

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
JULY 7, 2020**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Ruben Valencia**  
Council Member



**Scott Ochoa**  
City Manager

**Scott E. Huber**  
City Attorney

**Sheila Mautz**  
City Clerk

**James R. Milhiser**  
Treasurer

**WELCOME to a meeting of the Ontario City Council.**

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

**ORDER OF BUSINESS** The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 5:30 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

**(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)**

**CALL TO ORDER (*OPEN SESSION*)**

**5:30 p.m.**

***ROLL CALL***

Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

**CLOSED SESSION PUBLIC COMMENT** The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

***CLOSED SESSION***

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 011-581-02 and 1011-581-03; 1308 and 1326 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Brian and Mary Treat; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-581-04; 1336 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Maria Moreno; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-591-01 and 1014-121-06; 1395 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Bobby D. Clay; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-582-02 and 1014-121-07; 1345 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Yadihira Arriola; Under negotiation: Price and terms of payment.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-582-03 and 1014-121-08; 1329 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Filberto Olazabal; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-582-04 and 1014-121-09; 1315 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Daniel and Shelley Desautels; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-582-06; +/-1301 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Steven Mandell; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1011-582-11; 1307 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Lilia Ramos; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1050-051-21; 1437 South Fern Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Juan and Maria Breceda; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1050-591-04; 2015 South Fern Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Dennis and Sandra Foyil; Under negotiation: Price and terms of payment.
- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Professional Firefighters Association, Local 1430; and Ontario Fire Management Group.

In attendance: Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

**PLEDGE OF ALLEGIANCE**

Council Member Valencia

**INVOCATION**

Pastor Benjamin Barlow, First Christian Church Ontario

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

**AGENDA REVIEW/ANNOUNCEMENTS** The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

**CONSENT CALENDAR**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

**1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of June 2, 2020, approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** May 29, 2020 through June 18, 2020 and **Payroll** May 24, 2020 through June 6, 2020, when audited by the Finance Committee.

**3. AN AMENDMENT TO THE AGREEMENT FOR ANIMAL CONTROL SERVICES EXTENDING THE PERIOD OF PERFORMANCE BY ONE YEAR/INLAND VALLEY HUMANE SOCIETY & SPCA**

That the City Council approve a one-year extension to the agreement (on file in the Records Management Department) with the Inland Valley Humane Society & SPCA of Pomona, California, for the provision of animal control services.

**4. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF20-004) BETWEEN THE CITY OF ONTARIO AND LS-ONTARIO II LLC, FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP 20134 (FILE NO. PMTT17-013), LOCATED AT THE NORTHEAST CORNER OF SCHAEFER AVENUE AND HAVEN AVENUE WITHIN THE RICH-HAVEN SPECIFIC PLAN**

That the City Council approve the Development Impact Fee Credit Agreement (File No. PDIF20-004) between the City of Ontario and LS-Ontario II LLC, for facility construction associated with Tract Map 20134 (File No. PMTT17-013), located at the northeast corner of Schaefer Avenue and Haven Avenue within the Rich-Haven Specific Plan; and authorize the City Manager to execute the agreement.

**5. A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT (FILE NO. PDIF20-005) BETWEEN THE CITY OF ONTARIO AND AIRPORT DRIVE INDUSTRIAL OWNER, L.P., FOR FACILITY CONSTRUCTION ASSOCIATED WITH THE DEVELOPMENT PLAN (FILE NO. PDEV19-044), LOCATED AT 1236 EAST AIRPORT DRIVE, WITHIN THE IG (GENERAL INDUSTRIAL) ZONING DISTRICT**

That the City Council approve the Development Impact Fee Credit and Reimbursement Agreement (File No. PDIF20-005) between the City of Ontario and Airport Drive Industrial Owner, L.P., for facility construction associated with the Development Plan (PDEV19-044), located at 1236 East Airport Drive, within the IG (General Industrial) zoning district; and authorize the City Manager to execute the agreement.

**6. AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA05-002) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO MODIFY THE COMMENCEMENT OF CERTAIN SPECIFIC INFRASTRUCTURE ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP 20316 (FILE NO. PMTT19-020), AND CONFORM TO THE REVISED DEVELOPMENT STANDARDS ESTABLISHED BY THE PARKSIDE SPECIFIC PLAN AMENDMENT (FILE NO. PSPA19-007), LOCATED AT THE NORTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 THROUGH 26 OF THE PARKSIDE SPECIFIC PLAN (APNS: 0218-231-06, 0218-231-08, 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-28, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-09, AND 0218-221-10)**

That the City Council consider and adopt an ordinance approving the Fourth Amendment to the Development Agreement (File No. PDA05-002) between the City of Ontario and SC Ontario Development Company, LLC, to modify the commencement of certain specific infrastructure associated with the development of Tentative Tract Map 20316 (File No. PMTT19-020) and conform to the revised development standards established by the Parkside Specific Plan Amendment (File No. PSPA19-007).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA05-002), BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO MODIFY THE COMMENCEMENT OF CERTAIN SPECIFIC INFRASTRUCTURE ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP 20316 (FILE NO. PMTT19-020), AND CONFORM TO THE REVISED DEVELOPMENT STANDARDS ESTABLISHED BY THE PARKSIDE SPECIFIC PLAN AMENDMENT (PSPA19-007), LOCATED AT THE NORTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 THROUGH 26 OF THE PARKSIDE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-231-06, 0218-231-08, 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-28, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-09, AND 0218-221-10.

**7. ONTARIO INCENTIVE FOR RESTAURANTS PROGRAM GUIDELINES AND APPLICATION**

That the City Council:

- (A) Consider and approve the Ontario Incentive for Restaurants Program Agreement Template and Guidelines; and
- (B) Authorize the City Manager to make any necessary program adjustments and execute all necessary documents to implement the Ontario Incentive for Restaurants Program.

**8. AN AMENDMENT TO THE VECTOR CONTROL AND SURVEILLANCE SERVICES AGREEMENT FOR THE MILL CREEK WETLANDS**

That the City Council authorize the City Manager to execute an Amendment to the Vector Control and Surveillance Services Agreement (on file in the Records Management Department) with the West Valley Mosquito and Vector Control District in the amount of \$37,340 plus a contingency of \$3,660 for a total authorized expenditure of \$132,183; and authorize the City Manager to extend the agreement for an additional year consistent with City Council approved budgets.

**9. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 9, 19, 23, 27, 32, 37, 44, 47, 48, 49, 50, and 51 FOR FISCAL YEAR 2020-21**

That the City Council adopt resolutions establishing the annual special tax within City of Ontario Services Community Facilities Districts 9, 19, 23, 27, 32, 37, 44, 47, 48, 49, 50 and 51 for Fiscal Year 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

**10. RESOLUTIONS ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS NO. 10, 20, AND 21 FOR FISCAL YEAR 2020-21**

That the City Council adopt a resolution establishing the annual special tax within City of Ontario Services Community Facilities Districts No. 10, 20, and 21 for Fiscal Year 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

**11. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV) FOR FISCAL YEAR 2020-21**

That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center - Phase IV) for Fiscal Year 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

**12. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 24, 25, 26, 28, 30, 33, 34, 38, AND 39 FOR FISCAL YEAR 2020-21**

That the City Council adopt resolutions establishing the annual special tax within the City of Ontario Community Facilities Districts 24, 25, 26, 28, 30, 33, 34, 38, and 39 for Fiscal Year 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES PHASE I), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES - AREA B), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

**13. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 31 AND 45 FOR FISCAL YEAR 2020-21**

That the City Council adopt resolutions establishing the annual special tax within City of Ontario Community Facilities Districts 31 and 45 for Fiscal Year 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE/AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

**14. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 40, 41, 42, 43, 46, 53, AND 54 FOR FISCAL YEAR 2020-21**

That the City Council adopt resolutions establishing the annual special tax within City of Ontario Community Facilities Districts 40, 41, 42, 43, 46, 53, and 54 for Fiscal Year 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 42 (WEST HAVEN), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES) ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

**15. PURCHASE AND IMPLEMENTATION OF A NEW CITYWIDE FINANCIAL ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM/WORKDAY, INC./COLLABORATIVE SOLUTIONS, LLC/CAN/AM TECHNOLOGIES, INC./SDI PRESENCE, LLC/ M JACK BROOKS, JD**

That the City Council authorize the City Manager to execute agreements (on file in the Records Management Department) related to the purchase and implementation of a new citywide Financial Enterprise Resource Planning (ERP) system:

- (A) Five (5) year master subscription agreements (MSA) with Workday, Inc., of Pleasanton, California, for the software purchase, licensing and maintenance as well as training services of Workday Finance, an Enterprise Resource Planning (ERP) software solution on a hosted, cloud based software as a service (SaaS) platform, for a not to exceed amount of \$2,193,785;
- (B) A four (4) year master subscription agreement (MSA) with Workday, Inc., of Pleasanton, California, for the licensing and maintenance of Workday Human Capital Management (HCM) and Payroll system for a total of \$1,326,031 and term extension to July 8, 2025, to align with the Workday Finance licensing and maintenance agreement term;
- (C) An amendment to the multi-year professional services agreement with Collaborative Solutions, LLC, of Reston, Virginia, to expand the scope of work to include consulting services related to the implementation of the new Workday Finance ERP system for in the amount of \$2,045,725 plus a 10 percent contingency of \$204,573, for a revised not to exceed total amount of \$2,650,298;
- (D) A service agreement with Can/Am Technologies, Inc., of Lakewood, Colorado, for the software purchase, licensing and maintenance of Teller Software, a centralized cashiering system, for a not to exceed amount of \$454,007;
- (E) An amendment to the professional services agreement with SDI Presence, LLC, of Chicago, Illinois, to expand the scope of work to include consulting services throughout the implementation of the ERP system in the amount of \$327,600 plus a 10 percent contingency of \$32,760, for a revised not to exceed total amount of \$444,710;
- (F) An amendment to the professional services agreement with M Jack Brooks, JD, of Costa Mesa, California, to expand the scope of work to include professional accounting services throughout the implementation of the ERP system in the amount of \$250,000, for a revised not to exceed total amount of \$400,000; and
- (G) Authorize a 20 percent contingency of \$732,277 to address any unforeseen issues that may arise during the implementation.

**16. A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED GRANT DOCUMENTS**

That the City Council take the following actions:

- (A) Adopt a resolution authorizing the submittal of the Permanent Local Housing Allocation (PLHA) Program Application, including the Five-Year PLHA Plan (on file with the Records Department); and
- (B) Authorize the City Manager, or his designee, to execute the PLHA Program Application, Standard Agreement, and any documents and subsequent amendments or modifications related to the Program or the PLHA grant.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM APPLICATION.

**17. PURCHASE OF POLICE EQUIPMENT AND SUPPLIES**

That the City Council approve and authorize the City Manager to execute a three-year Goods and Services Agreement (on file in the Records Management Department) with Safariland, LLC of Ontario, California, for police equipment and supplies; and authorize the City Manager to extend the agreement for up to two additional years.

**18. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FY 2019**

That the City Council approve and authorize the City Manager to execute all documents necessary to participate in the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$40,765 grant spending plan.

**19. A GRANT APPLICATION FOR THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FY2020-21 ALCOHOL POLICING PARTNERSHIP PROGRAM**

That City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept a 12-month grant for a maximum of \$22,312 to assist in funding overtime enforcement operations and training classes for the California Department of Alcoholic Beverage Control (ABC) Alcohol Policing Partnership Program to address alcohol-related problems in the community.

**20. AN AMENDMENT TO THE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES**

That the City Council authorize the City Manager to execute an amendment (on file in the Records Management Department) to the agreement with All City Management Services, Inc. of Santa Fe Springs, California, for crossing guard services extending the term by three years and increasing the revised authorized contract amount by \$747,252, for a new total of \$2,453,814.

**21. A COST SHARING AGREEMENT WITH CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS**

That the City Council approve and authorize the City Manager to execute a one-year cost sharing agreement (on file in the Records Management Department) with the Chaffey Joint Union High School District for three school resource officers in the amount of \$240,000.

**22. EXTENSION OF THE MAINTENANCE SERVICE AGREEMENTS FOR ON-CALL URGENCY PLUMBING AND ELECTRICAL SERVICES**

That the City Council authorize the City Manager to extend the existing Maintenance Service Agreements (on file in the Records Management Department) for an additional 90 days with E.L. Engineering Corp., of La Verne, California, and Rymax Electric Inc., of Upland, California, for on-call plumbing and electrical services for a not-to-exceed amount of \$60,000 each.

**23. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION & PARKS COMMISSION FOR 2020-21 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR THE YEAR SERVED 2019-20**

That the City Council confirm Emily Bravo of Montclair High School as the Student Representative and Abril Escobosa of Ontario High School as the Alternate Student Representative to the Recreation & Parks Commission for the term to expire June 30, 2021; and recognize Jennifer Camarena of Ontario High School for serving as the Student Representative and Julissa Soto of Chaffey High School for serving as the Alternate Student Representative for the past year.

**24. A SERVICE AGREEMENT FOR THE SENIOR TRANSPORTATION PROGRAM**

That the City Council authorize the City Manager to execute a one-year Service Agreement (on file in the Records Management Department) with West End YMCA (Ontario/Montclair YMCA) of Ontario, California, for the City's senior transportation program with an estimated cost of \$136,536; and authorize a one-year extension subject to City Council appropriations.

**25. PURCHASE OF WATER METERS AND REPAIR PARTS**

That the City Council approve and authorize the sole source purchase of new water meters and repair parts for a total not to exceed amount of \$2,700,000 from Core & Main of Perris, California.



**26. RENEWAL OF OWNER'S PERMIT FOR THE PROVISION OF TAXICAB SERVICES WITHIN THE CITY OF ONTARIO**

That City Council consider, at a public meeting, the renewal of an owner's permit for the provision of taxicab services within the City of Ontario to Network Paratransit Systems, Inc., dba Bell Cab Company, of San Bernardino, CA and authorize the City Manager to execute a five-year service agreement with the company.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE RENEWAL OF THE EXISTING OWNER'S PERMIT FOR PROVISION OF TAXICAB SERVICES WITHIN THE CITY.

**PUBLIC HEARINGS**

**Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.**

**27. A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03)**

That the City Council conduct a public hearing on the appeal and, after receiving all public testimony, consider the following:

- (A) Approve one of the following options:
- (1) Uphold the Planning Commission's approval of File Nos. PDEV18-022 and PCUP18-021;
  - (2) Overturn the Planning Commission's decision of approval and deny File Nos. PDEV18-022 and PCUP18-021; or
  - (3) Refer File Nos. PDEV18-022 and PCUP18-021 back to the Planning Commission for further consideration and community input.
- (B) Direct staff to prepare a resolution adopting findings and formalizing the decision and placing the decision on the Consent Calendar for consideration at the next regular City Council meeting.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

## ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

### **28. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$19,000,000 AND RELATED MATTERS**

That the City Council consider and adopt a resolution authorizing the issuance of City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) Special Tax Bonds, Series 2020, and related matters:

- (A) Authorizing the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities project and the Ontario Ranch development.
- (B) Approving the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizing a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizing the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

**STAFF MATTERS**

City Manager Ochoa

**COUNCIL MATTERS**

Mayor Leon  
Mayor pro Tem Dorst-Porada  
Council Member Wapner  
Council Member Bowman  
Council Member Valencia

**ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 7, 2020**

**ROLL CALL:** Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-581-02 and 1011-581-03; 1308 and 1326 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Brian and Mary Treat; Under negotiation: Price and terms of payment.

**No Reportable Action      Continue      Approved**

/ /                                      / /                                      / /

Disposition: \_\_\_\_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-581-04; 1336 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Maria Moreno; Under negotiation: Price and terms of payment.

**No Reportable Action      Continue      Approved**

/ /                                      / /                                      / /

Disposition: \_\_\_\_\_

**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 7, 2020**  
(continued)

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-591-01 and 1014-121-06; 1395 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Bobby D. Clay; Under negotiation: Price and terms of payment.

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
/ /	/ /	/ /

Disposition: \_\_\_\_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-582-02 and 1014-121-07; 1345 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Yadihira Arriola; Under negotiation: Price and terms of payment.

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
/ /	/ /	/ /

Disposition: \_\_\_\_\_

**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 7, 2020**  
(continued)

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-582-03 and 1014-121-08; 1329 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Filberto Olazabal; Under negotiation: Price and terms of payment.

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
/ /	/ /	/ /

Disposition: \_\_\_\_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-582-04 and 1014-121-09; 1315 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Daniel and Shelley Desautels; Under negotiation: Price and terms of payment

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
/ /	/ /	/ /

Disposition: \_\_\_\_\_

**CITY OF ONTARIO  
CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 7, 2020**  
(continued)

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-582-06; +/- 1301 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Steven Mandell; Under negotiation: Price and terms of payment.

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
/ /	/ /	/ /

Disposition: \_\_\_\_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1011-582-11; 1307 West Phillips Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Lilia Ramos; Under negotiation: Price and terms of payment.

<b>No Reportable Action</b>	<b>Continue</b>	<b>Approved</b>
/ /	/ /	/ /

Disposition: \_\_\_\_\_

**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 7, 2020**  
(continued)

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1050-051-21; 1437 South Fern Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Juan and Maria Breceda; Under negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
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/ /	/ /	/ /
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Disposition: \_\_\_\_\_

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: APN No. 1050-591-04; 2015 South Fern Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Dennis and Sandra Foyil; Under negotiation: Price and terms of payment.

No Reportable Action	Continue	Approved
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/ /	/ /	/ /
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Disposition: \_\_\_\_\_



**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 7, 2020**  
(continued)

In attendance: Dorst-Porada \_\_, Wapner \_\_, Bowman \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Professional Firefighters Association, Local 1430; and Ontario Fire Management Group.

No Reportable Action	Continue	Approved
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/ /	/ /	/ /
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Disposition: \_\_\_\_\_

Reported by:

\_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AMENDMENT TO THE AGREEMENT FOR ANIMAL CONTROL SERVICES EXTENDING THE PERIOD OF PERFORMANCE BY ONE YEAR**

**RECOMMENDATION:** That the City Council approve a one-year extension to the agreement (on file in the Records Management Department) with the Inland Valley Humane Society & SPCA of Pomona, California, for the provision of animal control services.


**COUNCIL GOALS: Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner**

**FISCAL IMPACT:** The Inland Valley Humane Society & SPCA (IVHS) collects animal licensing fees and other service fees directly from pet owners and retains such fees to offset the costs of the animal control and educational programs. The FY2020-21 budget includes General Fund appropriations of \$752,449 for these services which reflects a 2.96% adjustment consistent with the change in the regional Consumer Price Index (CPI) as compared to the prior year's agreement costs.

**BACKGROUND:** The City of Ontario has contracted with IVHS for animal control and shelter services since 1990. The contractual services include: collection of stray and unwanted, injured, or dead animals; enforcement of leash laws and other City regulatory ordinances relating to animals within the City; provision of animal ambulance services; and operation of an animal shelter in compliance with California standards.

Over the last five years, IVHS has implemented, with the City of Ontario's support, the "Getting 2 Zero Program (G2Z)" which is a strategic model to save healthy and treatable animals. An essential component in reaching the G2Z goal of eliminating the euthanasia of adoptable dogs is cooperation, coordination, and communication with shelters, rescue groups, adoption organizations, and other interested parties to solicit, advertise and promote, volunteer or host events, programs, and other efforts to increase adoption of eligible animals.

**STAFF MEMBER PRESENTING:** Al C. Boling, Assistant City Manager

Prepared by: Al C. Boling  
Department: Management Services  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

3

In addition to the services above, IVHS operates a full-service facility featuring animal care services such as training, a pet store, pet adoptions, and pet owner information and education. The facility includes a dog kennel, a cat adoption ward, and a dispatch center. IVHS also provides a low-cost vaccination and microchip program for Ontario residents, and special programs for Pit Bulls and Chihuahuas where those animals can be spayed/neutered, microchipped, and vaccinated for just \$40; and similar treatment of feral cats brought to IVHS are handled for free.

The City's existing agreement with IVHS expired on June 30, 2020, and the proposed amendment is for a one-year period to coincide with FY2020-21. This will provide both the City and IVHS an opportunity to review canvassing data and corresponding revenues and costs of operations during the COVID-19 pandemic to determine if an alternative cost/revenue sharing contract structure may be warranted in the future. IVHS anticipates a FY2020-21 operating budget of \$1,728,420 for its services in Ontario, of which it proposes to charge the City \$752,449. The remainder of the budget, \$975,971, will be funded through donations and the collection of dog license fees and impound fees.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

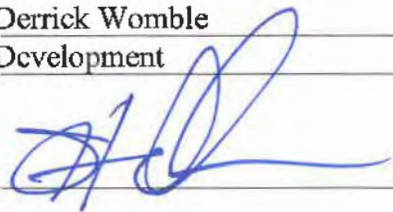
**SUBJECT: A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF20-004) BETWEEN THE CITY OF ONTARIO AND LS-ONTARIO II LLC, FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP 20134 (FILE NO. PMTT17-013), LOCATED AT THE NORTHEAST CORNER OF SCHAEFER AVENUE AND HAVEN AVENUE WITHIN THE RICH-HAVEN SPECIFIC PLAN**

**RECOMMENDATION:** That the City Council approve the Development Impact Fee Credit Agreement (File No. PDIF20-004) between the City of Ontario and LS-Ontario II LLC, for facility construction associated with Tract Map 20134 (File No. PMTT17-013), located at the northeast corner of Schaefer Avenue and Haven Avenue within the Rich-Haven Specific Plan; and authorize the City Manager to execute the agreement.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

**FISCAL IMPACT:** Approval of the proposed Development Impact Fee ("DIF") Credit Agreement (File No. PDIF20-004) will result in no fiscal impact to the City's General Fund. The project's Development Agreement (File No. PDA18-005) and related conditions requires LS-Ontario II LLC ("Developer"), to construct DIF program infrastructure with estimated costs of \$13,908,977. The proposed DIF Credit Agreement defines the amount of DIF credit that the Developer may be eligible to receive for construction of these improvements. The DIF credit that the Developer will receive upon completion of the improvements may be exchanged for a refund of DIF that was paid by the Developer (up to the Developer's maximum DIF obligation) in the respective DIF category.

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Derrick Womble  
Department: Development  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

4

**BACKGROUND:** On June 18, 2019, the City Council approved the Development Agreement (File No. PDA18-005) between the City of Ontario and Haven Ontario NMC 1, LLC, and Haven Ontario NMC 2, LLC, the original owner for Tract Map 20134. On July 23, 2019, the Development Agreement was partially assigned to the Developer for the westerly half of Tract Map 20134 and included the construction of necessary infrastructure to serve the project development.

Per the Development Agreement and related conditions, the Developer is required to construct DIF Program infrastructure to serve Tract Map 20134. Improvements include the construction and installation of water, sewer, storm drain, street, and fiber optic facility improvements along Haven Avenue, Chino Avenue, and Mill Creek Avenue.

Pursuant to the City's adopted DIF credit policies, construction of DIF program facilities requires the Developer and the City to enter into a DIF Credit Agreement ("Agreement"). The terms of the proposed Agreement specify the defined portion of the infrastructure to be constructed by the Developer in the Local Adjacent or Regional DIF categories and includes an estimate of the maximum DIF credit (not reimbursement) that may be applied in the respective Local Adjacent or Regional DIF category. This infrastructure is within Ontario Ranch Water, Sewer, Storm Drain, Streets and Fiber Optic System categories. Since the maximum eligible costs in the Agreement for the required infrastructure exceeds the Developer's DIF obligation, the Developer is eligible to receive DIF Credit under the proposed Agreement.

The proposed Agreement complies with the City's DIF policies and is in conformance with the approved Development Agreement and related conditions. Under the provisions of the City's DIF program, the City Manager is authorized to execute such agreements upon approval by the City Council.

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO  
CITY CLERK / RECORDS MANAGEMENT  
303 EAST "B" STREET  
ONTARIO, CA 91764-4196

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Space above this line for Recorder's Use

Exempt from Fees Per Gov. Code §6103

**FILE NO. PDIF20-004**

**DEVELOPMENT IMPACT FEE CREDIT AGREEMENT  
FOR FACILITY CONSTRUCTION**

**By and Between**

**City of Ontario  
a California municipal corporation**

**and**

**LS-Ontario II LLC  
a Delaware limited liability company**

\_\_\_\_\_, 2020

**San Bernardino County, California**

**DEVELOPMENT IMPACT FEE CREDIT AGREEMENT FOR FACILITY  
CONSTRUCTION BY AND BETWEEN THE CITY OF ONTARIO AND  
LS-ONTARIO II LLC  
(File No. PDIF20-004)**

This DEVELOPMENT IMPACT FEE CREDIT AGREEMENT ("Fee Credit Agreement"), entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between the CITY OF ONTARIO, a California municipal corporation, hereinafter referred to as the "City," and LS-Ontario II LLC a Delaware limited liability company, hereinafter referred to as the "Developer."

