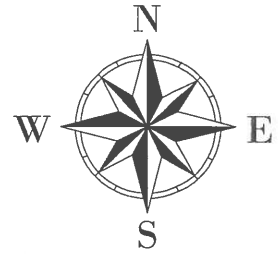
Beginning at the Southeast corner of said Section 20, thence;

- 1) North 89°39'40" West along the south line of said Section 20, a distance of 4114.67 feet;
- 2) thence North 00°41'06" East 2715.98 feet to the south line of the Delta Mendota Canal;
- 3) thence North 02°09'41" East 378.02 feet to the north line of the Delta Mendota Canal;
- 4) thence North 00°49'00" East 2195.96 feet to the south line of said Section 17;
- 5) thence North 89°27'54" West along said south line of Section 17, a distance of 1178.54 feet to the southwest corner of said Section 17;
- 6) thence North 00°31'22" East, along the west line of said Section 17, a distance of 5293.56 feet to the southwest corner of said Section 8;
- 7) thence South 89° 21' 55" East, along the south line of said Section 8, a distance of 2648.88 feet to the south quarter corner of said Section 8;
- 8) thence North 00°25'24" East, 5301.82 feet to a point on the north line of said Section 8, said point being South 89°32'24" East 2640.14 feet from the northwest corner of said Section 8;
- 9) thence South 89°32'11" East along said north line of Section 8, a distance of 2644.21 feet to the northwest corner of said Section 9;
- 10) thence South 89°25'05" East along the north line of said Section 9, a distance of 226.63 feet to the westerly right-of-way line of State Highway 33;
- 11) thence South 29°58'46" East, along said westerly right-of-way line, a distance of 1013.30 feet;
- 12) thence South 01°42'42" East 4435.72 feet to the south line of said Section 9;
- 13) thence North 89°44'09" West along said south line, a distance of 900.03 feet to the northeast corner of said Section 17;
- 14) thence South 00°34'10" West, along the east line of said Section 17, a distance of 5284.35 feet to the northeast corner of said Section 20;
- 15) thence South 00°50'57" West along the east line of said Section 20, a distance of 5275.75 feet to the southeast corner of said Section 20 and the Point of Beginning of the herein described parcel, and containing 1,555.41 acres, more or less.