**RECITALS**

A. Developer is the owner and developer of property located within the City, which property has received development approvals from the City, including the Rich-Haven Specific Plan ("Specific Plan") and Tentative Tract No. 20134 (the "Tract Map"). A legal description of the property is attached as Exhibit 1 (the "Property"). A map of the Property is attached as Exhibit 2.

B. As a condition of the development approvals for the Property, including the Specific Plan and Tract Map approvals, the Developer is required to construct those public improvements identified on Exhibit 3, consisting of certain master planned public infrastructure and Improvements, (hereinafter referred to as the "Improvements") The estimated costs for the design and construction of the Improvements are set forth in Exhibit 4.

C. On July 1, 2003, City Ordinance No. Ordinance No. 2779 was adopted establishing certain development impact fees ("DIF Fees") to be paid as a condition to the issuance of certain entitlements within the City. Section 7 of Ordinance 2779 authorizes the City Manager, when he or she determines that the public interest among other reasons would be served by such an agreement, to execute agreements on behalf of the City with applicants in order to provide a credit to the applicant against certain DIF Fees in exchange for the applicant's construction and dedication of public improvements, upon reasonable terms and conditions as may be determined on a case by case basis.

D. City and the previous owner of the Property have previously entered into a statutory Development Agreement (File No. PDA18-005), pursuant to Section 65864, et seq., of the Government Code, (the "Development Agreement") and such Development Agreement has been assigned to Developer and Developer has assumed all rights, responsibilities and obligations of the Development Agreement, including the design and construction of the Improvements identified in Exhibit 3 and such improvements are included in the City's Development Impact Fee (DIF) Program as a project, or a portion of a project and eligible for credit against DIF Fees.

E. City and Developer have agreed that the costs to design and construct the Improvements shall be eligible for DIF Credit in accordance with the City's [Ontario Ranch] DIF Credit policies as contained in the City's DIF Program and Resolution No. 2019-135.

## **AGREEMENT**

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual promises contained herein, it is agreed as follows:

1. Definitions. For purposes of this Agreement, the terms below shall be defined as follows:

"Acceptable Title" means title to land or an interest therein required for the construction, operation and maintenance of an Improvement, in form acceptable to the City Manager, free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether or not recorded, but subject to any exceptions determined by the City Manager as not materially interfering with the actual or intended use of the land or interest therein required for the operation of an Improvement. Notwithstanding the foregoing, an irrevocable offer of dedication may constitute "Acceptable Title."

"Acceptance Date" means the earlier of (i) date the City Manager or his/her designee takes final action, in writing, to accept dedication or transfer of an Improvement or (ii) the date determined pursuant to Section 3 below.

"Bid Documents" means all designs, bid documents, construction plans and specifications, system layout drawings and other construction documents and permits approved by the City relating to an Improvement.

"Certificate of DIF Credit" means a City certificate for the issuance of DIF Credit to Developer in the form attached hereto as Exhibit 5.

"City DIF Program and Policies" or "DIF Program" means Ordinance Nos. 2779 and 2780 and Resolution No. 2019-135, as -it may be amended from time to time and as DIF Fees and the capital improvement projects and public infrastructure identified therein may be revised by Resolution.

"City Manager" means the City Manager of the City or his or her designee.

"City Engineer" means the City's City Engineer or his or her designee.

"Completed", "Complete" and "Completion" with respect to an Improvement mean that such Improvement has been completed in accordance with its Bid Documents, including any final "punch list" items, as approved in writing by the City Engineer, which approval shall not be unreasonably withheld, and that such



Improvement is Usable. Notwithstanding the foregoing, if an Improvement which Developer is obligated to construct pursuant to the applicable conditions of approval for a portion of the Property is only a portion of a larger work of improvement, then a determination of "Completed" or "Completion" with respect to that Improvement shall be made only as to that Improvement and not with respect to the larger work of improvement of which it is a portion.

"Credit Request" means a document, substantially in the form of Exhibit 6, to be used by Developer in requesting DIF Credits with respect to one or more Improvements.

"Days" shall mean business days unless otherwise stated.

"Developer Contract" means a contract between the Developer and a qualified contractor awarded to the qualified contractor for the construction of the Improvements at the direction of Developer.

"Development Agreement" has the meaning set forth in Recital D above.

"DIF" or "DIF Fees" means the development impact fees imposed within the [Ontario Ranch] area pursuant to City Ordinance Nos. 2779 and 2780 and City Resolution No. 2019-135 and any subsequent City ordinances and resolutions lawfully adopted by the City Council to update or modify such development impact fees.

"DIF Credit" means credits earned against the payment of DIF pursuant to this Agreement.

"DIF Obligation" means the amount of Developer's total obligation for Development Impact Fees in either the Regional or Local Adjacent portion of a DIF category for the Property. Developer's DIF Obligation Amounts for each DIF Category shall be as provided in Exhibit 4.

"Effective Date" means the date set forth in the first paragraph of this Agreement.

"Eligible Cost" means the substantiated cost of an Improvement to be used in calculating DIF Credit amounts, which costs may include: (i) the costs for the construction (including grading) of such Improvement, (ii) costs directly related to the construction and/or acquisition of the Improvement, such as costs of payment, performance and/or maintenance bonds, the professional costs of material testing, and insurance costs (including costs of any title insurance required); (iii) the cost of acquiring any real property or interest therein in order to construct or operate the Improvement, (iv) the costs incurred in preparing Bid Documents and the related costs of geotechnical and environmental evaluations of the Improvement, (v) the fees paid to the City and any other governmental agencies for, and all other costs incurred in connection with obtaining permits, licenses or other governmental approvals for

such Improvement, (vi) costs of construction and project management, administration and supervision (but only up to five percent (5%) of the costs described in clause (i) above) incurred for the construction of such Improvement, (vii) professional costs associated with such Improvement, such as design, engineering, accounting, inspection, construction staking, and similar professional services including legal services related to the review of construction contracts. The maximum amount of Eligible Costs described in clauses (iv) through (vii) shall be limited to a total of fifteen percent (15%) of the costs described in clause (i).

“Improvement” or “Improvements” means the public improvements required to support the development of the Property as described in Exhibit 3 to the extent required by the applicable conditions of approval.

“Program Cost” or “DIF Program Cost” means the estimated cost of an Improvement identified in the “Nexus Study” referenced in City Resolution No. 2019-135 as it may be modified, supplemented or superseded from time to time. The Program Cost to be applied shall be the Program Cost in effect at the time the DIF Credit Request is submitted to the City.

“Usable” shall mean that, with respect to any particular Improvement, the Improvement is actually usable for its intended purposes, and includes, for water Improvements, connection to the applicable water supply, for sewer Improvements connection to an applicable disposal system, and for recycled water Improvements connection to a treated water supply and distribution system as those connections are set out in the project approvals. Notwithstanding the foregoing, if an Improvement which Developer is obligated to construct pursuant to the applicable conditions of approval for a portion of the Property is only a portion of a larger work of improvement, then a determination by the City Engineer of whether that Improvement is “Usable” shall be made only with respect to that Improvement and not with respect to the larger work of improvement of which it is a portion.

## 2. Construction and Funding of Improvements by Developer.

(a) Construction of Improvements by Developer. Developer shall commence each Improvements in accordance with the terms of the conditions of approval, Development Agreement and individual Tract or Parcel Maps, including any extension thereof. In the event of any conflict between these documents, the soonest date of commencement shall apply. Upon commencement of the Improvement(s), Developer shall proceed expeditiously with the construction of the Improvement(s) under the terms herein.

(b) For the purposes of this Agreement, commencement of the Improvements shall mean when Developer receives the first permit from City for any grading of the Property.

(c) City and Developer agree that Developer shall award, or cause to be awarded, all contracts for the construction and Completion of the Improvements

as necessary to assure the timely and satisfactory completion of such Improvements. The Developer shall perform all of its obligations hereunder and shall conduct all operations with respect to the construction of the Improvements in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken.

(d) The Developer shall not be relieved of its obligation to construct the Improvements and shall cause title to the Improvements to be conveyed to the City even if the DIF Credit Amount is less than the actual cost of the Improvements.

(e) If Developer is unable or unwilling to proceed with, and Complete, the construction of the Improvement(s) for any reason, and subject to the provisions in Section 14 below, Developer shall be considered to be in default of this Agreement.

3. Inspection and Acceptance of Completed Improvement by City. City shall make or shall cause to be made periodic site inspections of Developer's construction work. The Acceptance Date for each Improvement constructed by Developer shall be no later than twenty (20) Days following the last to occur of the following requirements:

(a) the City Engineer's determination the Improvement is Complete;

(b) the City Engineer's determination that Acceptable Title with respect to the Improvement is available for acceptance;

(c) Developer's provision of one (1) set of "as-built" or record drawings or plans for the Improvement, certified and reflecting the condition of the Improvement as constructed; and

(d) Developer's provision of such evidence or proof as the City Manager shall require that all persons, firms and corporations supplying work, labor, materials, supplies and equipment to the construction of the Improvement have been paid and that no claims or liens have been recorded by or on behalf of any such person, firm or corporation. Alternatively, rather than await the expiration of the time for the recording of claims of liens, Developer may elect to provide a title insurance policy or other security acceptable to the City Manager guaranteeing that no such claims of liens will be recorded or become a lien upon any of the real property required for the Improvement.

4. Conveyance of Acceptable Title to City. Acceptable Title to all property on, in or over which the Improvement is located, shall, prior to and as a condition precedent to the City's acceptance of any Improvement, be conveyed to City by way of dedication of such property on the Tract or Parcel Map or by a separate recorded instrument, to permit the City to properly own, operate and maintain such Improvement. Developer shall assist the City in obtaining such documents as are

required to obtain Acceptable Title. Completion of the transfer of Acceptable Title shall be evidenced by recordation of the acceptance thereof by the City Engineer.

5. Maintenance and Warranties to be provided to City. Developer shall maintain the Improvement in good and safe condition until the Acceptance Date of the Improvement. Prior to the Acceptance Date, Developer shall, at its sole cost and expense, be responsible for performing any required maintenance on the Improvement. On or before the Acceptance Date of the Improvement, Developer shall assign to the City all of Developer's rights in any warranties, guarantees, maintenance obligations or other evidence of contingent obligations of third persons with respect to such Improvement. All warranties, guarantees or other evidences of contingent obligations of third persons with respect to the Improvement shall be delivered to the City Engineer, in writing, as part of the transfer of title.

(a) After the Acceptance Date, City shall be solely responsible for maintenance of the Improvement.

(b) With respect to the Improvement, Developer shall warrant that the Improvement is free from defects in materials and construction defects (and shall correct or cause to be corrected any such defects at Developer's expense) for a period of one year from the Acceptance Date thereof (the "Warranty Period") and Developer shall provide a bond or other security reasonably acceptable in form and substance to the City for such period and such purpose to insure that such defects that appear within said period will be repaired, replaced or corrected by Developer, at its own cost and expense, to the reasonable satisfaction of the City Manager. During the Warranty Period, Developer shall continue to repair, replace or correct any such defects within thirty (30) Days after written notice thereof by the City Engineer to Developer, and shall complete such repairs, replacement or correction as soon as practicable.

(c) In the event that Developer does not repair, replace or correct defects after such written notice, in addition to the provisions of Section 14 below, City may repair, replace or correct the defects in the Improvement and charge the Developer for the cost of such repair, replacement or correction plus City staff time and overhead.

6. Issuance of DIF Credit to Developer. Developer shall receive DIF Credits based upon the verified Eligible Costs of the Improvement (or accepted portion of the Improvement). Issued DIF Credits shall specify the DIF Credit infrastructure category and whether the DIF Credit is for construction of a Regional or Local Adjacent DIF Program Improvement.

7. Limitations on the Issuance of DIF Credit to Developer upon Completion of an Improvement. The amount of DIF Credit to be issued by City shall be limited to the amount of the DIF Program Costs for the Improvement or segment cost for the percentage of the Program Costs proportional to the segment of improvement constructed or accepted. The DIF Program Costs identified in the City's

DIF Program shall be subject to change, from time to time, as part of the continuing update of the City's DIF Program. The DIF Program Costs for the Improvement (or accepted portion of the Improvement) shall be those in effect at the time the DIF Credit Request is submitted to the City.

(a) To the extent that NMC Builders LLC incurred the costs for the design of the Improvements, Developer agrees that the DIF Credit, up to ten (10%) of the DIF Program Costs, for those design costs portion of the Improvements shall be issued to NMC Builders LLC.

8. Issuance of a DIF Credit Certificate. When an Improvement is Complete, Developer shall submit a DIF Credit Request to City with all supporting documentation evidencing the total actual Eligible Costs of the Improvement at the time of submittal. The City Manager shall determine the completeness of the DIF Credit Request and notify Developer of whether the DIF Credit Request is considered complete or if additional information is needed from Developer. Once the DIF Credit Request is considered complete, the City Manager shall use his or her best efforts to determine the total actual Eligible Costs of the Improvements and provide Developer with a Certificate of DIF Credit within twenty (20) Days following receipt of the completed DIF Credit Request.

9. DIF Program Modifications. The estimated cost in the City's DIF Program for DIF Improvements (or defined portions of DIF Improvements) as listed in Exhibit 4 and Developer's total DIF Obligation amount may be modified from time to time based on modifications to the City's DIF Program.

10. Assignment of DIF Credits. Developer shall have the right to sell, transfer or assign DIF Credits provided for herein, to any person, partnership, limited liability company, joint venture, firm or corporation; provided, however, that any such sale, transfer or assignment shall only be made in strict compliance with the following:

(a) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, Developer (i) shall notify the City Manager, in writing, of such sale, transfer or assignment and (ii) shall provide the City with an executed agreement between Developer and the purchaser, transferee or assignee that identifies the amount of DIF Credits transferred, as provided in Exhibit 8 of this Agreement.

(b) Except for the limited assignment of DIF Credits under subsection 10 (a) above, any assignment by Developer of any of the obligations of Developer under this Agreement (a "DIF Improvement Assignment") with regards to the Improvements listed in Exhibit 3, shall identify the Improvements that are the subject of the Assignment Agreement and require the prior written approval of the City Manager, which approval shall not be unreasonably withheld so long as adequate security as determined by City in its sole discretion, is in place to secure the Completion of the subject Improvements. Any DIF Improvement Assignment not made in strict compliance with the foregoing conditions (other than a transfer under

Section 23 below) shall, unless such obligations are performed by Developer when required by this Agreement notwithstanding such assignment, constitute a default by Developer under Section 14 below. In such event, City shall have no further obligations with regard to acceptance of Certificates of DIF Credit issued to Developer, including any DIF Credit assigned or transferred by Developer.

(c) If Developer enters into a DIF Improvement Assignment with a successor in interest with respect to all or a part of the Property (a "Successor Developer") in accordance with subsection 10(b) above, and the Successor Developer obtains DIF Credit pursuant to this Agreement upon its completion of the improvements identified in the DIF Improvement Assignment, then

(i) such Successor Developer shall have the right to sell, transfer or assign to Developer, and Developer shall have the right to acquire from such Successor Developer, all or a portion of such DIF Credit by complying only with Section 10(a) above, and

(ii) Developer shall have the right to sell, transfer or assign all or a portion of such DIF Credit to other Successor Developers who acquire other portions of the Property by complying only with Section 10(a) above, if the sale, transfer or assignment of such DIF Credit occurs concurrently with the conveyance of another portion of the Property to the other Successor Developer.

11. Additional Documents/Actions. The City Manager is authorized to approve and execute any documents and to take any actions necessary to effectuate the purposes of this Agreement.

12. Integration. This Agreement reflects the complete understanding of the parties with respect to the subject matter hereof. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement.

13. Prevailing Wages. Developer is aware of the requirements of California Labor Code Section 1720, et seq. (as amended by Stats 2001 ch. 938 § 2 (S.B. 975)), through 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq. and Labor Code Sections 1810, 1811, 1813, 1814; (collectively, the "Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. The Bid Documents and each Developer's Contract shall require all contractors for the construction of Improvements to register with the Department of Industrial Relations and to pay and report prevailing wages in accordance with the applicable provisions of the Labor Code. Developer shall obtain from the City and make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the Developer's principal place of business and at the project site. Developer shall defend, indemnify and hold the City, its officials, officers, employees, agents, contractors, attorneys and volunteers free and harmless from any fine,

penalty claim or liability of any kind arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

14. Default and Force Majeure.

(a) Default. Failure or delay by Developer or City to perform any of its obligations under this Agreement constitutes a default by such party under this Agreement. The party alleged to be in default shall have thirty (30) Days after the date of the written notice by the other party to commence to cure such default. The party alleged to be in default shall diligently pursue such cure to completion within a reasonable timeframe as established in the written notice provided by the party asserting the default. If the party alleged to be in default has not cured its default within the cure period set forth therein, the defaulting party shall be deemed in breach. Any failure or delay in giving such notice or in asserting any rights and remedies as to any default shall not constitute a waiver of any default, nor shall it change the time of default, nor shall it deprive the party not in default of its rights to institute and maintain any actions or proceeding which it may deem necessary to protect, assert or enforce any of its rights or remedies. If any default by Developer is not cured within the time period provided by the City, City shall be entitled to terminate this Agreement in its entirety and thereafter, the City shall be under no obligation to perform any of City's obligations hereunder, including, but not limited to, the issuance of DIF Credits and DIF Reimbursements that Developer may claim.

(b) Force Majeure. Notwithstanding the provisions contained in the foregoing paragraph, performance by either party hereunder shall not be deemed to be in default where delay or defaults are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation brought by a third party, unusually severe weather, reasonably unforeseeable property conditions, acts of the other party, acts or failure to act of the other party or any other public or governmental agency or entity, or any causes beyond the control or without the failure of the party claiming an extension of time to perform (a "Force Majeure Event"). An extension of time for any such cause (an "Excusable Delay") shall be for the time period of the delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of knowledge of the commencement of the cause or from the date of the notice if provided after such thirty-day period. Notwithstanding the foregoing, none of the foregoing events shall constitute an Excusable Delay unless and until the party claiming such delay and interference delivers to the other party written notice describing the event, its cause, when and how such party obtained knowledge, the date the event commenced, and the estimated delay resulting therefrom. Any party claiming an Excusable Delay shall make a good faith effort to deliver such written notice within thirty (30) Days after it obtains actual knowledge of the event. Times of performance under this Agreement may also be extended in writing by City and Developer. The Parties hereto expressly acknowledge and agree that changes in either general economic conditions or changes in the economic assumptions of any

of them (unless such conditions were caused by a Force Majeure Event) that may have provided a basis for entering into this Agreement and that occur at any time after the execution of this Agreement are not Force Majeure Events and do not provide any Party with grounds for asserting the existence of a delay in the performance of any covenant or undertaking that may arise under this Agreement. Each Party expressly assumes the risk that changes in general economic conditions or changes in such economic assumptions relating to the terms and covenants of this Agreement could impose an inconvenience or hardship on the continued performance of such Party under this Agreement, but that such inconvenience or hardship is not a force majeure event and does not excuse the performance by such Party of its obligations under this Agreement. Without limiting the nature of the foregoing, the parties agree that the inability of Developer to obtain a satisfactory commitment from a construction lender for the improvement of the Property or to satisfy any other condition of this Agreement relating to the development of the Property shall not be deemed to be a force majeure event or otherwise provide grounds for the assertion of the existence of a delay under this Section 14.

15. Licenses and Permits. The Developer shall secure (or shall cause to be secured) any and all permits that may be required by the City or any other governmental agency for the construction of the Improvements. The Developer shall be responsible for paying all applicable fees and charges to the City or other governmental agency to obtain any land use entitlements and permits that are necessary to construct the Improvements, although a portion of such costs may be recoverable as DIF credits.

16. Indemnification. The Developer shall protect, indemnify, defend and hold the City, and its respective officials, officers, employees, agents, contractors, attorneys and volunteers, and each of them, harmless from and against any and all claims, losses, expenses, suits, actions, fines, penalties, decrees, judgments, awards, attorney's fees (to Counsel chosen by City), expert and court costs (collectively "Damages") that the City, or its respective officers, officials, employees, agents, contractors and volunteers or any combination thereof, may suffer or that may be sought against or recovered or obtained from the City, or its respective officers, officials, employees, agents, contractors, attorneys or volunteers or any combination thereof, as a result of or by reason of or arising out of or in consequence of (a) the acquisition, construction, or installation of the Improvements; (b) the untruth or inaccuracy of any representation or warranty made by the Developer in this Agreement or in any certifications delivered by the Developer hereunder; or (c) any act or omission of the Developer or any of its subcontractors, or their respective officers, employees, agents, or contractors in connection with the Improvements. If the Developer fails to do so, the City shall have the right, but not the obligation, to defend the same and charge all of the direct, indirect and incidental costs of such defense, including any reasonable attorney fees, expert or court costs, to and recover the same from the Developer. Notwithstanding the foregoing, neither the City nor its respective officers, officials, employees, agents, contractors, attorneys or volunteers shall be indemnified, defended or held harmless against such Damages to the extent that such Damages have been caused by their sole active negligence or sole willful



misconduct. The parties acknowledge and agree that the Developer shall be released from the indemnity, defense and hold harmless obligations set forth herein upon the acceptance of the Completed Improvements by the City and completion of the Warranty Period for such Improvements.

17. Developer as a Private Developer. In performing under this Agreement, it is mutually understood that the Developer is acting as a private developer, and not as an agent of the City or as a joint venturer with City. The City shall have no responsibility for payment to any contractor, subcontractor or supplier of the Developer. Accordingly, this Agreement does not constitute a debt or liability of the City. The City shall not be obligated to advance any of its own funds or any other costs incurred in connection with the Project. No member, official, employee, agent, contractor, attorney or volunteer of the City shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the City or for any amount that may become due to the Developer or its successors, or on any obligations under the terms of this Agreement.

18. Other Obligations. Nothing contained herein shall be construed as affecting the Developer's respective duty to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the Property, which obligations are and shall remain independent of the Developer's rights and obligations, and the City's rights and obligations, under this Agreement; provided, however, that the Developer shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which could reasonably be expected to materially and adversely affect the design, acquisition, construction and installation of the Improvements. This Agreement is not, and shall not be construed as, a statutory development agreement as authorized by Government Code sections 65864 et seq., and this Agreement shall not be interpreted as limiting the authority of the City to adopt and amend regulations concerning permitted uses of property, the density or intensity of use, the maximum height and size of proposed buildings, provisions for the reservation or dedication of land or the payment of impact fees for public purposes.

19. Binding on Successors and Assigns. Except as set forth in Section 10 or Section 23 hereof, neither this Agreement nor the duties and obligations of the Developer hereunder may be assigned to any person or legal entity other than an affiliate of the Developer without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. Neither this Agreement nor the duties and obligations of the City hereunder may be assigned to any person or legal entity, without the written consent of the Developer, which consent shall not be unreasonably withheld or delayed. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted and accepted assigns, and successors-in-interest of the parties hereto.

20. Amendments. This Agreement can only be amended by an instrument in writing executed and delivered by the City and the Developer.

21. Waivers. No waiver of, or consent with respect to, any provision of this Agreement by a party hereto shall in any event be effective unless the same shall be in writing and signed by such party, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given.

22. No Third Party Beneficiaries. No person or entity, other than the City, shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either express or implied) is intended to confer upon any person or entity, other than the City and the Developer (and their respective successors and assigns), any rights, remedies, obligations or liabilities under or by reason of this Agreement.

23. Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit Developer, at Developer's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. Developer shall have the right to encumber and assign its rights and interests hereunder to the lenders providing such financing as security for such financing without the consent of the City and without complying with Section 10 hereof. City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Developer and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. A mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust on the Property made in good faith and for value, unless otherwise required by law.

(b) The mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from City of any default by Developer in the performance of Developer's obligations under this Agreement.

(c) If City timely receives a request from a mortgagee requesting a copy of any notice of default given to Developer under the terms of this Agreement, City shall provide a copy of that notice to the mortgagee within ten (10) Days following the sending of the notice of default to Developer. The mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no mortgagee shall have an obligation or duty under this Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and further provided that any sale, transfer or assignment by any mortgagee in possession shall be subject to the provisions of Section 10 of this Agreement.

24. Notices. Any written notice, statement, demand, consent approval, authorization, offer, designation, request or other communication to be given hereunder shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other party in writing from time to time, namely:

**Developer:**

LS-Ontario II LLC  
7525 Irvine Center Drive, Suite 200  
Irvine, CA 92618  
Attn: Shannon Whittaker, Forward Planner  
Email: [swhittaker@landsea.us](mailto:swhittaker@landsea.us)  
Phone: 949-345-8097

**with a copy to:**

O'Neil LLP  
19900 MacArthur Blvd., Suite 1050  
Irvine, CA 92612  
Attn: Sandra A. Galle  
Phone: 949-798-0725  
Email: [sgalle@oneil-llp.com](mailto:sgalle@oneil-llp.com)

**City:**

City of Ontario  
Attn: City Manager  
303 East "B" Street  
Ontario, CA 91764  
Phone: 909-395-2000

**with a copy to:**

Scott Huber, City Attorney  
Cole Huber, LLP  
2281 Lava Ridge Court, Ste. 300  
Roseville, CA 95661

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery; (b) if given by electronic communication, whether by telex, or telecopy, upon the sender's receipt of an appropriate answerback or other written acknowledgment; (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail; (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier; or (e) if given by any other means, upon delivery at the address specified in this Section.

25. Jurisdiction and Venue. City and the Developer (a) agree that any suit, action or other legal proceeding arising out of or relating to this Agreement shall be brought in state or local court in the County of San Bernardino or in the Courts of the United States of America in the district in which the City is located, (b) each consents to the jurisdiction of each such court in any suit, action or proceeding, and (c) each waives any objection that it may have to the venue or any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the City and the Developer agrees that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

26. Attorneys' Fees. If any action is instituted to interpret or enforce any of the provisions of this Agreement, the prevailing party in such action shall be entitled to recover from the other party thereto reasonable attorney's fees and costs of such suit (including both prejudgment and post judgment fees and costs) as determined by the court as part of the judgment.

27. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California.

28. Usage of Words. As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine and the non-gender specific.

29. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

30. Severability. If any section, sentence, clause or phrase of this Agreement or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Agreement that can be given effect without the invalid provision of application, and to this end the provisions of this Agreement are severable. The City Council hereby declares that they would have adopted this Agreement and each section, sentence, clause or phrase thereof,

irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

31. Incorporation by Reference. The following Exhibits attached hereto and the Recitals of this Agreement are hereby incorporated by reference as though fully set forth herein:

- Exhibit 1 – Legal Description of Property
- Exhibit 2 – Map of Property
- Exhibit 3 – Description of Improvements
- Exhibit 4 – Estimated Costs of Improvements
- Exhibit 5 – Certificate of DIF Credit
- Exhibit 6 - DIF Credit Request
- Exhibit 7 none referenced
- Exhibit 8 DIF Improvement Assignment

*[Signatures On Next Page]*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the respective dates set forth below.

**“CITY”**

**CITY OF ONTARIO**, a California  
municipal corporation

Dated: \_\_\_\_\_, 2020 By: \_\_\_\_\_  
Scott Ochoa, City Manager

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**  
COLE HUBER, LLP

By: \_\_\_\_\_  
City Attorney

**“DEVELOPER”**

**LS-ONTARIO II LLC**

a Delaware limited liability company

By:

Dated: \_\_\_\_\_, 2020

\_\_\_\_\_

Name: \_\_\_\_\_

Its:

**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
*Date* *Insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
*Signature of Notary Public*

*Place Notary Seal Above*



**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
*Date* *Insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
*Signature of Notary Public*

*Place Notary Seal Above*

**Exhibit 1**

**Legal Description of Property**

**LEGAL DESCRIPTION**

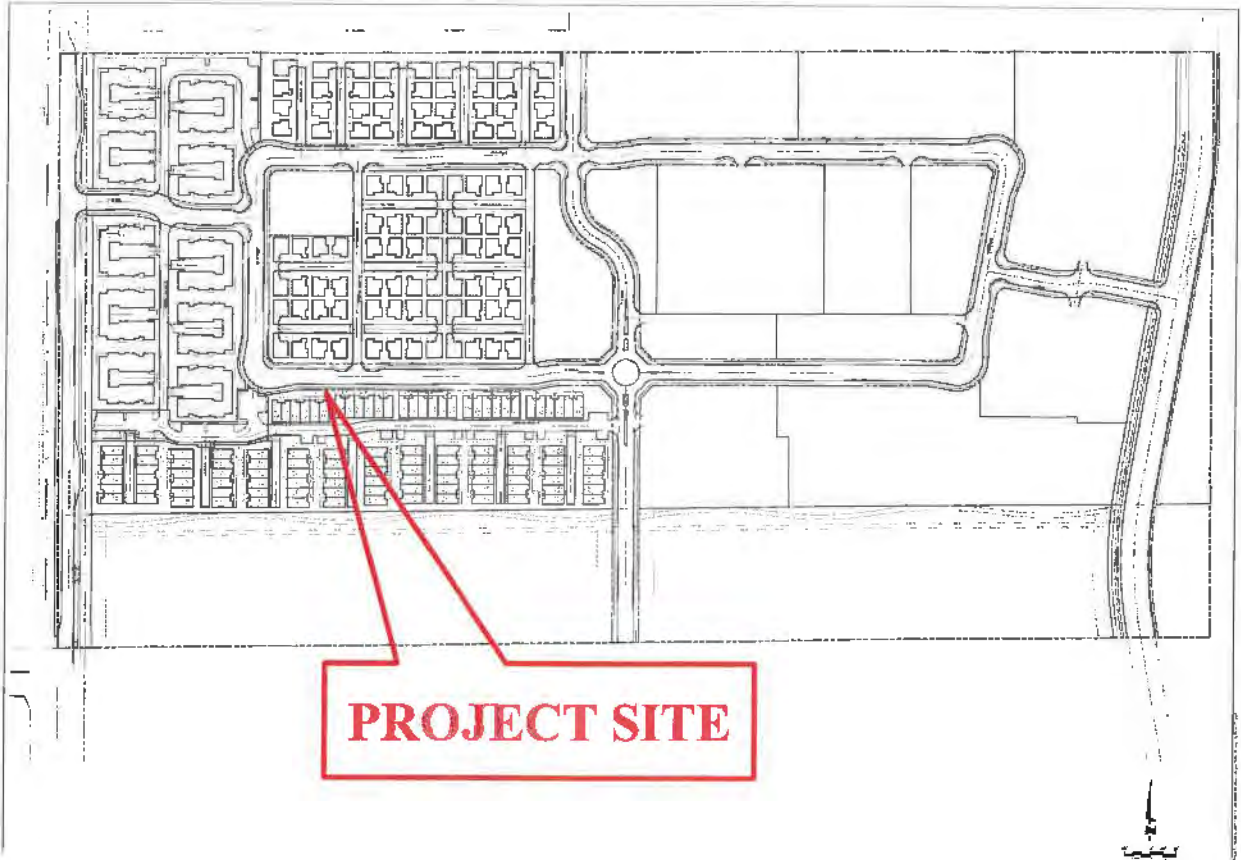
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REAL PROPERTY IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF

**Exhibit 2**

**Map of Property**



### **Exhibit 3**

#### **Description of Improvements**

**DIF Eligible Facilities:** The DIF Eligible Facilities consist of the following Components and Segments; provided, however, that each such Segment described below shall constitute a Segment for purposes of this Agreement only if such Segment was constructed by or on behalf of the Developer.

**[SEE ATTACHMENTS]**

Water and Recycled Water Facilities						
Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 Inch Water line in Haven Avenue between Chino Avenue and 1022 LF S/O Chino Avenue	1,022
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Haven Avenue between 1022LF S/O Chino Avenue and 1372LF S/O Chino Avenue	350
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Haven Avenue between 1372LF S/O Chino Avenue and 1038LF N/O Schaefer Avenue	340
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Haven Avenue between 1038LF N/O Schaefer Avenue and Schaefer Avenue	1,038
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Chino Avenue from Haven Avenue to Mill Creek Avenue	2,700
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 18 inch Water line in Chino Avenue from Mill Creek Avenue to Hamner Avenue	2,700
TM 20134	Phase 1	Local Adjacent Water	WT-016	Recycled Water System	Construction of 18 inch Recycled Water line in Haven Avenue between a point between Chino Avenue & Schaefer Avenue and N/O Schaefer Avenue	370
TM 20134	Phase 1	Local Adjacent Water	WT-016	Recycled Water System	Construction of 18 inch Recycled Water line in Haven Avenue between N/O Schaefer Avenue and Schaefer Avenue	1,070
TM 20134	Phase 2	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Mill Creek Avenue from N/O Schaefer Avenue (northern tract boundary) to Schaefer Avenue	1,325
TM 20134	Phase 2	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 Inch Water line in Mill Creek Avenue from Schaefer Avenue to N/O Ontario Ranch Road	1,350
TM 20134	Phase 2	Local Adjacent Water	WT-016	Recycled Water System	Construction of 16 inch Recycled water line in Mill Creek Avenue from N/O Schaefer Avenue (the northern tract boundary) and Schaefer Avenue	1,325
TM 20134	Phase 2	Local Adjacent Water	WT-016	Recycled Water System	Construction of 16 inch Recycled water line in Mill Creek Avenue from Schaefer Avenue to Ontario Ranch Road	1,400

<b>Sewer System Facilities</b>						
<b>Project</b>	<b>Development Phase</b>	<b>DIF Category</b>	<b>DIF Program Project No.</b>	<b>DIF Project Description</b>	<b>Segment Description</b>	<b>Project Scope/Length [LF]</b>
TM 20134	Phase 1	Local Adjacent Sewer System Facilities	SW-005	Haven Avenue Trunk Sewer	Construct a 21 inch sewer line Haven Avenue from Aspen St to N/O Aspen St (northern tract boundary).	400
TM 20134	Phase 1	Local Adjacent Sewer System Facilities	SW-005	Haven Avenue Trunk Sewer	Construct a 21 inch sewer line Haven Avenue from Sumac St to Aspen St.	729
TM 20134	Phase 1	Local Adjacent Sewer System Facilities	SW-005	Haven Avenue Trunk Sewer	Construct a 21 inch sewer line Haven Avenue from Schaefer Avenue to Sumac St	221
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from N/O Schaefer Ave (northern tract boundary) to Schaefer Ave	1,350
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from Schaefer Ave to N/O Ontario Ranch Rd	1,300
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from S/O Ontario Ranch Rd to Old Edison Ave	1,350
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from Old Edison Ave to N/O Eucalyptus Ave	2,050
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from N/O Eucalyptus Ave to Eucalyptus Ave	650
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct 21 inch sewer line in Mill Creek Avenue from Eucalyptus Ave to Bellegrave Ave	1,550

### Storm Drain Facilities

Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]
TM 20134	Phase 1	Local Storm Drain	SD-027	Haven Avenue, Riverside Drive to County Line Channel	Construction of storm drain in Haven Avenue from northern tract limits to Schaefer Avenue	1,390
TM 20134	Phase 1	Local Storm Drain	SD-029	Haven Avenue Laterals E/O Haven Avenue and N/O Schaefer Avenue	Construction of 72" master storm drain in Nelson Drive, Earnes Street and Twinkle Avenue from Haven Avenue to northern tract limits	1,450
TM 20134	Phase 2	Local Storm Drain	SD-032	Mill Creek Avenue, from Chino Avenue to County Line Channel	Construction of storm drain in Mill Creek Avenue from the northern tract limit to Eucalyptus Avenue	5,836

### Streets and Bridges Facilities

Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]
TM 20134	Phase 1	Local Adjacent Streets	ST-014	Haven Avenue from Riverside Drive to Bellegrave Avenue	Construction of one northbound circulation lane, and raised median on Haven Avenue from the northern tract limits to Schaefer Avenue	1,390
TM 20134	Phase 2	Local Adjacent Streets	ST-006	Mill Creek Avenue from Riverside Drive to Bellegrave Avenue	Construction of circulation lanes and striped median in Mill Creek Avenue from the northern tract limits to southern tract limits	1,390
TM 20134	Phase 2	Local Adjacent Streets	ST-006	Mill Creek Avenue from Riverside Drive to Bellegrave Avenue	Construction of one lane in each direction (including the striped median) in Mill Creek Avenue from the southern tract limits to Ontario Ranch Road	1,390

### Fiber Optic Communications Facilities

Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]
TM 20134	Phase 1	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber Optic Conduit in Haven Avenue from northern tract limits to Schaefer Avenue	1,390
TM 20134	Phase 2	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber Optic Conduit in Mill Creek Avenue from northern tract limits to Schaefer Avenue	1,390



**Exhibit 4**  
**Estimated Costs of Improvements**

**[SEE ATTACHMENTS]**

Water and Recycled Water Facilities									
Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]	Total DIF Project Costs	Segment Cost Percentage	Maximum Eligible Costs
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Haven Avenue between Chino Avenue and 1022 LF S/O Chino Avenue	1,022	\$ 40,033,253	0.4650%	\$ 186,168
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Haven Avenue between 1022LF S/O Chino Avenue and 1372LF S/O Chino Avenue	350	\$ 40,033,253	0.1593%	\$ 63,756
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 Inch Water line in Haven Avenue between 1372LF S/O Chino Avenue and 1038LF N/O Schaefer Avenue	340	\$ 40,033,253	0.1547%	\$ 61,934
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Haven Avenue between 1038LF N/O Schaefer Avenue and Schaefer Avenue	1,038	\$ 40,033,253	0.4723%	\$ 189,082
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Chino Avenue from Haven Avenue to Mill Creek Avenue	2,700	\$ 40,033,253	1.2286%	\$ 491,832
TM 20134	Phase 1	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 18 inch Water line in Chino Avenue from Mill Creek Avenue to Hamner Avenue	2,700	\$ 40,033,253	2.2187%	\$ 688,235
TM 20134	Phase 1	Local Adjacent Water	WT-016	Recycled Water System	Construction of 16 inch Recycled Water line in Haven Avenue between a point between Chino Avenue & Schaefer Avenue and N/O Schaefer Avenue	370	\$ 64,340,694	0.1397%	\$ 89,866
TM 20134	Phase 1	Local Adjacent Water	WT-016	Recycled Water System	Construction of 16 inch Recycled Water line in Haven Avenue between N/O Schaefer Avenue and Schaefer Avenue	1,070	\$ 64,340,694	0.4039%	\$ 259,982
TM 20134	Phase 2	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Mill Creek Avenue from N/O Schaefer Avenue (northern tract boundary) to Schaefer Avenue	1,325	\$ 40,033,253	0.6029%	\$ 241,362
TM 20134	Phase 2	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12 inch Water line in Mill Creek Avenue from Schaefer Avenue to N/O Ontario Ranch Road	1,350	\$ 40,033,253	0.6143%	\$ 245,916
TM 20134	Phase 2	Local Adjacent Water	WT-016	Recycled Water System	Construction of 16 inch Recycled water line in Mill Creek Avenue from N/O Schaefer Avenue (the northern tract boundary) and Schaefer Avenue	1,325	\$ 64,340,694	0.5002%	\$ 321,816
TM 20134	Phase 2	Local Adjacent Water	WT-016	Recycled Water System	Construction of 16 inch Recycled water line in Mill Creek Avenue from Schaefer Avenue to Ontario Ranch Road	1,400	\$ 64,340,694	0.5285%	\$ 340,032
<b>Subtotal Local Adjacent Water and Recycled Water</b>									<b>\$ 3,379,880</b>

Sewer System Facilities									
Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]	Total DIF Project Costs	Segment Cost Percentage	Maximum Eligible Costs
TM 20134	Phase 1	Local Adjacent Sewer System Facilities	SW-005	Haven Avenue Trunk Sewer	Construct a 21 inch sewer line Haven Avenue from Aspen St to N/O Aspen St (northern tract boundary).	400	\$ 3,908,348	3.3072%	\$ 129,258
TM 20134	Phase 1	Local Adjacent Sewer System Facilities	SW-005	Haven Avenue Trunk Sewer	Construct a 21 inch sewer line Haven Avenue from Sumac St to Aspen St.	729	\$ 3,908,348	6.0274%	\$ 235,572
TM 20134	Phase 1	Local Adjacent Sewer System Facilities	SW-005	Haven Avenue Trunk Sewer	Construct a 21 inch sewer line Haven Avenue from Schaefer Avenue to Surnac St.	221	\$ 3,908,348	1.8272%	\$ 71,415
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from N/O Schaefer Ave (northern tract boundary) to Schaefer Ave	1,350	\$ 6,706,236	4.7110%	\$ 315,934
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from Schaefer Ave to N/O Ontario Ranch Rd	1,300	\$ 6,706,236	4.5366%	\$ 304,233
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from S/O Ontario Ranch Rd to Old Edison Ave	1,350	\$ 6,706,236	4.7110%	\$ 315,934
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from Old Edison Ave to N/O Eucalyptus Ave	2,050	\$ 6,706,236	7.1538%	\$ 479,751
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct a 15 inch sewer line in Mill Creek Avenue from N/O Eucalyptus Ave to Eucalyptus Ave	650	\$ 6,706,236	2.2683%	\$ 152,116
TM 20134	Phase 2	Local Adjacent Sewer System Facilities	SW-006	Mill Creek Avenue Sewer	Construct 21 inch sewer line in Mill Creek Avenue from Eucalyptus Ave to Bellegrave Ave	1,550	\$ 6,706,236	7.4688%	\$ 500,874
<b>Subtotal Local Adjacent Sewer</b>									<b>\$ 2,505,086</b>

<b>Storm Drain Facilities</b>									
Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]	Total DIF Project Costs	Segment Cost Percentage	Maximum Eligible Costs
TM 20134	Phase 1	Local Storm Drain	SD-027	Haven Avenue, Riverside Drive to County Line Channel	Construction of storm drain in Haven Avenue from northern tract limits to Schaefer Avenue	1,390	\$ 8,266,143	11.3655%	\$ 939,488
TM 20134	Phase 1	Local Storm Drain	SD-029	Haven Avenue Laterals E/O Haven Avenue and N/O Schaefer Avenue	Construction of 72" master storm drain in Nelson Drive, Eames Street and Twinkle Avenue from Haven Avenue to northern tract limits	1,450	\$ 2,101,292	33.7209%	\$ 708,575
TM 20134	Phase 2	Local Storm Drain	SD-032	Mill Creek Avenue, from Chino Avenue to County Line Channel	Construction of storm drain in Mill Creek Avenue from the northern tract limit to Eucalyptus Avenue	5,836	\$ 10,394,379	47.6214%	\$ 4,949,947
<b>Subtotal Local Adjacent Storm Drain</b>									<b>\$ 6,598,010</b>

<b>Streets and Bridges Facilities</b>									
Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length [LF]	Total DIF Project Costs	Segment Cost Percentage	Maximum Eligible Costs
TM 20134	Phase 1	Local Adjacent Streets	ST-014	Haven Avenue from Riverside Drive to Bellegrave Avenue	Construction of one northbound circulation lane, and raised median on Haven Avenue from the northern tract limits to Schaefer Avenue	1,390	\$6,013,772	10.5303%	\$ 633,268
TM 20134	Phase 2	Local Adjacent Streets	ST-006	Mill Creek Avenue from Riverside Drive to Bellegrave Avenue	Construction of circulation lanes and striped median in Mill Creek Avenue from the northern tract limits to southern tract limits	1,390	\$3,068,247	11.6807%	\$ 358,392
TM 20134	Phase 2	Local Adjacent Streets	ST-006	Mill Creek Avenue from Riverside Drive to Bellegrave Avenue	Construction of one lane in each direction (including the striped median) in Mill Creek Avenue from the southern tract limits to Ontario Ranch Road	1,390	\$3,068,247	11.6807%	\$ 358,392
<b>Subtotal Local Adjacent Streets and Bridges</b>									<b>\$1,350,052</b>

Fiber Optic Communications Facilities									
Project	Development Phase	DIF Category	DIF Program Project No.	DIF Project Description	Segment Description	Project Scope/Length (LF)	Total DIF Project Costs	Segment Cost Percentage	Maximum Eligible Costs
TM 20134	Phase 1	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber Optic Conduit in Haven Avenue from northern tract limits to Schaefer Avenue	1,390	9,819,358	0.387%	\$ 37,975
TM 20134	Phase 2	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber Optic Conduit in Mill Creek Avenue from northern tract limits to Schaefer Avenue	1,390	9,819,358	0.387%	\$ 37,975
<b>Subtotal Local Adjacent Fiber Optic Communications</b>									<b>\$ 75,950</b>

Total DIF Eligible Facilities: LS-Ontario II LLC			
Tract Map 20134 - Phase 1		DIF Eligible Improvements to be Constructed	
Infrastructure Category	Total DIF Eligible Costs	DIF Obligations - Maximum DIF Credit	DIF Credit Exceeding Obligations
Local Adjacent Water and Recycled Water Facilities	\$ 2,230,754	\$ 616,688	\$ 1,614,066
Local Adjacent Sewer System Facilities	\$ 436,245	\$ 150,040	\$ 286,205
Local Adjacent Storm Drain Facilities	\$ 1,648,063	\$ 612,572	\$ 1,035,491
Local Adjacent Streets and Bridges Facilities	\$ 633,268	\$ 745,228	\$ -
Local Adjacent Fiber Optic Facilities	\$ 37,975	\$ 287,240	\$ -
<b>Totals</b>	<b>\$ 4,986,305</b>	<b>\$ 2,411,768</b>	<b>\$ 2,935,762</b>

Total DIF Eligible Facilities: LS-Ontario II LLC			
Tract Map 20134 - Phase 2		DIF Eligible Improvements to be Constructed	
Infrastructure Category	Total DIF Eligible Costs	DIF Obligations - Maximum DIF Credit	DIF Credit Exceeding Obligations
Local Adjacent Water and Recycled Water Facilities	\$ 1,149,126	\$ 626,640	\$ 522,486
Local Adjacent Sewer System Facilities	\$ 2,068,841	\$ 153,616	\$ 1,915,225
Local Adjacent Storm Drain Facilities	\$ 4,949,947	\$ 609,280	\$ 4,340,667
Local Adjacent Streets and Bridges Facilities	\$ 716,784	\$ 760,784	\$ -
Local Adjacent Fiber Optic Facilities	\$ 37,975	\$ 295,840	\$ -
<b>Totals</b>	<b>\$ 8,922,672</b>	<b>\$ 2,446,160</b>	<b>\$ 6,778,378</b>

**Exhibit 5**

**FORM OF CERTIFICATE OF REGIONAL OR LOCAL ADJACENT DIF CREDIT**

Pursuant to Section 6 of the Development Impact Fee Credit Agreement for Facility Construction by and between the City of Ontario and \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Fee Credit Agreement", the City of Ontario hereby certifies that Developer is entitled to the following amount and nature of DIF Credits:

Amount of Credit: \$ \_\_\_\_\_  
Infrastructure Category of DIF: \_\_\_\_\_  
Local Adjacent or Regional Category of DIF: \_\_\_\_\_

\_\_\_\_\_  
Scott Ochoa, City Manager

Dated: \_\_\_\_\_

**Exhibit 6**

**FORM OF DIF CREDIT REQUEST**

DIF Project Name & Number: \_\_\_\_\_

The undersigned (the "Developer"), hereby requests DIF Credits in the DIF categories and amounts specified in Attachment 1 hereto, attached and incorporated. In connection with this Credit Request, the undersigned hereby represents and warrants to the City as follows:

1. He (she) is a duly authorized officer or representative of the Developer, qualified to execute this Credit Request on behalf of the Developer and is knowledgeable as to the matters set forth herein.

2. All costs of the Improvements for which credit is requested hereby are Eligible Costs (as defined in the Fee Credit Agreement) and have not been inflated in any respect. The Eligible Costs for which credit is requested have not been the subject of any prior credit request submitted to the City.

3. Supporting documentation (such as the applicable Developer Contract, third party invoices, lien releases and cancelled checks or other evidence of payment) is attached with respect to each cost for which credit is requested.

4. The Improvement for which credit is requested was constructed in accordance with the requirements of the Fee Credit Agreement.

5. Please issue a Certificate of DIF Credit to the Developer in the amount requested.

I declare under penalty of perjury that the above representations and warranties are true and connect.

DEVELOPER:

CITY:

[INSERT ENTITY]

Credit Request Approved

By: \_\_\_\_\_  
Authorized Representative of Developer  
Date: \_\_\_\_\_

\_\_\_\_\_  
Scott Ochoa, City Manager  
Date: \_\_\_\_\_

**ATTACHMENT 1 to Form of DIF Credit Request**

**SUMMARY OF IMPROVEMENTS AND REQUESTED DIF CREDITS**

Improvement	Eligible Costs/Contract Amount	DIF Credit Requested
-------------	--------------------------------	----------------------

[List here all Improvements for  
which credit is requested, and attach support documentation]



**Exhibit 8**

**FORM OF ASSIGNMENT, SALE, OR TRANSFER OF DIF CREDIT**

**FROM** \_\_\_\_\_ **to** \_\_\_\_\_

This Sale or Transfer of DIF Credit ("DIF Credit Transfer") is entered into as of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, a \_\_\_\_\_  
\_\_\_\_\_ ("Transferor")  
and \_\_\_\_\_ ("Transferee").

A. NMC Builders, LLC is a limited liability company formed under the laws of the state of California, the business affairs of which are governed by that certain Amended and Restated Limited Liability Company Agreement of NMC Builders, LLC dated as of March 31, 2005, as amended ("NMC Agreement").