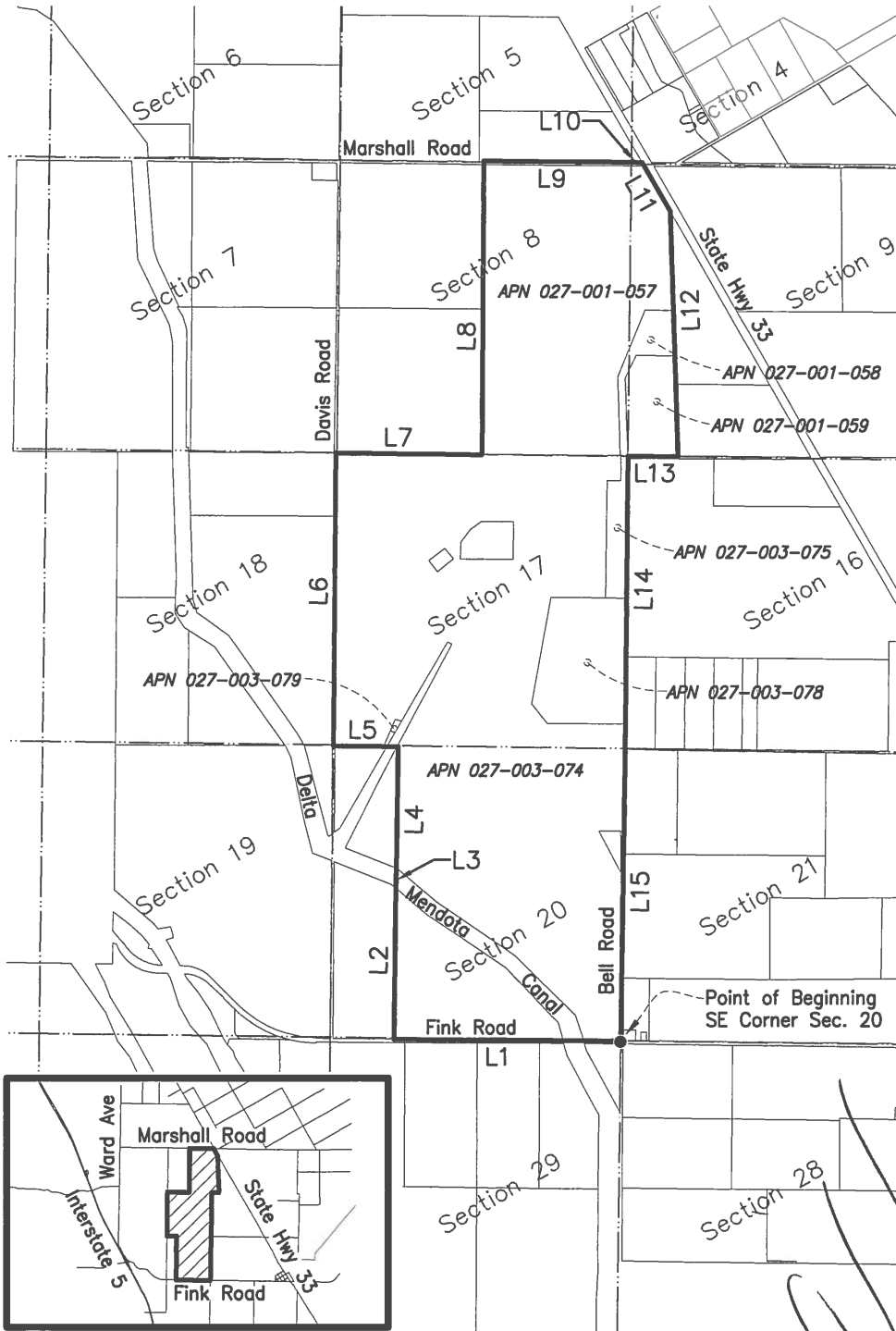
END DESCRIPTION



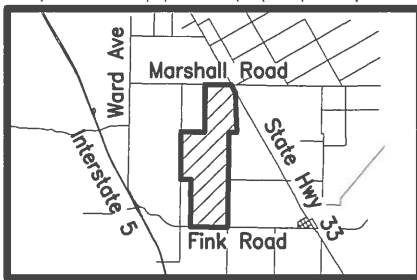
Enhanced Infrastructure Financing District Crows Landing Industrial Business Park



SCALE: 1"=3000'



Line Table		
Line	Bearing	Length
L1	N 89°39'40" W	4114.67
L2	N 00°41'06" E	2715.98
L3	N 02°09'41" E	378.02
L4	N 00°49'00" E	2195.96
L5	N 89°27'54" W	1178.54
L6	N 00°31'22" E	5293.56
L7	S 89°21'55" E	2648.88
L8	N 00°25'24" E	5301.82
L9	S 89°32'11" E	2644.21
L10	S 89°25'05" E	226.63
L11	S 29°58'46" E	1013.30
L12	S 01°42'42" E	4435.72
L13	N 89°44'09" W	900.03
L14	S 00°34'10" W	5284.35
L15	S 00°50'57" W	5275.75



Vicinity Map
not to scale

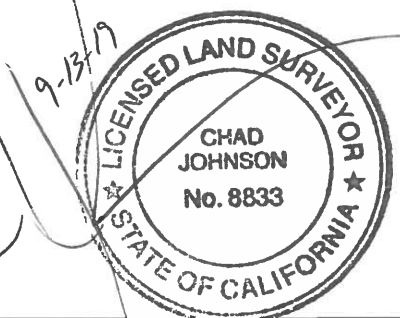


EXHIBIT "B"

Situate in Sections 8, 9, 17 and 20,
T.6S., R.8E., Mount Diablo Meridian

DR. BY:	C. JOHNSON
PROJECT:	008013
DATE:	09-13-19
SHEET NO:	1 OF 1



**Public Financing Authority Meeting Schedule
DRAFT**

Brief Description of Meeting	Date, Time and Location
Staff presents draft Enhanced Infrastructure Financing District (EIFD) plan.	Tuesday, March 31, 2020 8:00 AM – 9:00 AM 1010 10 th Street, Room 3001
First Public Hearing on Proposed EIFD Plan. Takes no action, only hear comments.	Tuesday, June 9, 2020 Immediately Following Board of Supervisors Meeting 10 10 th Street, Room 3001
Second Public Hearing. PFA considers additional written and oral comments and takes action to modify or reject EIFD Plan.	To Be Determined
Third Public Hearing. PFA considers adopting or termination EIFD Plan.	To Be Determined