B. Transferor is a Member of the NMC Builders, LLC.

C. Pursuant to that certain Certificate of DIF Credit (the "Certificate") issued by the City of Ontario to NMC Builders, LLC, dated \_\_\_\_\_, an amount of DIF Credit was made available to the Transferor for use in the eastern portion of the New Model Colony. A copy of the Certificate is DIF Credit issued to NMC Builders, LLC by CITY is attached hereto and incorporated herein as Exhibit "C-2".

D. Transferee is owner of real property within the eastern portion of the New Model Colony of the City of Ontario and further described as Tract Map No. \_\_\_\_\_. (*or other description of the property*).

D. Pursuant to the terms of this DIF Credit Assignment, Transferee desires to receive from the Transferor, a share of the DIF Credit issued to Transferor by NMC Builders LLC.

For good, valuable and sufficient consideration received, the receipt of which is hereby acknowledged, the Transferor and Transferee hereby agree as follows:

**1. TRANSFER**

The Transferor hereby assigns, transfers and conveys to Transferee the DIF Credit of:

DIF Credit Category

DIF Credit Amount

\_\_\_\_\_

\_\_\_\_\_

## 2. ACCEPTANCE

Transferee hereby accepts and assumes DIF Credit as listed above. Transferee and CITY shall track DIF Credit as it is redeemed, and the remaining balance to be used, by completing, dating and initialing Exhibit "D-3" attached hereto and incorporated herein. The original Exhibit "C-2" shall not be removed from this Transfer Agreement.

## 3. EFFECTIVE DATE.

This Transfer Agreement shall become effective as of the date first above written.

## 4. TRANSFEROR'S REPRESENTATIONS AND WARRANTIES.

The Transferor makes the following representations and warranties, which representations and warranties shall survive this DIF Credit Transfer:

The Transferor has the full power and authority to enter into this DIF Credit Transfer.

The execution, delivery and performance of this DIF Credit Transfer will not result in any violation or default under its organizational documents or any instruments to which the Transferor is a party.

From and after the date of this DIF Credit Transfer, the Transferor shall have no further rights, title or interest in or to the DIF Credit.

## 5. TRANSFEREE'S REPRESENTATION AND WARRANTIES.

Transferee makes the following representations and warranties, which representations and warranties shall survive this Transfer:

Transferee is the owner of Tract No. \_\_\_\_\_ (or other property description) in the eastern portion of the New Model Colony, City of Ontario.

Transferee has the full power and authority to enter into this DIF Credit Transfer.

This DIF Credit Transfer, when executed, shall constitute a valid and legal obligation binding as to Transferee.

## 6. NOTICES.

All notices, consents, waivers and other communications under this DIF Credit Transfer must be in writing and will be deemed to have been duly given when (a) delivered by hand (with written confirmation of receipt), (b) when received by the addressee, if sent by a nationally recognized overnight delivery service (receipt requested), in each case to the appropriate addresses set forth below (or to such other addresses as a party may designate by notice to the other parties); (c) when received by the addresses as confirmed by a confirmation receipt, if sent by facsimile to the appropriate facsimile number designated below (or to such other facsimile number as the parties may designate by notice to the other parties).

If to the Transferor: Entity Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Attention: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

If to Transferee: Entity Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Attention: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_  
Email: \_\_\_\_\_

## 7. GENERAL PROVISIONS.

Severability. In the event that the application of any of the provisions of this DIF Credit Transfer are held to be unenforceable or invalid, the validity and enforceability of other applications of that provision and of the remaining provisions shall not be affected.

Counterparts. This DIF Credit Transfer may be executed in counterparts.

Entire Agreement. This DIF Credit Transfer contains the entire final understanding of and between the parties and supersedes any prior written or oral agreements between them respecting the subject matter of this DIF Credit Transfer. There are no representations, agreements, arrangements or understandings, oral or written, between the parties that are not fully set forth herein.

Construction. Every covenant, term and provision of this DIF Credit Transfer shall be construed simply according to its fair meaning and not strictly for or against any party.

No Modifications. No supplement, modifications or amendment to this DIF Credit Transfer shall be binding unless executed in writing by both parties.

Further Assurances. The Transferor and Transferee each agree to execute such other documents and perform such other acts as may be necessary or desirable to effectuate this DIF Credit Transfer.

Effect of NMC Agreement and Certificate. This DIF Credit Transfer Agreement is, and shall remain, subject to the terms and conditions of the DIF Credit Certificate and the NMC Agreement, as may be amended by the parties thereto from time to time.

No Third Party Beneficiaries. This DIF Credit Transfer Agreement is made and entered into for the sole protection and benefit of the parties hereto, the City of Ontario, and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this DIF Credit Transfer Agreement.

IN WITNESS WHEREOF, the Transferor and Transferee have duly executed this DIF Credit Transfer as of the date first written above.

TRANSFEROR:

Entity Name (NMC Builders Member) a \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

TRANSFEE:

Entity Name \_\_\_\_\_ a, \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

**(All Signatures must be notarized)**

**EXHIBIT "C-2" to Transfer of DIF Credit**

**(Certificate of DIF Credit)**

*(Original DIF Credit Certificate issued by City must be attached).*

**EXHIBIT "D-3" to Transfer of DIF Credit**  
**Available DIF Credit Reconciliation**

**DIF Credit Category** \_\_\_\_\_

**Assigned to:** \_\_\_\_\_ **(NMC Member)**

**Date Assigned to NMC Member:** \_\_\_\_\_

**Transferee:** \_\_\_\_\_

**Date Transferred:** \_\_\_\_\_

<b>Starting DIF Credit Balance</b>	<b>Amount Redeemed</b>	<b>Date</b>	<b>Remaining DIF Credit Balance</b>	<b>City's Initials</b>	<b>Transferee's Initials</b>

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

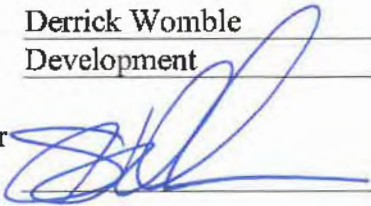
**SUBJECT: A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT (FILE NO. PDIF20-005) BETWEEN THE CITY OF ONTARIO AND AIRPORT DRIVE INDUSTRIAL OWNER, L.P., FOR FACILITY CONSTRUCTION ASSOCIATED WITH THE DEVELOPMENT PLAN (FILE NO. PDEV19-044), LOCATED AT 1236 EAST AIRPORT DRIVE, WITHIN THE IG (GENERAL INDUSTRIAL) ZONING DISTRICT**

**RECOMMENDATION:** That the City Council approve the Development Impact Fee Credit and Reimbursement Agreement (File No. PDIF20-005) between the City of Ontario and Airport Drive Industrial Owner, L.P., for facility construction associated with the Development Plan (PDEV 19-044), located at 1236 East Airport Drive, within the IG (General Industrial) zoning district; and authorize the City Manager to execute the agreement.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)

**FISCAL IMPACT:** Approval of the proposed Development Impact Fee ("DIF") Credit and Reimbursement Agreement (File No. PDIF20-005) will result in no fiscal impact to the City's General Fund. The project's Development Plan (File No. PDEV19-044) and related conditions require Airport Drive Industrial Owner, L.P. ("Developer"), to construct DIF Program infrastructure with estimated costs of \$3,015,776. The proposed DIF Credit and Reimbursement Agreement defines the amount of DIF credit and DIF reimbursement that the Developer may be eligible to receive. The DIF credit that the Developer will receive upon completion of the improvements may be exchanged for a refund of DIF that was paid by the Developer (up to the Developer's maximum DIF obligation) in the OMC Regional Water and OMC Local Adjacent Sewer DIF categories. Additionally, should the Developer construct the sewer improvements along Grove Avenue and the water improvements along Airport Drive, the Developer may be eligible to receive a DIF reimbursement estimated at \$1,007,495 from the OMC Local Adjacent Sewer DIF fund (Project SW-051) and \$502,673 from the OMC Regional Water DIF

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Derrick Womble  
Department: Development  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

5

fund (Project WT-004). The Fiscal Year 2020-21 First Quarter Budget Update Report to the City Council will include appropriations from the OMC Local Adjacent Sewer and OMC Regional Water DIF funds, respectively, to reimburse the Developer. Furthermore, the Developer may also become eligible to receive additional reimbursements for the sewer improvements along Airport Drive from the OMC Local Adjacent Sewer DIF fund (Project SW-050), estimated at \$1,438,880 as other developers that directly benefit from the sewer improvements along Airport Drive pay their respective DIF. Any DIF reimbursement will be determined by the Ontario Municipal Utilities Company (OMUC) and the City's Engineering Department, upon review and approval of the actual eligible costs for the improvements. The Developer's total reimbursement shall not exceed the City's DIF Program costs for the improvements and has no immediate impact or obligation on the City's General Fund.

**BACKGROUND:** On February 25, 2020, the Planning Commission adopted Resolution No. PC20-003 approving the Development Plan (File No. PDEV19-044) and related conditions, addressing the development of a industrial building totaling 127,100 square-feet on 5.57 acres of land, located at 1236 East Airport Drive, within the IG (General Industrial) zoning district (the "Project").

The Project conditions include the requirements for the construction of sewer and water improvements to serve the Project and the surrounding area along Grove Avenue and Airport Drive, respectively. The proposed infrastructure is located within the General City and is necessary for the Project to be developed.

Pursuant to the City's adopted DIF Credit and Reimbursement policies, construction of DIF Program Facilities requires the Developer and the City enter into a DIF Credit and Reimbursement Agreement ("Agreement"). The proposed Agreement specifies the infrastructure to be constructed by the Developer in the Local Adjacent and Regional DIF categories and includes an estimate of the maximum DIF credit and/or DIF reimbursement that may be applied in the Local Adjacent and Regional DIF categories. Since the maximum eligible costs in the Agreement for the required infrastructure exceeds the Developer's DIF obligation, the Developer is also eligible to receive DIF reimbursement under the proposed Agreement.

The proposed Agreement complies with the City's DIF Policies and is in conformance with the approved Development Plan and related conditions. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements upon approval by the City Council.



**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO  
CITY CLERK / RECORDS MANAGEMENT  
303 EAST "B" STREET  
ONTARIO, CA 91764-4196

Space above this line for Recorder's Use

Exempt from Fees Per Gov. Code §6103

**FILE NO. PDIF20-005**

**DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT  
AGREEMENT FOR FACILITY CONSTRUCTION**

**By and Between**

**City of Ontario  
a California municipal corporation**

**and**

**Airport Drive Industrial Owner, LP  
a Delaware limited partnership**

\_\_\_\_\_, 2020

**San Bernardino County, California**

**DEVELOPMENT IMPACT FEE CREDIT AGREEMENT AND REIMBURSEMENT  
FOR FACILITY CONSTRUCTION BY AND BETWEEN THE CITY OF ONTARIO  
AND AIRPORT DRIVE INDUSTRIAL OWNER, LP  
(FILE NO. PDIF20-005)**

This DEVELOPMENT IMPACT FEE CREDIT AGREEMENT ("Fee Credit Agreement"), entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between the CITY OF ONTARIO, a California municipal corporation, hereinafter referred to as the "City," and Airport Drive Industrial Owner, LP a Delaware limited partnership, hereinafter referred to as the "Developer."

**RECITALS**

A. Developer is the owner and developer of property located within the City, which property has received development approvals from the City, including the Development Plan (File No. PDEV19-044) to construct a 127,100 square-foot industrial building on 5.57 acres of land located at 1236 East Airport Drive, within the IG (General Industrial) zoning district. A legal description of the property is attached as Exhibit 1 (the "Property"). A map of the Property is attached as Exhibit 2.

B. As a condition of the development approvals for the Property, including the Development Plan approvals, the Developer is required to construct those public improvements identified on Exhibit 3, consisting of certain master planned public infrastructure and Improvements, (hereinafter referred to as the "Improvements") The estimated costs for the design and construction of the Improvements are set forth in Exhibit 4.

C. On July 1, 2003, City Ordinance No. 2779 was adopted establishing certain development impact fees ("DIF Fees") to be paid as a condition to the issuance of certain entitlements within the City. Section 7 of Ordinance No. 2779 authorizes the City Manager, when he or she determines that the public interest among other reasons would be served by such an agreement, to execute agreements on behalf of the City with applicants in order to provide a credit to the applicant against certain DIF Fees in exchange for the applicant's construction and dedication of public improvements, upon reasonable terms and conditions as may be determined on a case by case basis.

D. Developer has assumed all rights, responsibilities and obligations of the Property per the approved Development Plan, including the design and construction of the Improvements identified in Exhibit 3 and such improvements are included in the City's Development Impact Fee (DIF) Program as a project, or a portion of a project and eligible for credit against DIF Fees.

E. City and Developer have agreed that the costs to design and construct the Improvements shall be eligible for DIF Credit in accordance with the City's [Ontario Ranch] DIF Credit policies as contained in the City's DIF Program and Resolution No. 2019-135.

## AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual promises contained herein, it is agreed as follows:

1. Definitions. For purposes of this Agreement, the terms below shall be defined as follows:

“Acceptable Title” means title to land or an interest therein required for the construction, operation and maintenance of an Improvement, in form acceptable to the City Manager, free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether or not recorded, but subject to any exceptions determined by the City Manager as not materially interfering with the actual or intended use of the land or interest therein required for the operation of an Improvement. Notwithstanding the foregoing, an irrevocable offer of dedication may constitute “Acceptable Title.”

“Acceptance Date” means the earlier of (i) date the City Manager or his/her designee takes final action, in writing, to accept dedication or transfer of an Improvement or (ii) the date determined pursuant to Section 3 below.

“Bid Documents” means all designs, bid documents, construction plans and specifications, system layout drawings and other construction documents and permits approved by the City relating to an Improvement.

“Certificate of DIF Credit” means a City certificate for the issuance of DIF Credit to Developer in the form attached hereto as Exhibit 5.

“City DIF Program and Policies” or “DIF Program” means Ordinance Nos. 2779 and 2780 and Resolution No. 2019-135, as -it may be amended from time to time and as DIF Fees and the capital improvement projects and public infrastructure identified therein may be revised by Resolution.

“City Manager” means the City Manager of the City or his or her designee.

“City Engineer” means the City’s City Engineer or his or her designee.

“Completed”, “Complete” and “Completion” with respect to an Improvement mean that such Improvement has been completed in accordance with its Bid Documents, including any final “punch list” items, as approved in writing by the City Engineer, which approval shall not be unreasonably withheld, and that such Improvement is Usable. Notwithstanding the foregoing, if an Improvement which Developer is obligated to construct pursuant to the applicable conditions of approval for a portion of the Property is only a portion of a larger work of improvement, then a determination of “Completed” or “Completion” with respect to that Improvement shall

be made only as to that Improvement and not with respect to the larger work of improvement of which it is a portion.

“Credit Request” means a document, substantially in the form of Exhibit 6, to be used by Developer in requesting DIF Credits with respect to one or more Improvements.

“Days” shall mean business days unless otherwise stated.

“Developer Contract” means a contract between the Developer and a qualified contractor awarded to the qualified contractor for the construction of the Improvements at the direction of Developer.

“Development Plan” has the meaning set forth in Recitals.

“DIF” or “DIF Fees” means the development impact fees imposed within the [Ontario Ranch] area pursuant to City Ordinance Nos. 2779 and 2780 and City Resolution No. 2019-135 and any subsequent City ordinances and resolutions lawfully adopted by the City Council to update or modify such development impact fees.

“DIF Credit” means credits earned against the payment of DIF pursuant to this Agreement.

“DIF Reimbursement” means reimbursements earned pursuant to this Agreement to be paid from future DIF; provided however that nothing contained in this Agreement shall be construed as an obligation or appropriation of general fund monies by the City.

“DIF Obligation” means the amount of Developer’s total obligation for Development Impact Fees in either the Regional or Local Adjacent portion of a DIF category for the Property. Developer’s DIF Obligation Amounts for each DIF Category shall be as provided in Exhibit 4.

“Effective Date” means the date set forth in the first paragraph of this Agreement.

“Eligible Cost” means the substantiated cost of an Improvement to be used in calculating DIF Credit amounts, which costs may include: (i) the costs for the construction (including grading) of such Improvement, (ii) costs directly related to the construction and/or acquisition of the Improvement, such as costs of payment, performance and/or maintenance bonds, the professional costs of material testing, and insurance costs (including costs of any title insurance required); (iii) the cost of acquiring any real property or interest therein in order to construct or operate the Improvement, (iv) the costs incurred in preparing Bid Documents and the related costs of geotechnical and environmental evaluations of the Improvement, (v) the fees paid to the City and any other governmental agencies for, and all other costs incurred in connection with obtaining permits, licenses or other governmental approvals for

such Improvement, (vi) costs of construction and project management, administration and supervision (but only up to five percent (5%) of the costs described in clause (i) above) incurred for the construction of such Improvement, (vii) professional costs associated with such Improvement, such as design, engineering, accounting, inspection, construction staking, and similar professional services including legal services related to the review of construction contracts. The maximum amount of Eligible Costs described in clauses (iv) through (vii) shall be limited to a total of fifteen percent (15%) of the costs described in clause (i).

“Improvement” or “Improvements” means the public improvements required to support the development of the Property as described in Exhibit 3 to the extent required by the applicable conditions of approval.

“Program Cost” or “DIF Program Cost” means the estimated cost of an Improvement identified in the “Nexus Study” referenced in City Resolution No. 2019-135 as it may be modified, supplemented or superseded from time to time. The Program Cost to be applied shall be the Program Cost in effect at the time the DIF Credit Request is submitted to the City.

“Usable” shall mean that, with respect to any particular Improvement, the Improvement is actually usable for its intended purposes, and includes, for water Improvements, connection to the applicable water supply, for sewer Improvements connection to an applicable disposal system, and for recycled water Improvements connection to a treated water supply and distribution system as those connections are set out in the project approvals. Notwithstanding the foregoing, if an Improvement which Developer is obligated to construct pursuant to the applicable conditions of approval for a portion of the Property is only a portion of a larger work of improvement, then a determination by the City Engineer of whether that Improvement is “Usable” shall be made only with respect to that Improvement and not with respect to the larger work of improvement of which it is a portion.

## 2. Construction and Funding of Improvements by Developer.

(a) Construction of Improvements by Developer. Developer shall commence each Improvement in accordance with the terms of the conditions of approval for the Development Plan and individual Tract or Parcel Maps, including any extension thereof. In the event of any conflict between these documents, the soonest date of commencement shall apply. Upon commencement of the Improvement(s), Developer shall proceed expeditiously with the construction of the Improvement(s) under the terms herein.

(b) For the purposes of this Agreement, commencement of the Improvements shall mean when Developer receives the first permit from City for any grading of the Property.

(c) City and Developer agree that Developer shall award, or cause to be awarded, all contracts for the construction and Completion of the Improvements

as necessary to assure the timely and satisfactory completion of such Improvements. The Developer shall perform all of its obligations hereunder and shall conduct all operations with respect to the construction of the Improvements in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken.

(d) The Developer shall not be relieved of its obligation to construct the Improvements and shall cause title to the Improvements to be conveyed to the City even if the DIF Credit Amount is less than the actual cost of the Improvements.

(e) If Developer is unable or unwilling to proceed with, and Complete, the construction of the Improvement(s) for any reason, and subject to the provisions in Section 17 below, Developer shall be considered to be in default of this Agreement.

3. Inspection and Acceptance of Completed Improvement by City. City shall make or shall cause to be made periodic site inspections of Developer's construction work. The Acceptance Date for each Improvement constructed by Developer shall be no later than twenty (20) Days following the last to occur of the following requirements:

(a) the City Engineer's determination the Improvement is Complete;

(b) the City Engineer's determination that Acceptable Title with respect to the Improvement is available for acceptance;

(c) Developer's provision of one (1) set of "as-built" or record drawings or plans for the Improvement, certified and reflecting the condition of the Improvement as constructed; and

(d) Developer's provision of such evidence or proof as the City Manager shall require that all persons, firms and corporations supplying work, labor, materials, supplies and equipment to the construction of the Improvement have been paid and that no claims or liens have been recorded by or on behalf of any such person, firm or corporation. Alternatively, rather than await the expiration of the time for the recording of claims of liens, Developer may elect to provide a title insurance policy or other security acceptable to the City Manager guaranteeing that no such claims of liens will be recorded or become a lien upon any of the real property required for the Improvement.

4. Conveyance of Acceptable Title to City. Acceptable Title to all property on, in or over which the Improvement is located, shall, prior to and as a condition precedent to the City's acceptance of any Improvement, be conveyed to City by way of dedication of such property on the Tract or Parcel Map or by a separate recorded instrument, to permit the City to properly own, operate and maintain such Improvement. Developer shall assist the City in obtaining such documents as are

required to obtain Acceptable Title. Completion of the transfer of Acceptable Title shall be evidenced by recordation of the acceptance thereof by the City Engineer.

5. Maintenance and Warranties to be provided to City. Developer shall maintain the Improvement in good and safe condition until the Acceptance Date of the Improvement. Prior to the Acceptance Date, Developer shall, at its sole cost and expense, be responsible for performing any required maintenance on the Improvement. On or before the Acceptance Date of the Improvement, Developer shall assign to the City all of Developer's rights in any warranties, guarantees, maintenance obligations or other evidence of contingent obligations of third persons with respect to such Improvement. All warranties, guarantees or other evidences of contingent obligations of third persons with respect to the Improvement shall be delivered to the City Engineer, in writing, as part of the transfer of title.

(a) After the Acceptance Date, City shall be solely responsible for maintenance of the Improvement.

(b) With respect to the Improvement, Developer shall warrant that the Improvement is free from defects in materials and construction defects (and shall correct or cause to be corrected any such defects at Developer's expense) for a period of one year from the Acceptance Date thereof (the "Warranty Period") and Developer shall provide a bond or other security reasonably acceptable in form and substance to the City for such period and such purpose to insure that such defects that appear within said period will be repaired, replaced or corrected by Developer, at its own cost and expense, to the reasonable satisfaction of the City Manager. During the Warranty Period, Developer shall continue to repair, replace or correct any such defects within thirty (30) Days after written notice thereof by the City Engineer to Developer, and shall complete such repairs, replacement or correction as soon as practicable.

(c) In the event that Developer does not repair, replace or correct defects after such written notice, in addition to the provisions of Section 17 below, City may repair, replace or correct the defects in the Improvement and charge the Developer for the cost of such repair, replacement or correction plus City staff time and overhead.

6. Issuance of DIF Credit to Developer. Developer shall receive DIF Credits based upon the verified Eligible Costs of the Improvement (or accepted portion of the Improvement). Issued DIF Credits shall specify the DIF Credit infrastructure category and whether the DIF Credit is for construction of a Regional or Local Adjacent DIF Program Improvement.

7. Limitations on the Issuance of DIF Credit to Developer upon Completion of an Improvement. The amount of DIF Credit to be issued by City shall be limited to the amount of the DIF Program Costs for the Improvement or segment cost for the percentage of the Program Costs proportional to the segment of improvement constructed or accepted. The DIF Program Costs identified in the City's

DIF Program shall be subject to change, from time to time, as part of the continuing update of the City's DIF Program. The DIF Program Costs for the Improvement (or accepted portion of the Improvement) shall be those in effect at the time the DIF Credit Request is submitted to the City.

8. Issuance of a DIF Credit Certificate. When an Improvement is Complete, Developer shall submit a DIF Credit Request to City with all supporting documentation evidencing the total actual Eligible Costs of the Improvement at the time of submittal. The City Manager shall determine the completeness of the DIF Credit Request and notify Developer of whether the DIF Credit Request is considered complete or if additional information is needed from Developer. Once the DIF Credit Request is considered complete, the City Manager shall use his or her best efforts to determine the total actual Eligible Costs of the Improvements and provide Developer with a Certificate of DIF Credit within twenty (20) Days following receipt of the completed DIF Credit Request.

9. DIF Program Modifications. The estimated cost in the City's DIF Program for DIF Improvements (or defined portions of DIF Improvements) as listed in Exhibit 4 and Developer's total DIF Obligation amount may be modified from time to time based on modifications to the City's DIF Program.

10. Assignment of DIF Credits. Developer shall have the right to sell, transfer or assign DIF Credits provided for herein, to any person, partnership, limited liability company, joint venture, firm or corporation; provided, however, that any such sale, transfer or assignment shall only be made in strict compliance with the following:

(a) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, Developer (i) shall notify the City Manager, in writing, of such sale, transfer or assignment and (ii) shall provide the City with an executed agreement between Developer and the purchaser, transferee or assignee that identifies the amount of DIF Credits transferred, as provided in Exhibit 8 of this Agreement.

(b) Except for the limited assignment of DIF Credits under subsection 10 (a) above, any assignment by Developer of any of the obligations of Developer under this Agreement (a "DIF Improvement Assignment") with regards to the Improvements listed in Exhibit 3, shall identify the Improvements that are the subject of the Assignment Agreement and require the prior written approval of the City Manager, which approval shall not be unreasonably withheld so long as adequate security as determined by City in its sole discretion, is in place to secure the Completion of the subject Improvements. Any DIF Improvement Assignment not made in strict compliance with the foregoing conditions (other than a transfer under Section 26 below) shall, unless such obligations are performed by Developer when required by this Agreement notwithstanding such assignment, constitute a default by Developer under Section 17 below. In such event, City shall have no further obligations with regard to acceptance of Certificates of DIF Credit issued to Developer, including any DIF Credit assigned or transferred by Developer.



(c) If Developer enters into a DIF Improvement Assignment with a successor in interest with respect to all or a part of the Property (a "Successor Developer") in accordance with subsection 10(b) above, and the Successor Developer obtains DIF Credit pursuant to this Agreement upon its completion of the Improvements identified in the DIF Improvement Assignment, then

(i) such Successor Developer shall have the right to sell, transfer or assign to Developer, and Developer shall have the right to acquire from such Successor Developer, all or a portion of such DIF Credit by complying only with Section 10(a) above, and

(ii) Developer shall have the right to sell, transfer or assign all or a portion of such DIF Credit to other Successor Developers who acquire other portions of the Property by complying only with Section 10(a) above, if the sale, transfer or assignment of such DIF Credit occurs concurrently with the conveyance of another portion of the Property to the other Successor Developer.

11. DIF Reimbursements. Developer shall only be eligible to receive DIF Reimbursement when Developer's total verified Eligible Costs for all DIF Program Improvements constructed and completed by Developer within the Regional or Local Adjacent DIF category exceeds Developer's total DIF Obligation for Regional or Local Adjacent portion of such DIF Category. Developer's Regional and Local Adjacent DIF Obligations shall be defined in Exhibit 4. If any amount of DIF Reimbursement is issued, the amount and nature of the DIF Reimbursement shall be evidenced by a Certificate of DIF Reimbursement, in the form set forth in Exhibit 7. The Certificate of DIF Reimbursement that is issued by the City shall specify that the DIF Reimbursement shall only apply to the Regional or Local Adjacent portion of the respective DIF category for the completed Improvement(s). Prior to the issuance of a Certificate of DIF Reimbursement, the City Manager, shall review and approve the total amount of the actual Eligible Costs of the completed and accepted Improvement(s). Any DIF Reimbursement amount paid to Developer is to be paid from the Regional or Local Adjacent respective DIF category collected by the City and designated for the cost of construction of DIF Program Improvement(s), and the City shall not be obligated to pay the DIF Reimbursements amount except from the Regional or Local Adjacent respective DIF category fees collected and held by the City. The amount of DIF Reimbursement to be issued by City shall be limited to the amount of DIF Program Costs for the Improvement (or accepted portion of the Improvement).

## 12. Terms of Reimbursement.

12.1 Reimbursement Procedure. City shall reimburse to Developer the DIF Reimbursement amount (without interest) only from the Regional or Local Adjacent respective DIF category, as defined in Exhibit 4, for which the Certificate of DIF Reimbursement is issued.

12.2 Review and Determination of Availability of Funds. On the first July 1<sup>st</sup> that is at least one year after the Effective Date of this Agreement, City shall conduct a review to determine the availability of funds, if any, for reimbursement. The City will perform a review of the amount of DIF that have been received for the applicable Regional or Local Adjacent portion of the DIF category. No interest will be credited on any outstanding DIF Reimbursement amounts. Thereafter, on each July 1<sup>st</sup> and upon written request from Developer, City shall conduct a review to determine the availability of funds, if any, for reimbursement. Such funds shall be determined to be available for reimbursement to Developer only after the satisfaction of any pre-existing City reimbursement obligations. The Developer is entitled to receive reimbursement for a period not to exceed ten (10) years following the date of Completion of the Improvement(s) identified in Exhibit 4, up to the total DIF Reimbursement amount.

12.3 Order of Priority for Reimbursement. When it is determined by the City that funds are available for reimbursement, the priority for reimbursement shall be based upon the date of issuance of the Certificate of DIF Reimbursement with the earliest date of issuance being reimbursed in full before the next Certificate of DIF Reimbursement is paid.

13. Sewer Capital Fund Reimbursements. Pursuant to the Development Plan approvals for the Improvement(s), Developer is conditioned to construct a 21-inch sanitary sewer line along Grove Avenue from Airport Drive to the point of connection identified on the approved plans. Should Developer construct and complete the 21-inch sanitary sewer line along Grove Avenue from Airport Drive to the point of connection identified on the approved plans, Developer may be entitled to the "Sewer Capital Fund Reimbursement" in accordance with subsection 13.1 below. Prior to issuance of the Sewer Capital Fund Reimbursement, the City Manager shall review and approve the total amount of the actual Eligible Costs of the completed and accepted Improvement(s). Any Sewer Capital Fund Reimbursement amount paid to Developer is to be paid solely from the Sewer Capital Fund, and the City shall not be obligated to pay the Sewer Capital Fund Reimbursement amount from any other source of funds. The City hereby represents that the Sewer Capital funds has, as of the Effective Date, sufficient funds to honor the Sewer Capital Fund Reimbursement set forth in this Agreement, should the Developer construct the 21-inch sanitary sewer line along Grove Avenue from Airport Drive to the point of connection identified on the approved plans. The timing and amount of the Sewer Capital Fund Reimbursement payments are subject to availability as reasonably determined by the City.

13.1 Sewer Capital Fund Terms of Reimbursements. If constructed by Developer, City shall reimburse Developer one hundred percent (100%) of the actual Eligible Costs for a 21-inch sanitary sewer line along Grove Avenue from Airport Drive to the point of connection identified on the approved plans, and such reimbursement shall be the Sewer Capital Fund Reimbursement.

13.2 **Additional Reimbursements.** Should Developer construct the 8-inch sanitary sewer along Airport Drive to the point of connection identified on the approved plans, Developer shall have the option to receive additional reimbursement for the actual Eligible Costs of the 8-inch sanitary sewer along Airport Drive to the point of connection identified on the approved plans, in accordance with the City's DIF Reimbursement Policy. No DIF Reimbursement shall be available from DIF payments made by any development that does not benefit from Developer's construction of the 8-inch sanitary sewer along Airport Drive or from DIF payments received for other DIF categories.

14. **Additional Documents/Actions.** The City Manager is authorized to approve and execute any documents and to take any actions necessary to effectuate the purposes of this Agreement.

15. **Integration.** This Agreement reflects the complete understanding of the parties with respect to the subject matter hereof. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Plan.

16. **Prevailing Wages.** Developer is aware of the requirements of California Labor Code Section 1720, et seq. (as amended by Stats 2001 ch. 938 § 2 (S.B. 975)), through 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq. and Labor Code Sections 1810, 1811, 1813, 1814; (collectively, the "Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. The Bid Documents and each Developer Contract shall require all contractors for the construction of Improvements to register with the Department of Industrial Relations and to pay and report prevailing wages in accordance with the applicable provisions of the Labor Code. Developer shall obtain from the City and make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the Developer's principal place of business and at the project site. Developer shall defend, indemnify and hold the City, its officials, officers, employees, agents, contractors, attorneys and volunteers free and harmless from any fine, penalty claim or liability of any kind arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

17. **Default and Force Majeure.**

(a) **Default.** Failure or delay by Developer or City to perform any of its obligations under this Agreement constitutes a default by such party under this Agreement. The party alleged to be in default shall have thirty (30) Days after the date of the written notice by the other party to commence to cure such default. The party alleged to be in default shall diligently pursue such cure to completion within a reasonable timeframe as established in the written notice provided by the party asserting the default. If the party alleged to be in default has not cured its default within the cure period set forth therein, the defaulting party shall be deemed in breach. Any failure or delay in giving such notice or in asserting any rights and remedies as

to any default shall not constitute a waiver of any default, nor shall it change the time of default, nor shall it deprive the party not in default of its rights to institute and maintain any actions or proceeding which it may deem necessary to protect, assert or enforce any of its rights or remedies. If any default by Developer is not cured within the time period provided by the City, City shall be entitled to terminate this Agreement in its entirety and thereafter, the City shall be under no obligation to perform any of City's obligations hereunder, including, but not limited to, the issuance of DIF Credits and DIF Reimbursements that Developer may claim.

(b) Force Majeure. Notwithstanding the provisions contained in the foregoing paragraph, performance by either party hereunder shall not be deemed to be in default where delay or defaults are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation brought by a third party, unusually severe weather, reasonably unforeseeable property conditions, acts of the other party, acts or failure to act of the other party or any other public or governmental agency or entity, or any causes beyond the control or without the failure of the party claiming an extension of time to perform (a "Force Majeure Event"). An extension of time for any such cause (an "Excusable Delay") shall be for the time period of the delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of knowledge of the commencement of the cause or from the date of the notice if provided after such thirty-day period. Notwithstanding the foregoing, none of the foregoing events shall constitute an Excusable Delay unless and until the party claiming such delay and interference delivers to the other party written notice describing the event, its cause, when and how such party obtained knowledge, the date the event commenced, and the estimated delay resulting therefrom. Any party claiming an Excusable Delay shall make a good faith effort to deliver such written notice within thirty (30) Days after it obtains actual knowledge of the event. Times of performance under this Agreement may also be extended in writing by City and Developer. The Parties hereto expressly acknowledge and agree that changes in either general economic conditions or changes in the economic assumptions of any of them (unless such conditions were caused by a Force Majeure Event) that may have provided a basis for entering into this Agreement and that occur at any time after the execution of this Agreement are not Force Majeure Events and do not provide any Party with grounds for asserting the existence of a delay in the performance of any covenant or undertaking that may arise under this Agreement. Each Party expressly assumes the risk that changes in general economic conditions or changes in such economic assumptions relating to the terms and covenants of this Agreement could impose an inconvenience or hardship on the continued performance of such Party under this Agreement, but that such inconvenience or hardship is not a force majeure event and does not excuse the performance by such Party of its obligations under this Agreement. Without limiting the nature of the foregoing, the parties agree that the inability of Developer to obtain a satisfactory commitment from a construction lender for the improvement of the Property or to satisfy any other condition of this Agreement relating to the development of the

Property shall not be deemed to be a force majeure event or otherwise provide grounds for the assertion of the existence of a delay under this Section 17.

18. Licenses and Permits. The Developer shall secure (or shall cause to be secured) any and all permits that may be required by the City or any other governmental agency for the construction of the Improvements. The Developer shall be responsible for paying all applicable fees and charges to the City or other governmental agency to obtain any land use entitlements and permits that are necessary to construct the Improvements, although a portion of such costs may be recoverable as DIF credits.

19. Indemnification. The Developer shall protect, indemnify, defend and hold the City, and its respective officials, officers, employees, agents, contractors, attorneys and volunteers, and each of them, harmless from and against any and all claims, losses, expenses, suits, actions, fines, penalties, decrees, judgments, awards, attorney's fees (to Counsel chosen by City), expert and court costs (collectively "Damages") that the City, or its respective officers, officials, employees, agents, contractors and volunteers or any combination thereof, may suffer or that may be sought against or recovered or obtained from the City, or its respective officers, officials, employees, agents, contractors, attorneys or volunteers or any combination thereof, as a result of or by reason of or arising out of or in consequence of (a) the acquisition, construction, or installation of the Improvements; (b) the untruth or inaccuracy of any representation or warranty made by the Developer in this Agreement or in any certifications delivered by the Developer hereunder; or (c) any act or omission of the Developer or any of its subcontractors, or their respective officers, employees, agents, or contractors in connection with the Improvements. If the Developer fails to do so, the City shall have the right, but not the obligation, to defend the same and charge all of the direct, indirect and incidental costs of such defense, including any reasonable attorney fees, expert or court costs, to and recover the same from the Developer. Notwithstanding the foregoing, neither the City nor its respective officers, officials, employees, agents, contractors, attorneys or volunteers shall be indemnified, defended or held harmless against such Damages to the extent that such Damages have been caused by their sole active negligence or sole willful misconduct. The parties acknowledge and agree that the Developer shall be released from the indemnity, defense and hold harmless obligations set forth herein upon the acceptance of the Completed Improvements by the City and completion of the Warranty Period for such Improvements.

20. Developer as a Private Developer. In performing under this Agreement, it is mutually understood that the Developer is acting as a private developer, and not as an agent of the City or as a joint venturer with City. The City shall have no responsibility for payment to any contractor, subcontractor or supplier of the Developer. Accordingly, this Agreement does not constitute a debt or liability of the City. The City shall not be obligated to advance any of its own funds or any other costs incurred in connection with the Project. No member, official, employee, agent, contractor, attorney or volunteer of the City shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the City or for

any amount that may become due to the Developer or its successors, or on any obligations under the terms of this Agreement.

21. Other Obligations. Nothing contained herein shall be construed as affecting the Developer's respective duty to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the Property, which obligations are and shall remain independent of the Developer's rights and obligations, and the City's rights and obligations, under this Agreement; provided, however, that the Developer shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which could reasonably be expected to materially and adversely affect the design, acquisition, construction and installation of the Improvements. This Agreement is not, and shall not be construed as, a statutory development agreement as authorized by Government Code sections 65864 et seq., and this Agreement shall not be interpreted as limiting the authority of the City to adopt and amend regulations concerning permitted uses of property, the density or intensity of use, the maximum height and size of proposed buildings, provisions for the reservation or dedication of land or the payment of impact fees for public purposes.

22. Binding on Successors and Assigns. Except as set forth in Section 10 or Section 26 hereof, neither this Agreement nor the duties and obligations of the Developer hereunder may be assigned to any person or legal entity other than an affiliate of the Developer without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. Neither this Agreement nor the duties and obligations of the City hereunder may be assigned to any person or legal entity, without the written consent of the Developer, which consent shall not be unreasonably withheld or delayed. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted and accepted assigns, and successors-in-interest of the parties hereto.

23. Amendments. This Agreement can only be amended by an instrument in writing executed and delivered by the City and the Developer.

24. Waivers. No waiver of, or consent with respect to, any provision of this Agreement by a party hereto shall in any event be effective unless the same shall be in writing and signed by such party, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given.

25. No Third Party Beneficiaries. No person or entity, other than the City, shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either express or implied) is intended to confer upon any person or entity, other than the City and the Developer (and their respective successors and assigns), any rights, remedies, obligations or liabilities under or by reason of this Agreement.

26. Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit Developer, at Developer's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. Developer shall have the right to encumber and assign its rights and interests hereunder to the lenders providing such financing as security for such financing without the consent of the City and without complying with Section 10 hereof. City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Developer and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. A mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust on the Property made in good faith and for value, unless otherwise required by law.

(b) The mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from City of any default by Developer in the performance of Developer's obligations under this Agreement.

(c) If City timely receives a request from a mortgagee requesting a copy of any notice of default given to Developer under the terms of this Agreement, City shall provide a copy of that notice to the mortgagee within ten (10) Days following the sending of the notice of default to Developer. The mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no mortgagee shall have an obligation or duty under this Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and further provided that any sale, transfer or assignment by any mortgagee in possession shall be subject to the provisions of Section 10 of this Agreement.

27. Notices. Any written notice, statement, demand, consent approval, authorization, offer, designation, request or other communication to be given hereunder shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other party in writing from time to time, namely:

**Developer:**

Airport Drive Industrial Owner, LP  
3520 Piedmont Road, Suite 100  
Atlanta, GA 30305  
Attn: Stephen L. Nelsen  
Email: [snelsen@oakmontre.com](mailto:snelsen@oakmontre.com)  
Phone: (404) 869-9990

**with a copy to:**

Allen Matkins Leck Gamble Mallory & Natsis LLP  
865 South Figueroa Street, Suite 2800  
Los Angeles, CA 90017-2543  
Attn: David Stone  
Email: [davidstone@allenmatkins.com](mailto:davidstone@allenmatkins.com)  
Phone: (213) 955-5628  
Fax: (213) 620-8816

**City:**

City of Ontario  
Attn: City Manager  
303 East "B" Street  
Ontario, CA 91764  
Phone: (909) 395-2000

**with a copy to:**

Scott Huber, City Attorney  
Cole Huber, LLP  
2281 Lava Ridge Court, Ste. 300  
Roseville, CA 95661

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery; (b) if given by electronic communication, whether by telex, or telecopy, upon the sender's receipt of an appropriate answerback or other written acknowledgment; (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail; (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier; or (e) if given by any other means, upon delivery at the address specified in this Section.



28. Jurisdiction and Venue. City and the Developer (a) agree that any suit, action or other legal proceeding arising out of or relating to this Agreement shall be brought in state or local court in the County of San Bernardino or in the Courts of the United States of America in the district in which the City is located, (b) each consents to the jurisdiction of each such court in any suit, action or proceeding, and (c) each waives any objection that it may have to the venue or any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the City and the Developer agrees that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

29. Attorneys' Fees. If any action is instituted to interpret or enforce any of the provisions of this Agreement, the prevailing party in such action shall be entitled to recover from the other party thereto reasonable attorney's fees and costs of such suit (including both prejudgment and post judgment fees and costs) as determined by the court as part of the judgment.

30. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California.

31. Usage of Words. As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine and the non-gender specific.

32. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

33. Severability. If any section, sentence, clause or phrase of this Agreement or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Agreement that can be given effect without the invalid provision of application, and to this end the provisions of this Agreement are severable. The City Council hereby declares that they would have adopted this Agreement and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

34. Incorporation by Reference. The following Exhibits attached hereto and the Recitals of this Agreement are hereby incorporated by reference as though fully set forth herein:

- Exhibit 1 – Legal Description of Property
- Exhibit 2 – Map of Property
- Exhibit 3 – Description of Improvements
- Exhibit 4 – Estimated Costs of Improvements
- Exhibit 5 – Certificate of DIF Credit
- Exhibit 6 - DIF Credit Request
- Exhibit 7 - Certificate of DIF Reimbursement
- Exhibit 8 - DIF Improvement Assignment

*[Signatures On Next Page]*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the respective dates set forth below.

**“CITY”**

**CITY OF ONTARIO**, a California  
municipal corporation

Dated: \_\_\_\_\_, 2020 By: \_\_\_\_\_  
Scott Ochoa, City Manager

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**  
COLE HUBER, LLP

By: \_\_\_\_\_  
City Attorney

**"DEVELOPER"**

**AIRPORT DRIVE INDUSTRIAL OWNER, LP**  
a Delaware limited partnership

By:

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
*Date* *Insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
*Signature of Notary Public*

*Place Notary Seal Above*

**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
*Date* *Insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
*Signature of Notary Public*

*Place Notary Seal Above*

## **Exhibit 1**

### **Legal Description of Property**

LOT(S) 12 AND A PORTION OF LOT 13, HANSON AND COMPANY'S SECOND ADDITION TO ONTARIO, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGE(S) 38, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 13 WITH THE SOUTHERLY LINE OF STATE STREET; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 13, 759 FEET; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT 13, 116 FEET; THENCE NORTHERLY AND PARALLEL TO THE EASTERLY LINE OF SAID LOT 13, 759 FEET; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF STATE STREET, 116 FEET TO THE POINT OF BEGINNING;

EXCEPT FROM THE ABOVE THE SOUTH 392.43 FEET THEREOF, AS CONVEYED TO THE CITY OF ONTARIO BY DEED RECORDED OCTOBER 23, 1952 AS INSTRUMENT NO. 75, BOOK 3042, PAGE 128 OF OFFICIAL RECORDS.

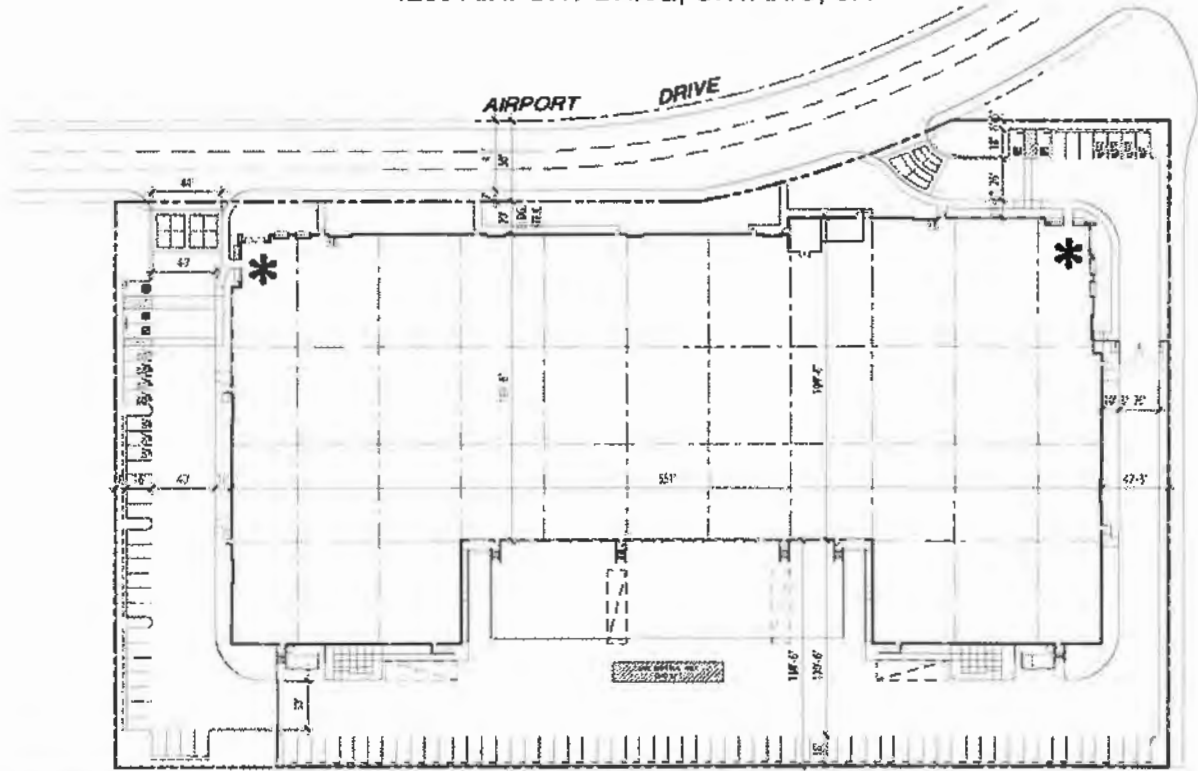
TOGETHER WITH ANY PORTION LYING WITHIN VACATED PORTIONS OF STATE STREET.

APN: 0113-221-31-0-000

# Exhibit 2

## Map of Property

1236 AIRPORT DRIVE, ONTARIO, CA



OAKMONT INDUSTRIAL GROUP  
VICINITY MAP

**GIAIA**  
ARCHITECTS  
PROJECT 40 0010310  
DATE 8/5/08  
SCALE 1/8" = 1'-0"  
8811 Regency Circle  
Fremont, CA 94538  
Tel: 415-438-1775  
www.GIAIAarchitects.com



### Exhibit 3

#### Description of Improvements

**DIF Eligible Facilities:** The DIF Eligible Facilities consist of the following Components and Segments; provided, however, that each such Segment described below shall constitute a Segment for purposes of this Agreement only if such Segment was constructed by or on behalf of the Developer

<b>Regional Water Facilities</b>					
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>
PDEV19-044	Regional Water	WT-004	Eighth Street 1212' Zone Transmission Line	16 inch Domestic Water along Airport Drive from Grove Avenue to east of the Cucamonga Channel	1,500

<b>Sewer Facilities</b>					
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>
PDEV19-044	Local Adjacent Sewer	SW-050	Airport Drive Main , E/O Grove	8-inch main in Airport Dr from Grove Ave to E/O Grove	576
PDEV19-044	Local Adjacent Sewer	SW-050	Airport Drive Main , E/O Grove	8-inch main in Airport Dr from E/O Grove to W/O Channel	175
PDEV19-044	Local Adjacent Sewer	SW-051	Grove Avenue Main, S/O Airport Dr	21-inch main in Grove Avenue from N/O Mission to Airport Drive	864

**Exhibit 4**

**Estimated Costs of Improvements**

<b>Regional Water Facilities</b>								
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length (LF)</u>	<u>Total DIF Project Costs</u>	<u>Segment Cost Percentage</u>	<u>Maximum Eligible Costs</u>
PDEV19-D44	Regional Water	WT-004	Eighth Street 1212' Zone Transmission Line	16 inch Domestic Water along Airport Drive from Grove Avenue to east of the Cucamonga Channel	1,500	\$ 31,246,909	1.7547%	\$ 548,302
<b>Subtotal Regional Water</b>								<b>\$ 548,302</b>

<b>Sewer Facilities</b>								
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length (LF)</u>	<u>Total DIF Project Costs</u>	<u>Segment Cost Percentage</u>	<u>Maximum Eligible Costs</u>
PDEV19-044	Local Adjacent Sewer	SW-050	Airport Drive Main, E/O Grove	8-inch main in Airport Dr from Grove Ave to E/O Grove	576	\$ 1,459,979	76.6978%	\$ 1,119,771
PDEV19-044	Local Adjacent Sewer	SW-050	Airport Drive Main, E/O Grove	8-inch main in Airport Dr from E/O Grove to W/O Channel	175	\$ 1,459,979	23.3022%	\$ 340,208
PDEV19-044	Local Adjacent Sewer	SW-051	Grove Avenue Main, S/O Airport Dr	21-inch main in Grove Avenue from N/O Mission to Airport Drive	864	\$ 1,007,495	100.0000%	\$ 1,007,495
<b>Subtotal Local Adjacent Sewer</b>								<b>\$ 2,467,474</b>

**Total DIF Eligible Facilities - Airport Drive Industrial Owner, L.P.**

<b>PDEV 19-044</b>	<b>DIF Eligible Improvements to be Constructed</b>		
<b>Infrastructure Category</b>	<b>Total DIF Eligible Costs</b>	<b>DIF Obligations - Maximum DIF Credit</b>	<b>DIF Reimbursement</b>
Regional Water System Facilities	\$ 548,302	\$ 45,629	\$ 502,673
Local Adjacent Sewer System Facilities	\$ 2,467,474	\$ 21,099	\$ 2,446,376
<b>Totals</b>	<b>\$ 3,015,776</b>	<b>\$ 66,728</b>	<b>\$ 2,949,048</b>

**Exhibit 5**

**FORM OF CERTIFICATE OF REGIONAL OR LOCAL ADJACENT DIF CREDIT**

Pursuant to Section 6 of the Development Impact Fee Credit Agreement for Facility Construction by and between the City of Ontario and \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Fee Credit Agreement", the City of Ontario hereby certifies that Developer is entitled to the following amount and nature of DIF Credits:

Amount of Credit: \$ \_\_\_\_\_  
Infrastructure Category of DIF: \_\_\_\_\_  
Local Adjacent or Regional Category of DIF: \_\_\_\_\_

\_\_\_\_\_  
Scott Ochoa, City Manager

Dated: \_\_\_\_\_

**Exhibit 6**

**FORM OF DIF CREDIT REQUEST**

DIF Project Name & Number: \_\_\_\_\_

The undersigned (the "Developer"), hereby requests DIF Credits in the DIF categories and amounts specified in Attachment 1 hereto, attached and incorporated. In connection with this Credit Request, the undersigned hereby represents and warrants to the City as follows:

1. He (she) is a duly authorized officer or representative of the Developer, qualified to execute this Credit Request on behalf of the Developer and is knowledgeable as to the matters set forth herein.

2. All costs of the Improvements for which credit is requested hereby are Eligible Costs (as defined in the Fee Credit Agreement) and have not been inflated in any respect. The Eligible Costs for which credit is requested have not been the subject of any prior credit request submitted to the City.

3. Supporting documentation (such as the applicable Developer Contract, third party invoices, lien releases and cancelled checks or other evidence of payment) is attached with respect to each cost for which credit is requested.

4. The Improvement for which credit is requested was constructed in accordance with the requirements of the Fee Credit Agreement.

5. Please issue a Certificate of DIF Credit to the Developer in the amount requested.

I declare under penalty of perjury that the above representations and warranties are true and connect.

DEVELOPER:

CITY:

[INSERT ENTITY]

Credit Request Approved

By: \_\_\_\_\_  
Authorized Representative of Developer  
Date: \_\_\_\_\_

\_\_\_\_\_  
Scott Ochoa, City Manager  
Date: \_\_\_\_\_

**ATTACHMENT 1 to Form of DIF Credit Request**

**SUMMARY OF IMPROVEMENTS AND REQUESTED DIF CREDITS**

Improvement	Eligible Costs/Contract Amount	DIF Credit Requested
-------------	--------------------------------	----------------------

[List here all Improvements for  
which credit is requested, and attach support documentation]

**Exhibit 7**

**FORM OF CERTIFICATE OF DIF REIMBURSEMENT**

Pursuant to Section 11 of the Development Impact Fee Credit and Reimbursement Agreement for Facility Construction by and between the City of Ontario and \_\_\_\_\_ dated, \_\_\_\_\_ 20\_\_\_\_ the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Fee Credit Agreement", the City of Ontario hereby certifies that Developer is entitled to the following amount and nature of DIF Reimbursement:

Amount of Reimbursement: \$ \_\_\_\_\_  
Infrastructure Category of DIF: \_\_\_\_\_  
Local Adjacent or Regional Category of DIF: \_\_\_\_\_

\_\_\_\_\_  
Scott Ochoa, City Manager

Dated: \_\_\_\_\_

**Exhibit 8**

**FORM OF ASSIGNMENT, SALE, OR TRANSFER OF DIF CREDIT**

**FROM \_\_\_\_\_ to \_\_\_\_\_**

This Sale or Transfer of DIF Credit ("DIF Credit Transfer") is entered into as of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, a \_\_\_\_\_  
\_\_\_\_\_ ("Transferor")  
and \_\_\_\_\_ ("Transferee").

A. [\*\*\*Entity\*\*\*] is a limited liability company formed under the laws of the state of [\*\*\*State\*\*\*].

B. Pursuant to that certain Certificate of DIF Credit (the "Certificate") issued by the City of Ontario to [\*\*\*Entity\*\*\*], dated \_\_\_\_\_, an amount of DIF Credit was made available to the Transferor. A copy of the Certificate is DIF Credit issued to [\*\*\*Entity\*\*\*] by CITY is attached hereto and incorporated herein as Exhibit "C-2".

C. Transferee is owner of real property within the City of Ontario and further described as \_\_\_\_\_.

D. Pursuant to the terms of this DIF Credit Assignment, Transferee desires to receive from the Transferor, a share of the DIF Credit issued to Transferor by [\*\*\*Entity\*\*\*].

For good, valuable and sufficient consideration received, the receipt of which is hereby acknowledged, the Transferor and Transferee hereby agree as follows:

**1. TRANSFER**

The Transferor hereby assigns, transfers and conveys to Transferee the DIF Credit of:

DIF Credit Category

DIF Credit Amount

\_\_\_\_\_

\_\_\_\_\_

**2. ACCEPTANCE**

Transferee hereby accepts and assumes DIF Credit as listed above. Transferee and CITY shall track DIF Credit as it is redeemed, and the remaining balance to be used, by completing, dating and initialing Exhibit "D-3" attached hereto and

incorporated herein. The original Exhibit "C-2" shall not be removed from this Transfer Agreement.

### 3. EFFECTIVE DATE.

This Transfer Agreement shall become effective as of the date first above written.

### 4. TRANSFEROR'S REPRESENTATIONS AND WARRANTIES.

The Transferor makes the following representations and warranties, which representations and warranties shall survive this DIF Credit Transfer:

The Transferor has the full power and authority to enter into this DIF Credit Transfer.

The execution, delivery and performance of this DIF Credit Transfer will not result in any violation or default under its organizational documents or any instruments to which the Transferor is a party.

From and after the date of this DIF Credit Transfer, the Transferor shall have no further rights, title or interest in or to the DIF Credit.

### 5. TRANSFEREE'S REPRESENTATION AND WARRANTIES.

Transferee makes the following representations and warranties, which representations and warranties shall survive this Transfer:

Transferee is the owner of \_\_\_\_\_ (*property description*) in the City of Ontario.

Transferee has the full power and authority to enter into this DIF Credit Transfer.

This DIF Credit Transfer, when executed, shall constitute a valid and legal obligation binding as to Transferee.

### 6. NOTICES.

All notices, consents, waivers and other communications under this DIF Credit Transfer must be in writing and will be deemed to have been duly given when (a) delivered by hand (with written confirmation of receipt), (b) when received by the addressee, if sent by a nationally recognized overnight delivery service (receipt requested), in each case to the appropriate addresses set forth below (or to such other addresses as a party may designate by notice to the other parties); (c) when received by the addresses as confirmed by a confirmation receipt, if sent by facsimile to the appropriate facsimile number designated below (or to such other facsimile number as the parties may designate by notice to the other parties).



If to the Transferor: Entity Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Attention: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

If to Transferee: Entity Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Attention: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_  
Email: \_\_\_\_\_

## 7. GENERAL PROVISIONS.

**Severability.** In the event that the application of any of the provisions of this DIF Credit Transfer are held to be unenforceable or invalid, the validity and enforceability of other applications of that provision and of the remaining provisions shall not be affected.

**Counterparts.** This DIF Credit Transfer may be executed in counterparts.

**Entire Agreement.** This DIF Credit Transfer contains the entire final understanding of and between the parties and supersedes any prior written or oral agreements between them respecting the subject matter of this DIF Credit Transfer. There are no representations, agreements, arrangements or understandings, oral or written, between the parties that are not fully set forth herein.

**Construction.** Every covenant, term and provision of this DIF Credit Transfer shall be construed simply according to its fair meaning and not strictly for or against any party.

**No Modifications.** No supplement, modifications or amendment to this DIF Credit Transfer shall be binding unless executed in writing by both parties.

**Further Assurances.** The Transferor and Transferee each agree to execute such other documents and perform such other acts as may be necessary or desirable to effectuate this DIF Credit Transfer.

**No Third Party Beneficiaries.** This DIF Credit Transfer Agreement is made and entered into for the sole protection and benefit of the parties hereto, the City of Ontario, and their respective successors and assigns. No other person or entity

shall have any right of action based upon any provision of this DIF Credit Transfer Agreement.

IN WITNESS WHEREOF, the Transferor and Transferee have duly executed this DIF Credit Transfer as of the date first written above.

TRANSFEROR:

Entity Name \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

TRANSFEEE:

Entity Name \_\_\_\_\_ a, \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

**(All Signatures must be notarized)**

**EXHIBIT "C-2" to Transfer of DIF Credit**

**(Certificate of DIF Credit)**

*(Original DIF Credit Certificate issued by City must be attached).*

**EXHIBIT "D-3" to Transfer of DIF Credit**  
**Available DIF Credit Reconciliation**  
**DIF Credit Category**

---

**Assigned to:** \_\_\_\_\_

**Date Assigned:** \_\_\_\_\_

**Transferee:**

---

**Date Transferred:**

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<b>Starting DIF Credit Balance</b>	<b>Amount Redeemed</b>	<b>Date</b>	<b>Remaining DIF Credit Balance</b>	<b>City's Initials</b>	<b>Transferee's Initials</b>

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

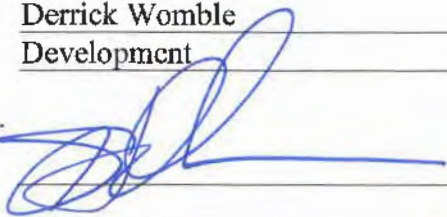
SECTION:  
CONSENT CALENDAR

**SUBJECT:** AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA05-002) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO MODIFY THE COMMENCEMENT OF CERTAIN SPECIFIC INFRASTRUCTURE ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP 20316 (FILE NO. PMTT19-020), AND CONFORM TO THE REVISED DEVELOPMENT STANDARDS ESTABLISHED BY THE PARKSIDE SPECIFIC PLAN AMENDMENT (FILE NO. PSPA19-007), LOCATED AT THE NORTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE, WITHIN PLANNING AREAS I THROUGH 26 OF THE PARKSIDE SPECIFIC PLAN (APNS: 0218-231-06, 0218-231-08, 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-28, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-09, AND 0218-221-10)

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving the Fourth Amendment to the Development Agreement (File No. PDA05-002) between the City of Ontario and SC Ontario Development Company, LLC, to modify the commencement of certain specific infrastructure associated with the development of Tentative Tract Map 20316 (File No. PMTT19-020) and conform to the revised development standards established by the Parkside Specific Plan Amendment (File No. PSPA19-007).

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Derrick Womble  
Department: Development  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

6

**FISCAL IMPACT:** The proposed Fourth Amendment to the Development Agreement (File No. PDA05-002) will not have an immediate impact on the City's budget. The Development Agreement continues to provide the mechanism for funding from the formation of a Community Facilities District (CFD) for City services and facilities required to support the Parkside Specific Plan development, thereby mitigating the increased costs associated with such services. In addition, the City will receive public service funding fees plus development impact, compliance processing, licensing, and permitting fees.

**BACKGROUND:** On June 16, 2020, the City Council introduced and waived further reading of an ordinance approving the Fourth Amendment of the Development Agreement. On July 25, 2006, the Planning Commission approved Tentative Tract Map 18048 (File No. PMTT06-039). Tract Map 18048 proposed to subdivide 104.13 acres of land into 25 lots, facilitate the backbone infrastructure improvements (major streets, sewer, water, storm drain facilities) and the creation of residential neighborhoods, the commercial center, community facilities (fire station), and parks for the eastern portion of the Parkside Specific Plan ("Specific Plan"). On August 15, 2006, the City Council approved the Specific Plan and certified the Environmental Impact Report (EIR).

On September 19, 2006, the City Council approved a Development Agreement, File No. PDA05-002 ("Development Agreement"), between the City of Ontario and SC Ontario Development Company, I.L.C, ("Applicant") to provide the funding for additional City services required to support the Specific Plan residential development of up to 1,947 residential units and the infrastructure improvements required to support the related Tract Map No. 18048.

On July 7, 2009, the City Council approved an amendment to the Development Agreement to allow Tract Map 18048 to be recorded for the purpose of financing.

On February 3, 2015, the City Council approved a second amendment to the Development Agreement to update the Development Agreement to conform with the current Construction Agreement with NMC Builders, LLC, and to provide for the phasing of the construction of public infrastructure for 250.89 acres of the Specific Plan.

On June 18, 2019, the City Council approved a third amendment to the Development Agreement to remove approximately 2.43 acres of land from the Development Agreement and change the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and sale of a portion of the property to Ontario Land Ventures, LLC, for the design, construction, and completion of street improvements necessary for the ultimate alignment of Eucalyptus Avenue.

The main points of the original Development Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force and effect. State law and Section 2.5 of the original Development Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the original Development Agreement.

On October 16, 2019, the Applicant submitted Tentative Tract Map 20316 (PMTT19-020) for condominium purposes to subdivide 56.99 acres of land into 4 numbered lots and 12 lettered lots within Planning Areas 1 through 4 of the Specific Plan. In addition, the Applicant has proposed the Parkside Specific Plan Amendment (File No. PSPA19-007) to: [a] Reconfigure the residential Planning Areas 1 through 4, and 17 through 19; [b] Reconfigure the Great Park Planning Area 22 (east of the Cucamonga Creek Channel); [c] Revise internal circulation to improve access into the neighborhood commercial

Planning Area 19; [d] Update and revise Residential Design Guidelines to introduce new housing types and architectural styles; [e] Update and revise Landscape Standards.

The new Tract Map and proposed revisions to the Specific Plan necessitates a fourth amendment to the Development Agreement (“Fourth Amendment”) to modify the commencement of certain specific infrastructure associated with the development of Tentative Tract Map 20316 (File No. PMTT19-020) and conform to the updated development standards established by the Parkside Specific Plan Amendment (File No. PSPA19-007).

Key points addressed in the Fourth Amendment are the following:

- Payment of the Public Service Funding Fee (PSFF) for residential and non-residential uses;
- Requirement to participate in a cost-sharing agreement with other developers for the construction of the Eucalyptus Avenue Bridge Improvements or deposit funds with the City for the proportional share of the cost to construct the bridge;
- Complete construction of the traffic signal at Eucalyptus Avenue and Parkhouse Privado (required with Phase 1) prior to the request for the first occupancy permit for Phase 1 Production Units or prior to completion of the Eucalyptus Bridge Improvements, whichever occurs first;
- Complete construction of the Cucamonga Creek Channel Trail Improvements and Neighborhood Edge Improvements, in phases, in conjunction with the development of the respective Phase (Phases 1 through 4);
- Continuing requirement to design, construct, and complete significant portions of the Great Park and allow for the City to acquire such portions, subject to the terms of a DIF Credit and Reimbursement Agreement; and
- Extension of the term of the Development Agreement another five (5) years until September 19, 2026.

In considering the application at their meeting on May 26, 2020, the Planning Commission found that the Fourth Amendment was consistent with State law, The Ontario Plan, and the City’s Development Agreement policies previously approved for Ontario Ranch developments. As a result, the Planning Commission adopted Resolution No. PC20-029 recommending City Council approval of the Fourth Amendment with a 6-0 vote.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (1,977) and density (15.73 DU/AC) specified in the Available Land Inventory.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved

and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were analyzed in an Addendum to the Parkside Specific Plan (File No. PSP03-002) Environmental Impact Report (SCH# 2004011008) certified by the City Council on September 5, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP).





**Exhibit "B"**  
**Proposed Parkside Specific Plan Land Use Map**

**Parkside**



Exhibit 1-3: Land Use Plan

Legend	
<span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span>	Medium Density Residential (13.1 - 25 du/ac)
<span style="display:inline-block; width:15px; height:10px; background-color:darkred; border:1px solid black;"></span>	Neighborhood Commercial (0.4 FAR)
<span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span>	Public Facility
<span style="display:inline-block; width:15px; height:10px; background-color:green; border:1px solid black;"></span>	Open Space - Parkland
<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	Open Space - Private/Village Edges
<span style="display:inline-block; width:15px; height:10px; background-color:grey; border:1px solid black;"></span>	Roads - Master Planned
<span style="display:inline-block; width:15px; height:10px; background-color:lightgrey; border:1px solid black;"></span>	Roads - Local
<span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span>	Cucamonga Creek Channel

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA05-002), BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO MODIFY THE COMMENCEMENT OF CERTAIN SPECIFIC INFRASTRUCTURE ASSOCIATED WITH THE DEVELOPMENT OF TENTATIVE TRACT MAP 20316 (FILE NO. PMTT19-020), AND CONFORM TO THE REVISED DEVELOPMENT STANDARDS ESTABLISHED BY THE PARKSIDE SPECIFIC PLAN AMENDMENT (PSPA19-007), LOCATED AT THE NORTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 THROUGH 26 OF THE PARKSIDE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-231-06, 0218-231-08, 0218-231-09, 0218-231-10, 0218-231-11, 0218-231-12, 0218-231-13, 0218-231-14, 0218-231-15, 0218-231-16, 0218-231-17, 0218-231-18, 0218-231-19, 0218-231-20, 0218-231-21, 0218-231-22, 0218-231-28, 0218-231-30, 0218-231-31, 0218-231-39, 0218-221-09, AND 0218-221-10.

WHEREAS, SC Ontario Development Company, LLC ("Applicant") has filed an Application for the approval of a Fourth Amendment to the Development Agreement, File No. PDA05-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 250.89 acres of land generally located at the northwest corner of Eucalyptus Avenue and Archibald Avenue, within Planning areas 1 through 26 of the Parkside Specific Plan; and

WHEREAS, the properties to the north, south, east, and west, are developed with agriculture and dairy uses and currently vacant. The property also encompasses approximately a half-mile portion of the Cucamonga Creek Channel from north to south; and

WHEREAS, on September 19, 2006, the City Council of the City of Ontario ("City"), adopted Ordinance No. 2841, approving the original Development Agreement between the City and Applicant, to provide the funding for additional City services required to support the Parkside Specific Plan (File No. PSP03-002) residential development of up to 1,947 residential units and the infrastructure improvements required to support the related Tract Map 18048 (File No. PMTT06-039); and

WHEREAS, on July 7, 2009, the City adopted Ordinance No. 2909, approving a First Amendment to the Development Agreement, to allow Tract Map 18048 to be recorded for the purpose of financing; and

WHEREAS, on February 3, 2015, the City adopted Ordinance No. 3012, approving a Second Amendment to the Development Agreement, to update the Development Agreement to conform with the Construction Agreement with NMC Builders, LLC, and to provide for the phasing of the construction of public infrastructure for 250.89 acres of the Parkside Specific Plan; and

WHEREAS, on June 18, 2019, the City adopted Ordinance No. 3134, approving the Third Amendment to the Development Agreement, to change the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and sale of a portion of the property to Ontario Land Ventures, LLC, for the design, construction, and completion of street improvements necessary for the ultimate alignment of Eucalyptus Avenue; and

WHEREAS, on October 16, 2019, the Applicant submitted a new Tentative Tract Map 20316 (File No. PMTT19-020) for condominium purposes to subdivide 56.99 acres of land into 4 numbered lots and 12 lettered lots, within Planning Areas 1 through 4 of the Parkside Specific Plan. In addition, the Applicant has proposed the Parkside Specific Plan Amendment (File No. PSPA19-007) to: [a] Reconfigure the residential Planning Areas 1 through 4, and 17 through 19; [b] Reconfigure the Great Park Planning Area 22 (east of the Cucamonga Creek Channel); [c] Revise internal circulation to improve access into the neighborhood commercial Planning Area 19; [d] Update and revise Residential Design Guidelines to introduce new housing types and architectural styles; [e] Update and revise Landscape Standards; and

WHEREAS, the new Tract Map and proposed Specific Plan Amendment necessitates a fourth amendment to the Development Agreement ("Fourth Amendment") to modify the commencement of certain specific infrastructure associated with the development of Tentative Tract Map 20316 (File No. PMTT19-020), and conform to the updated development standards established by the Parkside Specific Plan Amendment (PSPA19-007); and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the environmental impacts of this project were analyzed in an addendum to the Parkside Specific Plan (File No. PSP03-002) Environmental Impact Report (SCH# 2004011008) certified by the City Council on September 5, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendations to the City Council on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on May 26, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-029 recommending the City Council approve the Application; and

WHEREAS, on June 16, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

**SECTION 1. *Environmental Determination and Findings.*** As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP03-002, a(n) addendum to the Parkside Specific Plan for which a Certified EIR was adopted by the City Council on September 5, 2006; and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the City Council; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

**SECTION 2. Subsequent or Supplemental Environmental Review Not Required.** Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

**SECTION 3. Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving authority for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy

Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the number of dwelling units (1,977) and density (15.73 DU/AC) specified in the Available Land Inventory.

**SECTION 4. *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

**SECTION 5. *Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the City Council hereby concludes as follows:

(a) The Fourth Amendment applies to approximately 250.89 acres of land generally located at the northwest corner of Eucalyptus Avenue and Archibald Avenue, within Planning Areas 1 through 26 of the Parkside Specific Plan; and

(b) The properties to the north, south, east, and west, are developed with agriculture and dairy uses and currently vacant. The property also encompasses approximately one-half mile portion of the Cucamonga Creek Channel from north to south; and

(c) The main points of the original Development Agreement continue to address Development Impact Fees (DIF), public service funding, Community Facilities District (CFD) for maintenance of public facilities, park/open space requirements, affordable housing fees, school facilities requirements, and remain in full force and effect. State law and Section 2.5 of the original Development Agreement provide that amendments may be made to the Agreement upon the mutual consent of both parties, using the same process and procedures as for the consideration and approval of the original Development Agreement; and

(d) The new Tract Map and proposed Specific Plan Amendment necessitates a fourth amendment to the Development Agreement ("Fourth Amendment") to modify the commencement of certain specific infrastructure associated with the development of Tentative Tract Map 20316 (File No. PMTT19-020), and conform to the updated development standards established by the Parkside Specific Plan Amendment (File No. PSPA19-007).

(e) Key points addressed in the Fourth Amendment are the following:

- i. Payment of the Public Service Funding Fee (PSFF) for residential and non-residential uses;
- ii. Requirement to participate in a cost-sharing agreement with other developers for the construction of the Eucalyptus Avenue Bridge Improvements or, deposit funds with the City for the proportional share of the cost to construct the bridge;
- iii. Complete the construction of the traffic signal at Eucalyptus Avenue and Parkhouse Privado (required with Phase 1), prior to the request for the first occupancy permit for Phase 1 Production Units, or prior to completion of the Eucalyptus Bridge Improvements, whichever occurs first;
- iv. Construct the Cucamonga Creek Channel Trail Improvements and Neighborhood Edge Improvements in phases, in conjunction with the development of the respective Phase (Phases 1 through 4);
- v. Design, construct, and complete significant portions of the Great Park and allow for the City to acquire such portions, subject to the terms of a DIF Credit and Reimbursement Agreement; and
- vi. Extension of the term of the Development Agreement another five (5) years until September 19, 2026.

(f) This Amendment will not be materially injurious or detrimental to the adjacent properties and will not have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were previously reviewed in conjunction with addendum to the Parkside Specific Plan EIR (SCH#20040111008) that was adopted by the City Council on September 5, 2006. This application introduces no new significant environmental impacts; and

(g) All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

**SECTION 6. City Council Action.** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Application, attached hereto as "Attachment A," and incorporated herein by this reference.



**SECTION 7. Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

**SECTION 8. Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

**SECTION 9. Severability.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 10. Effective Date.** This Ordinance shall become effective 30 days following its adoption.

**SECTION 11. Publication and Posting.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held June 16, 2020, and adopted at the regular meeting held \_\_\_\_\_ 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. \_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held \_\_\_\_\_ 2020 and that Summaries of the Ordinance were published on \_\_\_\_\_ and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**ATTACHMENT A:**

**File No. PDA05-002**

**Fourth Amendment to the Development Agreement**

**By and Between**

**City of Ontario  
a California municipal corporation**

**and**

**SC Ontario Development Company, LLC  
a Delaware limited liability company**

*(Document follows this page)*

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO  
CITY CLERK / RECORDS MANAGEMENT  
303 EAST "B" STREET  
ONTARIO, CA 91764-4196

---

Space above this line for Recorder's Use

Exempt from Fees Per Gov. Code § 6103

**File No. PDA05-002**

**FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT**

**By and Between**

**City of Ontario  
a California municipal corporation**

**and**

**SC Ontario Development Company, LLC  
a Delaware limited liability company**

\_\_\_\_\_, 2020

**San Bernardino County, California**

**FOURTH AMENDMENT TO THE DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF ONTARIO AND  
SC ONTARIO DEVELOPMENT COMPANY, LLC  
(File No. PDA05-002)**

This Fourth Amendment (hereinafter "**Fourth Amendment**") is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_ 2020 by and among the CITY OF ONTARIO, a California municipal corporation (hereinafter "**CITY**"), and SC ONTARIO DEVELOPMENT COMPANY LLC, a Delaware limited liability company (hereinafter "**OWNER**").

**RECITALS**

WHEREAS, the CITY and OWNER's predecessor have previously entered into a (i) Development Agreement dated September 19, 2006 and recorded in San Bernardino County, California on November 14, 2006 as Instrument No. 2006-0774531 pursuant to Section 65864, et seq., of the Government Code, (hereinafter the "**Original Development Agreement**"), as amended by (ii) that First Amendment to Development Agreement dated June 16, 2009, and recorded on September 14, 2009 as Instrument No. 2009-0403692 (the "**First Amendment**"), (iii) that Second Amendment to the Development Agreement dated April 4, 2017, and recorded on May 15, 2017 as Instrument No. 2017-0199310 (the "**Second Amendment**"), and (iv) that Third Amendment to Development Agreement dated June 18, 2019, and recorded on June 27, 2019 as Instrument No. 2019-0211740 (the "**Third Amendment**") all with respect to the real property described in Exhibit "A-R" to this Agreement.

WHEREAS the CITY and OWNER now intend to amend the Original Development Agreement, as amended by the First, Second, and Third Amendments respectively (collectively the "**Existing Development Agreement**"), as set forth herein.

WHEREAS, Section 2.5 of the Existing Development Agreement specifies that the Development Agreement may be amended in whole or in part only in the manner provided for in Government Code Section 65868.1 and the procedure for adopting and entering into an amendment to the Existing Development Agreement shall be the same as the procedure for adopting and entering into the Original Development Agreement; and

WHEREAS, the CITY and OWNER agree to modify the commencement of certain specific infrastructure improvements to reflect the new Tentative Tract Map 20316 (File No. PMTT19-020), and proposed development standards in Ontario Ranch as it relates to the Parkside Specific Plan Amendment (PSPA19-007); and

WHEREAS, the CITY and OWNER agree that execution of this Fourth Amendment shall constitute Certification of Agreement Compliance under Section 6.4 of the Existing Development Agreement; and

WHEREAS, the term of the Original Development Agreement was for a ten (10) year term, expiring on September 19, 2016. The term of the Original Development Agreement was extended an additional five (5) years by the execution of the Second Amendment, expiring September 19, 2021. CITY and OWNER now agree to extend the term of the Existing Development Agreement for an additional five (5) year period, expiring on September 19, 2026.

### AGREEMENTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual agreements hereinafter contained, the parties agree as follows:

#### 1. DEFINITIONS AND EXHIBITS.

1.1. Existing Definitions. The following terms when used in this Fourth Amendment shall be defined as in the Existing Development Agreement: CITY; Construction Agreement; Construction Agreement Amendment; Deferred Infrastructure; Development; Development Approvals; Development Exaction; Development Impact Fee; Development Plan; General Plan; Land Use Regulations; Model Units; OWNER; Project; Property; Production Units; Specific Plan; Storm Water Capacity Availability Equivalents; Subsequent Development Approvals; Subsequent Land Use Regulations; and Water Availability Equivalent (WAE). Any capitalized terms not expressly defined in Section 1.2 below or otherwise expressly defined or modified in this Fourth Amendment shall have the meaning given to those terms in the Existing Development Agreement.

1.2. Additional and Modified Definitions. The following terms used in this Fourth Amendment shall be defined as follows:

**“Effective Date”** means the date that the ordinance approving this Fourth Amendment becomes effective.

**“Development Agreement”** is revised to mean, collectively, the Original Development Agreement, First Amendment, Second Amendment, Third Amendment and this Fourth Amendment.

**“Existing Development Approvals”** is revised to mean all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Development Approvals incorporated herein as Exhibit “C-R” and all other Development Approvals that are a matter of public record on the Effective Date.

**“Existing Land Use Regulations”** is revised to mean all Land Use Regulations in effect on the Effective Date and all other Land Use Regulations that are in effect and a matter of public record on the Effective Date. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D-R”.

**"Improvement", "Improvements", or "Infrastructure"** is revised to mean those public improvements and public infrastructure required to support the development of the Project as described in the Tract Map conditions for the "B" Tract Map No. 20316 and any and all future "A" and "B" Tract Maps for the Property. Improvement, Improvements, or Infrastructure shall also mean those public improvements required to support the Phase 1 Units, Phase 2 Units, Phase 3 Units and Phase 4 Units as further described in the respective Exhibit "F" for each respective Phase (the **"Infrastructure Improvements Exhibits"**).

**"Phase"** means the four (4) development phases of the Project as shown on Exhibit "F".

**"Phase 1 Improvements"** means the Improvements (as defined in Section 1.2, below) that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY's issuance of the first building permit for any Production Unit and as shown in "Exhibit F - Phase 1."

**"Phase 1 Units"** means the first five hundred forty (540) units for which the CITY issues building permits to OWNER and shall include up to thirty-six (36) Model Units.

**"Phase 2 Improvements"** means the Improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY's issuance of the first building permit for any Production Unit in the Phase 2 area and as shown in "Exhibit F – Phase 2".

**"Phase 2 Units"** means the next two hundred ten (210) units for which the CITY issues building permits to OWNER after the issuance of building permits for the Phase 1 Units.

**"Phase 3 Improvements"** means the Improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY's issuance of the first building permit for any Production Unit in the Phase 3 area and as shown in "Exhibit F - Phase 3".

**"Phase 3 Units"** means the next six hundred thirteen (613) units for which the CITY issues building permits to OWNER after the issuance of building permits for the Phase 2 Units.

**"Phase 4 Improvements"** means the Improvements that shall be designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY's issuance of the first building permit for any Production Unit in the Phase 4 area and as shown in "Exhibit F- Phase 4".



**“Phase 4 Units”** means the next six hundred fourteen (614) units for which the CITY issues building permits to OWNER after the issuance of the building permits for the Phase 3 Units.

1.3. Exhibits. The following documents are attached to, and by this reference made a part of, this Fourth Amendment and revise and replace Exhibits A, B, C-R, D-R, E-R, F, F-Phase 1, F-Phase 2, F-Phase 3 and F-Phase 4 in the Existing Development Agreement:

Exhibit “A-R” – Revised Legal Description of Property

Exhibit “B-R” – Revised Parkside Specific Plan

Exhibit “C-R” – Revised Existing Development Approvals.

Exhibit “D-R” – Revised Existing Land Use Regulations.

Exhibit “E-R” — Revised Conceptual Phasing Plan

Exhibit “F” — Infrastructure Improvements for all Phases

Exhibit “F-Phase 1” - Phase 1 Improvements

Exhibit “F-Phase 2” - Phase 2 Improvements

Exhibit “F-Phase 3” - Phase 3 Improvements

Exhibit “F-Phase 4” – Phase 4 Improvements

2. MODIFICATIONS TO DEVELOPMENT AGREEMENT TO CONFORM TO CONSTRUCTION AGREEMENT AMENDMENT.

A. The provisions of Section 2.3 of the Second Amendment shall be removed and replaced with the following:

2.3 Modifications of the Amounts of the CFD to Finance City Services. Prior to, and as a condition precedent to, the recordation of each final subdivision creating buildable lots, such map shall be included in a Community Facilities District (“**CFD**”) to finance CITY services through annual special taxes. The amounts contained in Section 5.1 in the Development Agreement shall be modified as follows:

- Single Family Detached Dwelling Unit from \$1,387.00 to \$1,687.00
- Multiple Family Dwelling Unit from \$1,202.00 to \$1,462.00

- Gated Apartment Community Dwelling Unit from \$1,008.00 to \$1,226.00.
- The amount for Non-Residential building shall be modified to \$0.32 per square foot.

These modified amounts shall be subject to an automatic increase, not to exceed four (4%) percent per year, beginning on January 1, 2021.

B. Section 2.4 of the Second Amendment shall be removed and replaced with the following:

**2.4 Retention of Public Services Funding Fee Amounts and Payment Terms.** CITY and OWNER acknowledge and agree that the modifications to the amount and payment terms included in Section 3.7.4 of the Construction Agreement Amendment shall not apply to OWNER's Public Services Funding Fee Amounts and payment terms as OWNER entered into the Original Development Agreement with the City prior to the effective date of the Construction Agreement Amendment. Additionally, CITY agrees that OWNER is in compliance with the requirements for payment of the first installment of the Public Services Funding Fees as specified in Section 4.6 in the Original Development Agreement. Furthermore, OWNER acknowledges and agrees to pay the CITY the Second and Third Installments as specified in Section 4.6 in the Original Development Agreement.

If OWNER receives approval for any non-residential uses for the Project, OWNER shall pay the Public Services Funding Fee in a Single Installment for non-residential uses, and such Single Installment shall be due and payable on a building-by-building basis prior to the issuance of a building permit for each non-residential building. The amount of the Single-Installment for non-residential uses shall be the fee in effect at the time of payment and such fee shall automatically increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1<sup>st</sup> of each year, beginning on January 1, 2021. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31<sup>st</sup>, before the Single Installment amount is automatically increased.

3. **MODIFICATIONS TO DEVELOPMENT AGREEMENT TO AMEND CERTAIN REQUIREMENTS FOR CONSTRUCTION OF SPECIFIC PUBLIC IMPROVEMENTS.**

A. The following provisions shall be added to Section 3.7 of the Development Agreement:

3.7.3 **Eucalyptus Avenue Bridge Improvements.** To the extent the Eucalyptus Avenue Bridge Improvements have not been commenced by other

developers, OWNER shall be responsible to commence construction of the Eucalyptus Avenue Bridge Improvements prior to the first building for Phase 1 Production Units, and complete construction prior to requesting the last building permit for Phase 1 Production Units. If OWNER has not commenced construction of the Eucalyptus Avenue Bridge Improvements prior to requesting the first building permit for Phase 1 Production Units, OWNER shall provide proof to the satisfaction of the CITY that OWNER has exercised one (1) of the following two (2) options:

3.7.3.1 Enter into a cost sharing agreement with other developer(s) for the construction and completion of the Eucalyptus Avenue Bridge Improvements and OWNER has fully funded OWNER'S obligations under the cost sharing agreement; or

3.7.3.2 OWNER shall deposit their proportional share at thirty-three percent (33%) of the cost to construct and complete the Eucalyptus Avenue Bridge Improvements into an Escrow Account with the City.

3.7.4 Traffic Signal at Eucalyptus Avenue and Parkhouse Privado. OWNER shall design, construct and complete the Traffic Signal at Eucalyptus Avenue and Parkhouse Privado, prior to and as a condition precedent to OWNER'S request for the first occupancy permit for Phase 1 Production Units or prior to completion of the Eucalyptus Bridge Improvements, whichever occurs first.

3.7.5 Cucamonga Creek Channel Trail Improvements. CITY and OWNER mutually agree that the development of the Cucamonga Creek Channel Trail Improvements (the "**Trail Improvements**") shall be constructed and completed in phases in conjunction with the development of the respective Phase (Phases 1 through 4) adjacent to the Trail Improvements.

3.7.5.1 Phase 1 Trail Improvements. OWNER shall design and commence construction of the Trail Improvements adjacent to Phase 1 prior to and as a condition precedent to, the request of the 305<sup>th</sup> building permit for Phase 1 Production Units or, upon completion of the Eucalyptus Avenue Bridge Improvements, whichever occurs first. OWNER shall complete construction of the Trail Improvements adjacent to Phase 1, prior to the request of the last building permit for Phase 1 Production Units.

3.7.5.2 Phase 2 Trail Improvements. OWNER shall design and commence construction of the Trail Improvements adjacent to Phase 2 prior to and as a condition precedent to, the request of the first building permit for Phase 2 Production Units. OWNER shall complete construction of the Trail Improvements adjacent to Phase 2, prior to the request of the last building permit for Phase 2 Production Units.

3.7.5.3 Phase 3 Trail Improvements. OWNER shall design and commence construction of the Trail Improvements adjacent to Phase 3 prior to and as a condition precedent to, the request of the first building permit for Phase 3 Production Units. OWNER shall complete construction of the Trail Improvements adjacent to Phase 3, prior to the request of the last building permit for Phase 3 Production Units.

3.7.5.4 Phase 4 Trail Improvements. OWNER shall design and commence construction of the Trail Improvements adjacent to Phase 4 prior to and as a condition precedent to, the request of the first building permit for Phase 4 Production Units. OWNER shall complete construction of the Trail Improvements adjacent to Phase 4, prior to the request of the last building permit for Phase 4 Production Units.

- 3.7.6 OWNER shall provide periodic written progress reports to the City commencing thirty (30) days after the OWNER initiates construction of the Trail Improvements, and each sixty (60) days thereafter regarding the progress of construction of the Trail Improvements.
- 3.7.7 If OWNER is unable to complete the construction of the Trail Improvements adjacent to the respective Phase prior to requesting the last building permit for Production Units within the respective Phase of the Project, due to either the design, construction and completion of the Great Park or, the construction and completion of the Eucalyptus Avenue and Ontario Ranch Road (Edison) Bridges, the City Manager or designee shall have the administrative authority to establish alternative and/or additional requirements of the OWNER for the release of any remaining building permits for Production Units for the respective Phase within the Project, at his/her reasonable discretion.
- 3.7.8 Neighborhood Edge Improvements along Archibald Avenue, Eucalyptus Avenue, Ontario Ranch Road, and Hellman Avenue. OWNER shall design, construct, and complete all neighborhood edge improvements in conjunction with the development of the respective Phase (Phases 1 through 4), prior to requesting the first building permit for Production Units for the respective Phase. If OWNER has not completed the neighborhood edge improvements with the development of the respective Phase prior to the request for the first building permit for Production Units within that Phase, the City Manager or designee shall have the authority to reasonably consider and approve the release of Production Permits respective to each Phase before the completion of all of the neighborhood edge improvements within such Phase at his/her discretion.

4. CONSTRUCTION AND ACQUISITION OF GREAT PARK.

A. Section 4.2.4 of the Development Agreement shall be removed and replaced with the following:

4.2.4 OWNER agrees that the Great Park areas as identified in the Parkside Specific Plan are to be constructed and transferred to the CITY by OWNER in four (4) Phases and shall be developed in accordance with the City's park standards and open to the public. CITY and OWNER shall meet periodically and/or as needed from the Effective Date of this Amendment, to jointly develop a plan for the timing and phasing of the development, funding, completion and acquisition of each Phase of design and construction of the Great Park area. Subject to the successful development of the aforementioned plan and OWNER's and CITY's approval and execution of a separate DIF Credit and Reimbursement Agreement, the design and construction of the Great Park areas shall entitle OWNER to a credit towards its obligations under the Quimby Act (Gov. Code § 64477) and the CITY's implementing ordinance and/or resolution (collectively "**Quimby Act Obligations**"), and to the extent OWNER's Quimby Act Obligations are satisfied, OWNER shall be entitled to have the CITY acquire such developed and public available parks as Non-Program Interests as set forth in Section 3.6.2 of the Construction Agreement Amendment. CITY acknowledges that the development of the Great Park areas by OWNER exceeds OWNER's requirements for the development of parkland and open space and that OWNER's requirements for the development of parkland and open space and that OWNER may be entitled to further consideration for the development and dedication of the Great Park area in form of reimbursements to OWNER from Quimby Act Fees collected by CITY and paid by other development within the Ontario Ranch area of the New Model Colony. The specific terms of the issuance of DIF Credit and DIF Reimbursement to OWNER will be included in the separate DIF Credit and Reimbursement Agreement between CITY and OWNER as provided for in Section 4.2.6.

5. OTHER MODIFICATIONS. Section 4.2. of the Second Amendment shall be removed and replaced with the following:

4.2 Extension of Term of the Development Agreement. CITY and OWNER acknowledge that the Term of the Development Agreement will expire on September 19, 2021. CITY and OWNER also agree that the OWNER will not meet all requirements for the extension of the term of the Development Agreement as it is not anticipated that OWNER will obtain fifty percent (50%) of the building permits for Project prior to the end of the ten (10) year term of the Development Agreement. Notwithstanding this requirements, CITY and OWNER agrees that OWNER has met the remaining requirements for the extension of the term of the Development Agreement

and that OWNER is not in default of the Development Agreement. CITY and OWNER agree that the term of the Development Agreement shall be extended for an additional five (5) year period to September 19, 2026 for a total term of twenty (20) years following the Effective Date of the Development Agreement.

6. INTEGRATION.

6.1 Integration of Previous Understands and Clarifications. This Fourth Amendment reflects the complete understanding of the parties with respect to the subject matter hereof. To the extent this Fourth Amendment conflicts with the Original Development Agreement, First Amendment, Second Amendment, and Third Amendment, this Fourth Amendment supersedes such previous document(s). In all other aspects, the parties hereto re-affirm and ratify all other terms, conditions, provisions, and obligations under the Original Development Agreement, First Amendment, Second Amendment, and Third Amendment. The Property covered by this Fourth Amendment is as described in the legal description of the Property attached hereto as revised Exhibit "A-R". This Fourth Amendment shall be recorded against the Property.

[Signature Immediately on Following Page]

**SIGNATURE PAGE**  
**TO FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN**  
**THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC.**  
**(File No. PDA05-002)**

**IN WITNESS WHEREOF**, the parties hereto have executed this Fourth Amendment as of the Effective Date.

**"OWNER"**

**SC ONTARIO DEVELOPMENT COMPANY, LLC,**  
a Delaware limited liability company

By: **LEWIS MANAGEMENT CORP.,**  
a Delaware corporation - Its Sole Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: Authorized Agent

**"CITY"**

**CITY OF ONTARIO**  
a California municipal corporation

By: \_\_\_\_\_  
Scott Ochoa, City Manager

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
City Clerk, Ontario

**APPROVED AS TO FORM:**  
**COLE HUBER, LLP**

\_\_\_\_\_  
City Attorney

**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
*Date* *Insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
*Signature of Notary Public*

*Place Notary Seal Above*



**ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
*Date* *Insert Name and Title of the Officer*

personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
*Signature of Notary Public*

*Place Notary Seal Above*

**EXHIBIT "A-R"**

**LEGAL DESCRIPTION**

THE LAND HEREINAFTER DESCRIBED IS SITUATED IN THE CITY OF ONTARIO, STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 (SUNKIST)

GOVERNMENT LOTS 3 AND 4 AND THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE LAND DESCRIBED IN THAT CERTAIN EASEMENT IN FAVOR OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT RECORDED APRIL 20, 1944, IN BOOK 1678 PAGE 154 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY DEED RECORDED SEPTEMBER 29, 1977, IN BOOK 9273 PAGE 254 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SAN BERNARDINO BY DEED RECORDED AUGUST 29, 1990, AS INSTRUMENT NO. 90-344004 OF OFFICIAL RECORDS.

ALSO EXCEPT ALL COUNTY ROADS AND HIGHWAYS.

ALSO EXCEPTING THE FOLLOWING:

**EXHIBIT "A"**

SHEET 1 OF 1

GRANT DEED FOR LLA18-010  
SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

THAT PORTION OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, APPROVED BY THE SURVEYOR GENERAL ON AUGUST 30, 1873, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1 AS SHOWN ON RECORD OF SURVEY 02-139, RECORDED IN BOOK 118, PAGES 82 THROUGH 95 INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF CARPENTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, SAID CORNER ALSO BEING ON THE EAST LINE OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID CENTERLINE AS SHOWN ON RECORD OF SURVEY, RECORDED IN BOOK 25, PAGE 15 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 00° 02' 44" WEST, 187.76 FEET TO THE CENTERLINE OF EUCALYPTUS AVENUE, AS SHOWN ON LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID CENTERLINE OF EUCALYPTUS AVENUE, NORTH 89° 19' 34" EAST, 144.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 905.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27° 08' 53" AN ARC LENGTH OF 428.81 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 905.00 FEET, A RADIAL LINE TO SAID BEGINNING OF TANGENT REVERSE CURVE BEARS SOUTH 26° 28' 27" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26° 27' 26" AN ARC LENGTH OF 417.90 FEET TO A POINT OF TANGENCY WITH THE NORTHERLY LINE OF SAID GOVERNMENT LOT 1, A RADIAL LINE TO SAID POINT OF TANGENCY BEARS SOUTH 00° 01' 02" WEST;

THENCE ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 1, NORTH 89° 58' 58" WEST, 961.54 FEET TO THE POINT OF BEGINNING.

CONTAINING: 105,724 SQUARE FEET OR 2.43 ACRES MORE OR LESS (GROSS)

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

SURVEYOR:

PREPARED UNDER THE SUPERVISION OF:

Last Update: 12/04/18  
0:\3280\LLA\GRANT DEED\3950\_DEED.dwg

PREPARED BY:

**Thienes Engineering, Inc.**  
CIVIL ENGINEERING • LAND SURVEYING  
14348 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90838  
PH: (714) 821-4811 FAX: (714) 821-4173

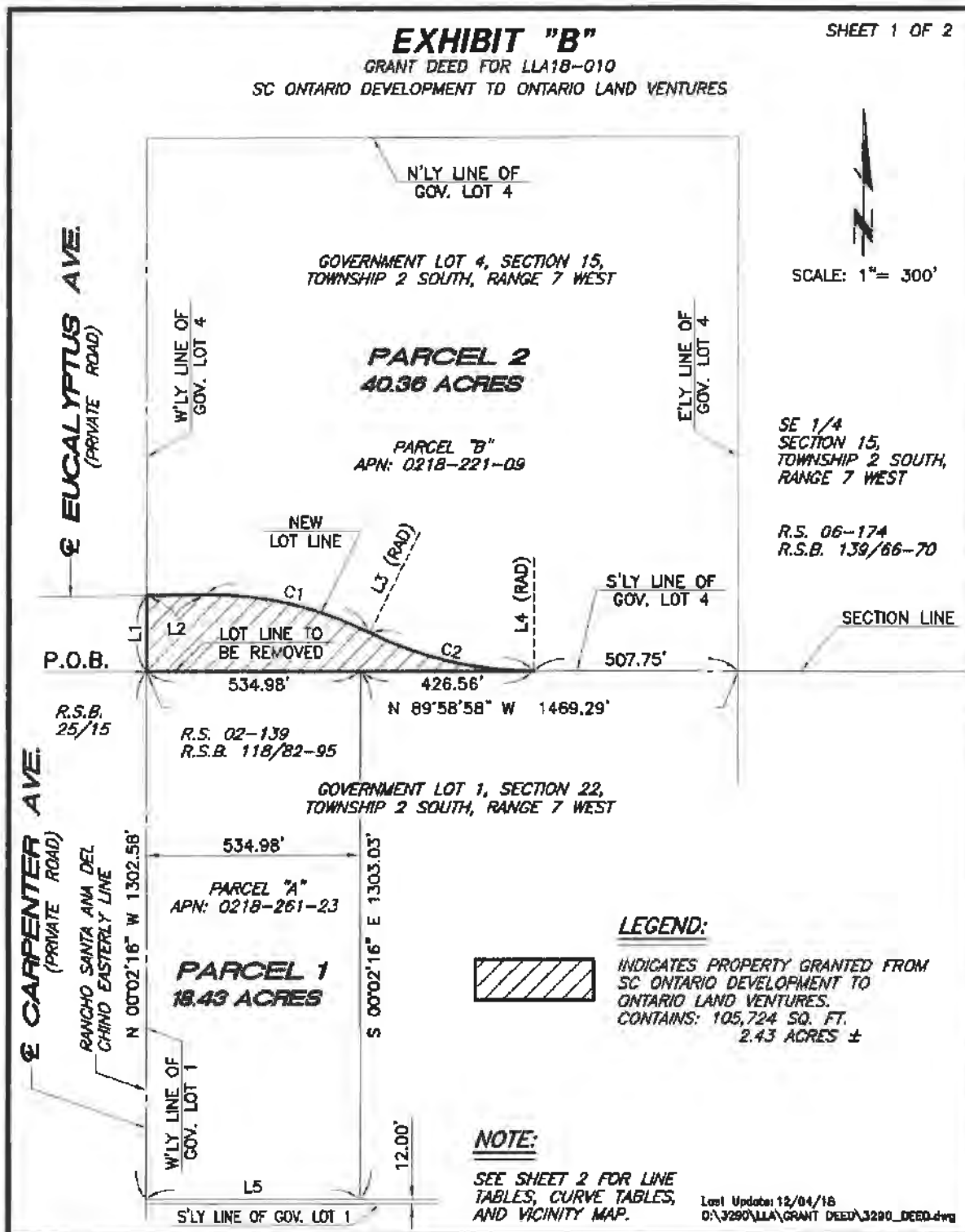
BRIAN L. THIENES  
P.L.S. NO. 5750  
REG. EXP. DEC. 31, 2019



# EXHIBIT "B"

GRANT DEED FOR LLA18-010  
 SC ONTARIO DEVELOPMENT TO ONTARIO LAND VENTURES

SHEET 1 OF 2



**EXHIBIT "B-R"**  
**PARKSIDE SPECIFIC PLAN**

Parkside



Exhibit 1-3: Land Use Plan



## EXHIBIT "C-R"

### EXISTING DEVELOPMENT APPROVALS

#### On July 25, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-060 Recommending City Council Adopt and certify the Parkside Specific Plan Environmental Impact Report.
- b) Issued Resolution No. PC06-061 Recommending City Council approval of the General Plan Amendment (File No. PGPA04-003).
- c) Issued Resolution No. PC06-062 Recommending City Council approval of the Parkside Specific Plan (File No. PSP03-002).
- d) Issued Resolution No. PC06-063 approving Tentative Tract Map 18048 (File No. PMTT06-039).

#### On August 15, 2006, the City Council:

- a) Adopted and certified the Parkside Specific Plan Environmental Impact Report and issued Resolution No. 2006-068.
- b) Approved General Plan Amendment (File No. PGPA04-003) and issued Resolution No. 2006-068A.
- c) Adopted Ordinance No. 2838 approving the Parkside Specific Plan (File No. PSP03-002).

#### On September 19, 2006, the City Council:

- a) Adopted Ordinance No. 2841, approving the original Development Agreement between the City of Ontario and SC Ontario Development Company, LLC, to provide the funding for additional City services required to support the Parkside Specific Plan (File No. PSP03-002) residential development of up to 1,947 residential units and infrastructure improvements required to support the related Tract Map 18048 (File No. PMTT06-039).

#### On July 7, 2009, the City Council:

- a) Adopted Ordinance No. 2909, approving the First Amendment to the Development Agreement (File No. PDA09-002) between the City of Ontario and SC Ontario Development Company, LLC, to allow Tract Map 18048 to be recorded for the purposes of financing.

**EXHIBIT "C-R" Continued**

**EXISTING DEVELOPMENT APPROVALS**

On December 15, 2014, the Planning Commission:

- a) Adopted Resolution No. PC14-116 recommending City Council approval of the SC Ontario Development Company, LLC Second Amendment to the Development Agreement (File No. PDA14-007); and
- b) Issued Resolution No. PC14-117 approving Tentative Tract Map No. 18999 (File No. PMTT14-021).

On February 3, 2015, the City Council:

- a) Adopted Ordinance No. 3012 approving the Second Amendment to the Development Agreement (File No. PDA14-007) between the City of Ontario and SC Ontario Development Company, LLC.

On April 23, 2019, the Planning Commission:

- a) Adopted Resolution No. PC19-025 recommending City Council approval of the Third Amendment to the Development Agreement (File No. PDA05-002) between the City of Ontario and SC Ontario Development Company, LLC.

On June 18, 2019, the City Council:

- a) Adopted Ordinance No. 3134 approving the Third Amendment to the Development Agreement (File No. PDA05-002) between the City of Ontario and SC Ontario Development Company, LLC.

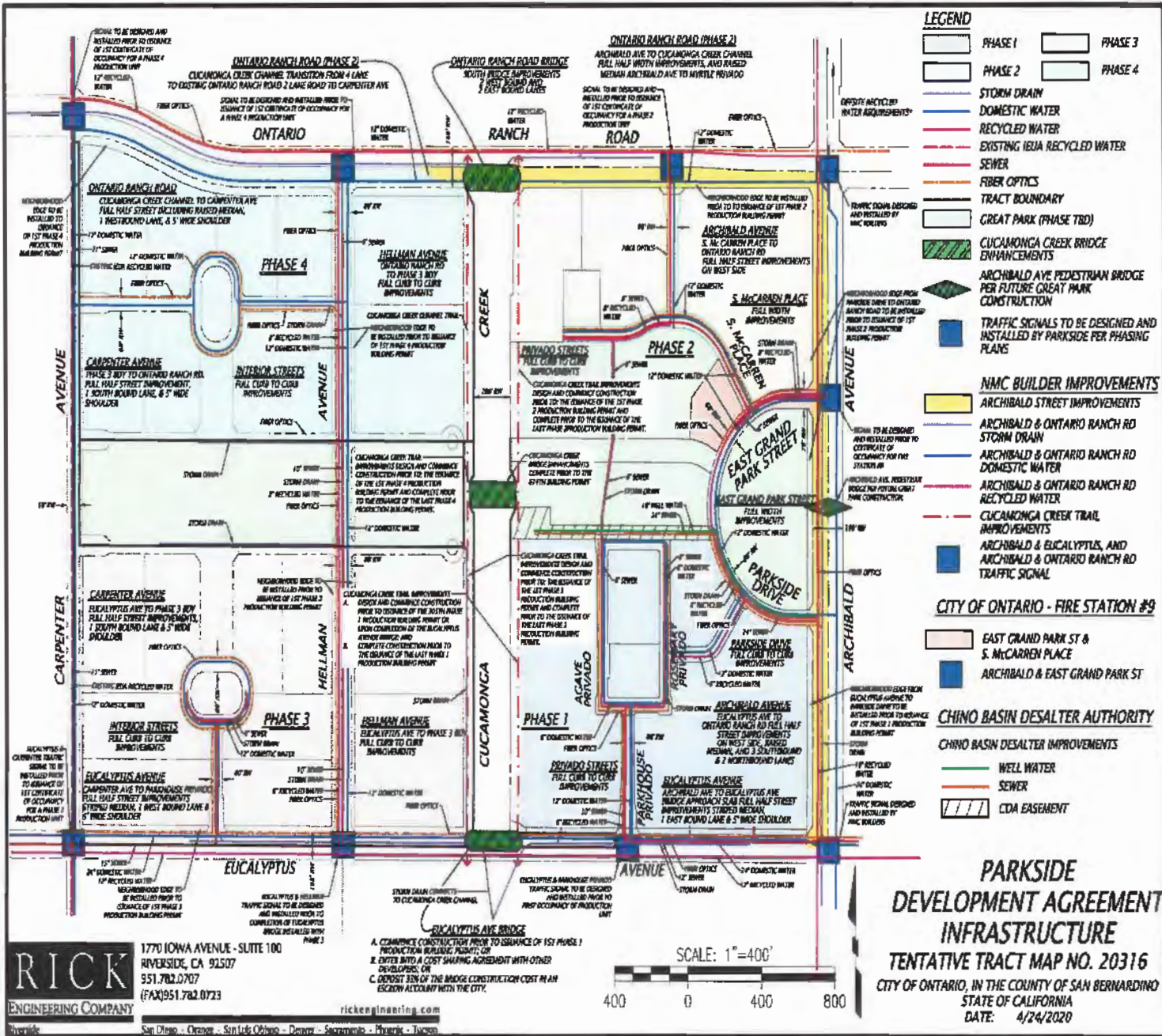
## **EXHIBIT "D-R"**

### **EXISTING LAND USE REGULATIONS**

The Documents are listed for reference only:

1. Parkside Specific Plan Environmental Impact Report, Resolution No. 2006-068.
2. General Plan Amendment (File No. PGPA04-003), Resolution No. 2006-068A.
3. Parkside Specific Plan (File No. PSP03-002), Ordinance No. 2838.
4. City of Ontario Municipal Code:
  - a. Six – Sanitation & Health
  - b. Seven – Public Works
  - c. Eight – Building Regulations
  - d. Nine – Development Code
  - e. Ten – Parks and Recreation





**RICK**  
ENGINEERING COMPANY

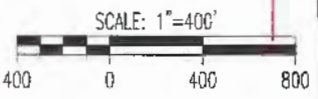
1770 IOWA AVENUE - SUITE 100  
RIVERSIDE, CA 92507  
951.782.0707  
(FAX) 951.782.0723

rickengineering.com

San Diego - Orange - San Luis Obispo - Denver - Sacramento - Phoenix - Tucson

**PARKSIDE  
DEVELOPMENT AGREEMENT  
INFRASTRUCTURE  
TENTATIVE TRACT MAP NO. 20316**  
CITY OF ONTARIO, IN THE COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA  
DATE: 4/24/2020

- A. COMMENCE CONSTRUCTION PRIOR TO ISSUANCE OF 1ST PHASE 1 PRODUCTION BUILDING PERMIT; OR
- B. ENTER INTO A COST SHARING AGREEMENT WITH OTHER DEVELOPERS; OR
- C. DEPOSIT 33% OF THE BRIDGE CONSTRUCTION COST IN AN ESCROW ACCOUNT WITH THE CITY.



**EXHIBIT "F"**

**INFRASTRUCTURE IMPROVEMENTS EXHIBIT FOR ALL PHASES**

**[SEE ATTACHED]**

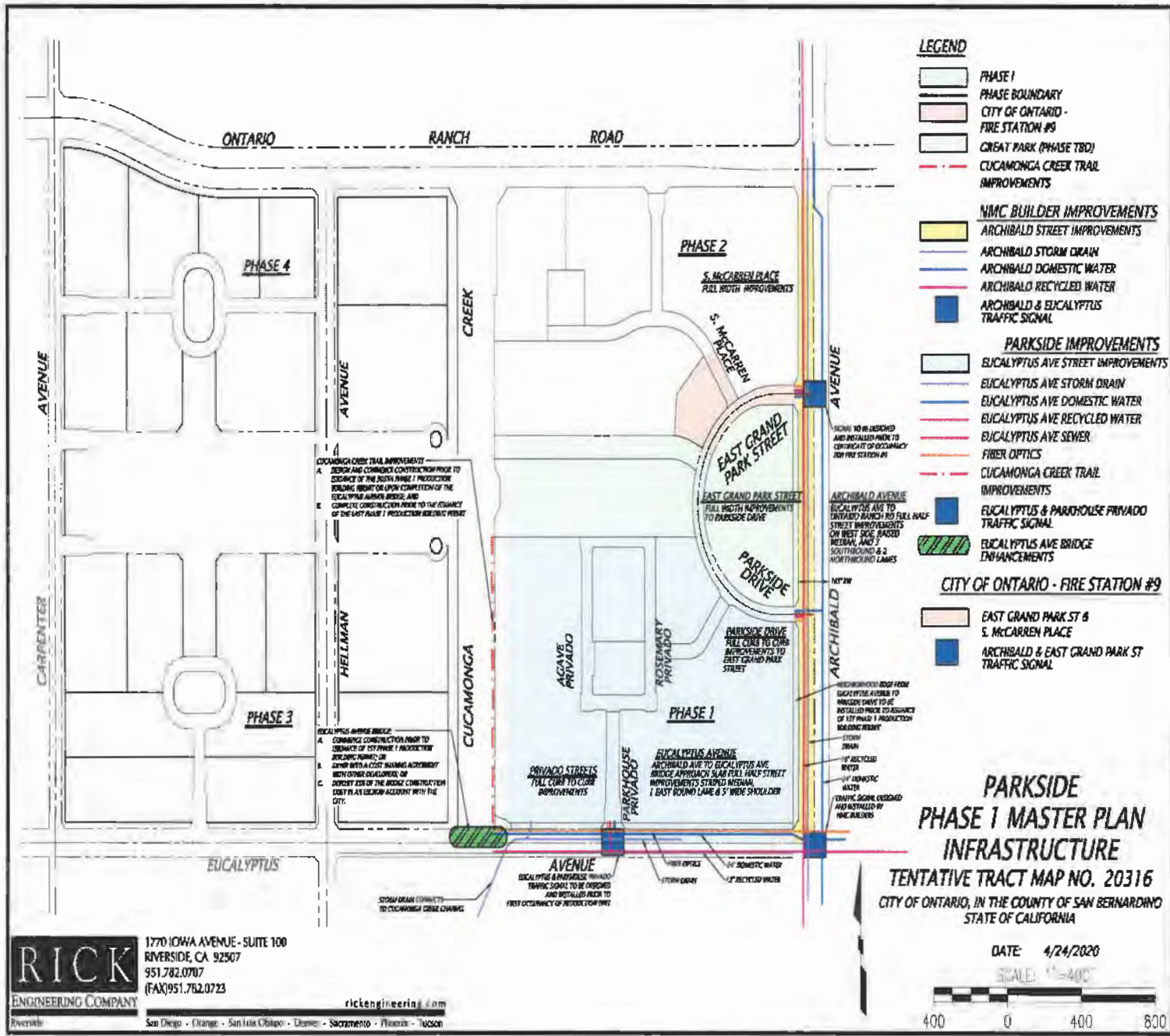


Exhibit "F-Phase 1" - Phase 1 Improvements

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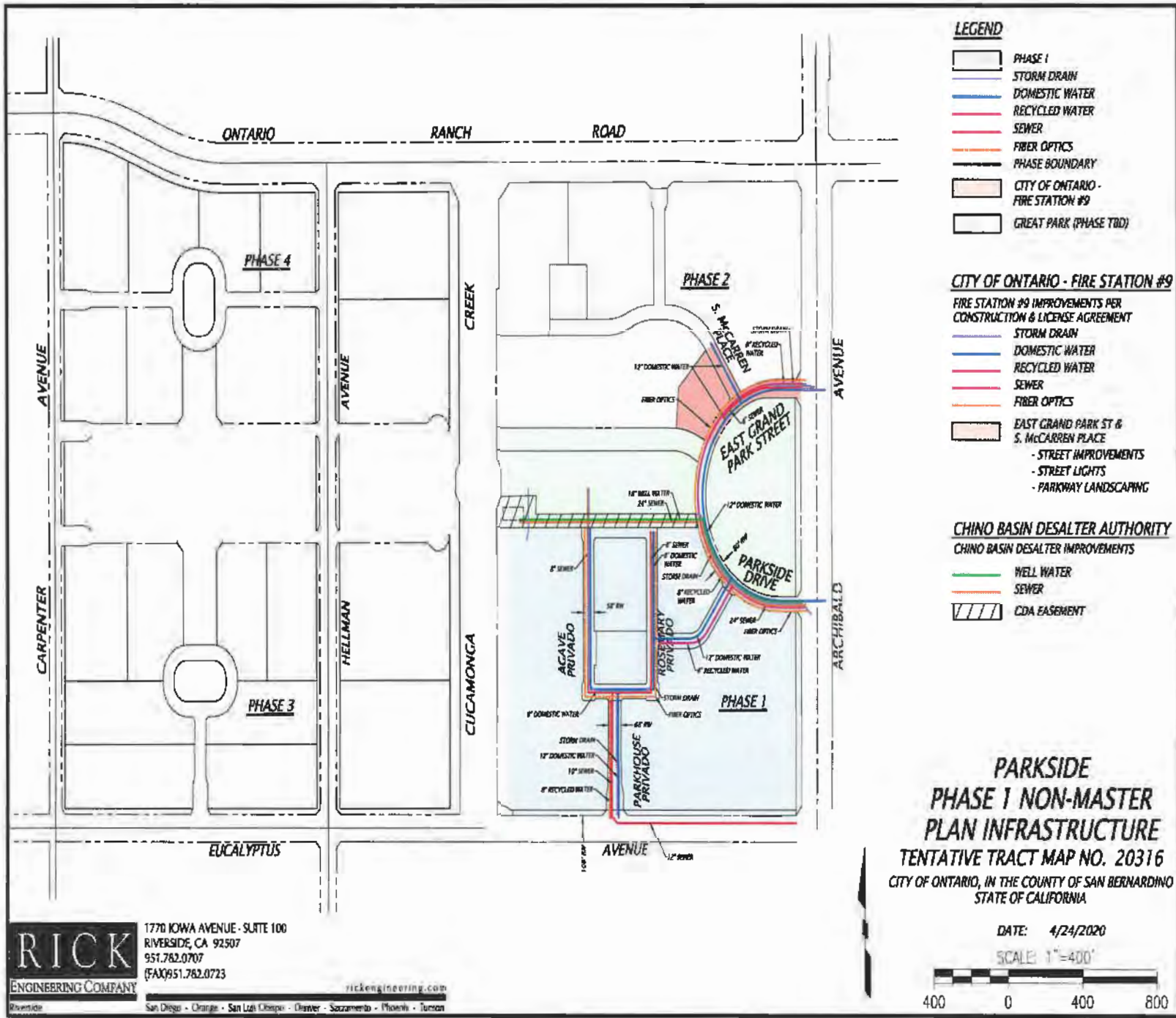
Riverside San Diego • Orange • San Luis Obispo • Oceanside • Sacramento • Phoenix • Tucson

**PARKSIDE**  
**PHASE 1 MASTER PLAN**  
**INFRASTRUCTURE**  
TENTATIVE TRACT MAP NO. 20316  
CITY OF ONTARIO, IN THE COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA

DATE: 4/24/2020

SCALE: 1"=400'









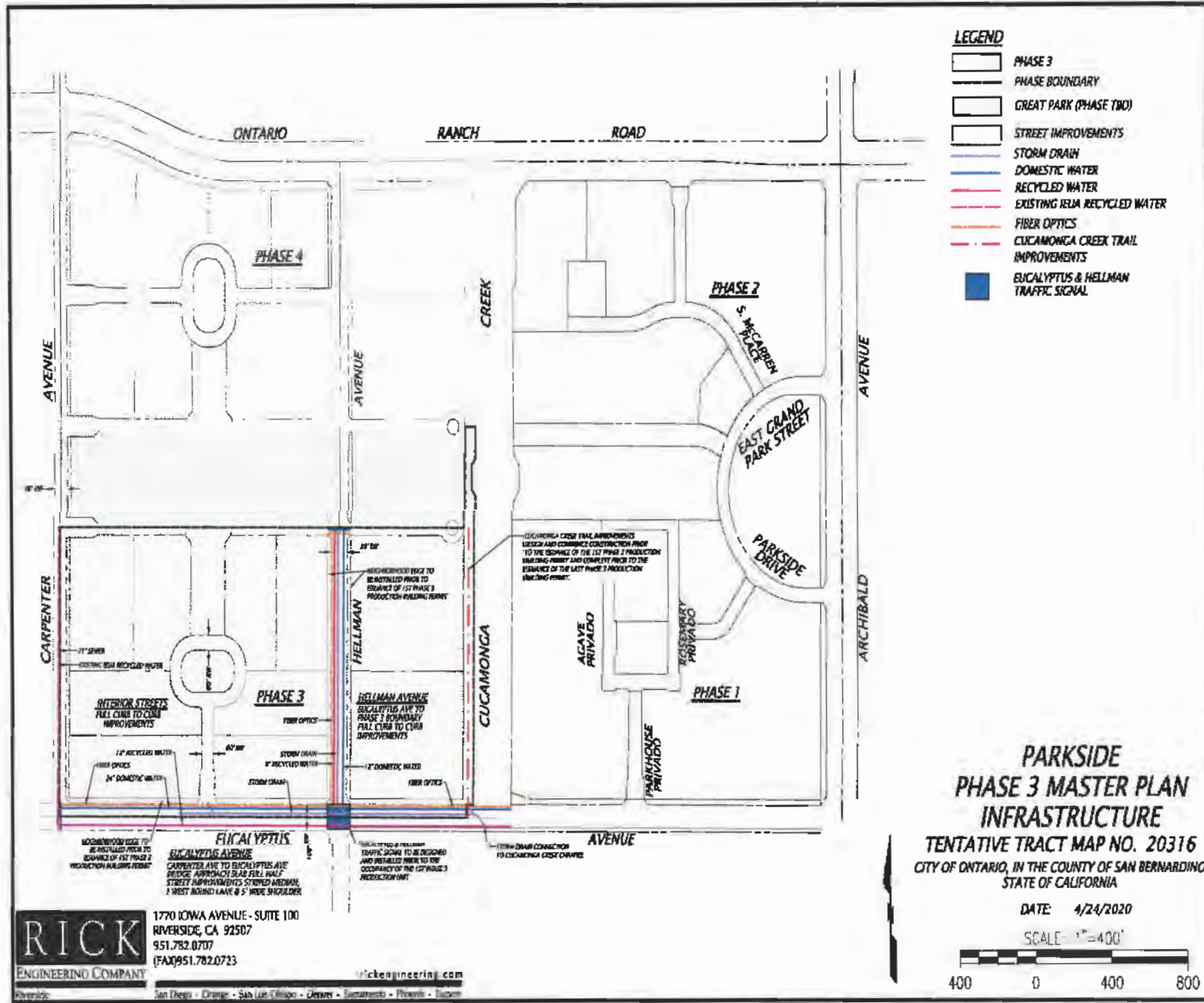


Exhibit "F-Phase 3" - Phase 3 Improvements





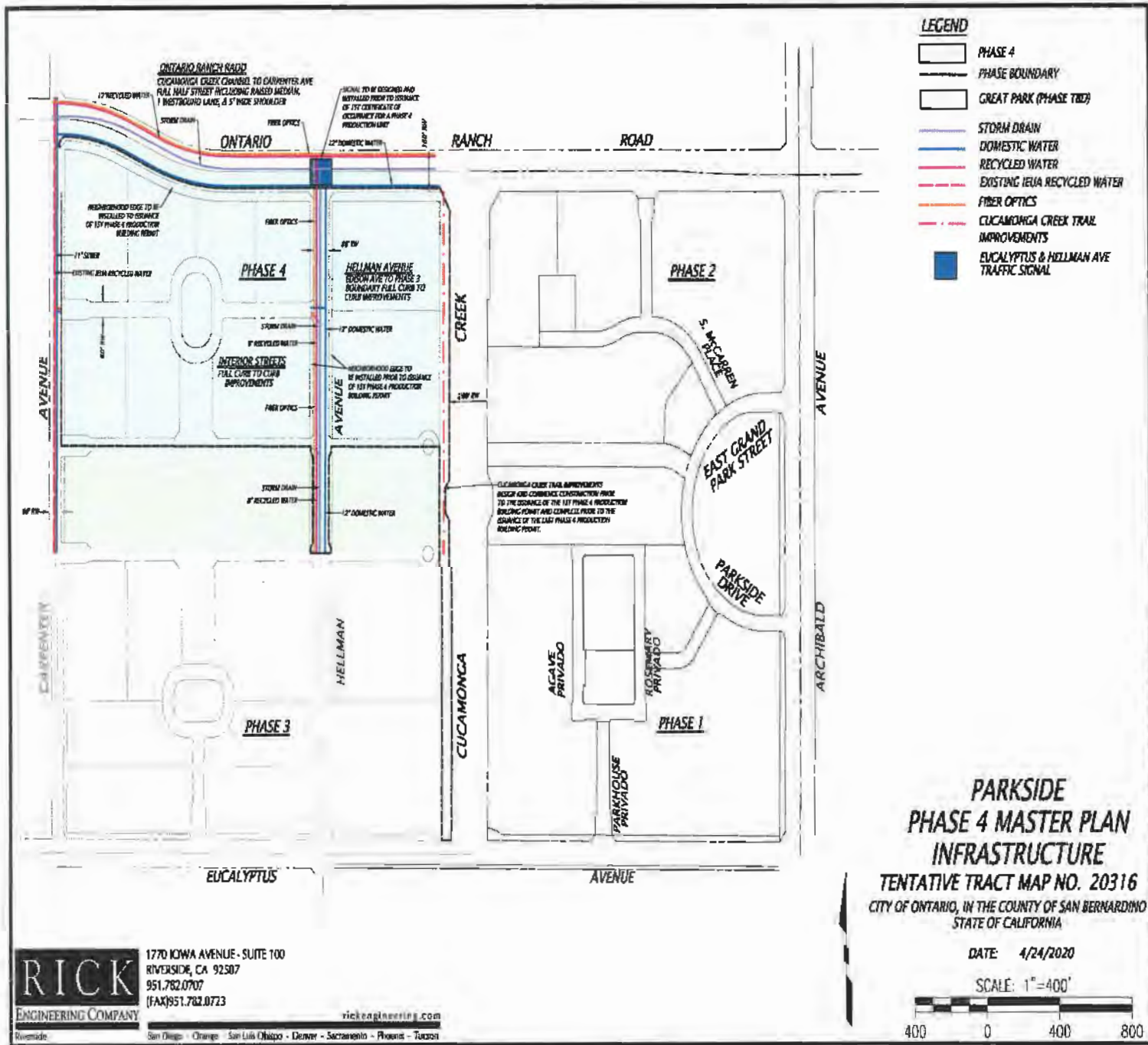
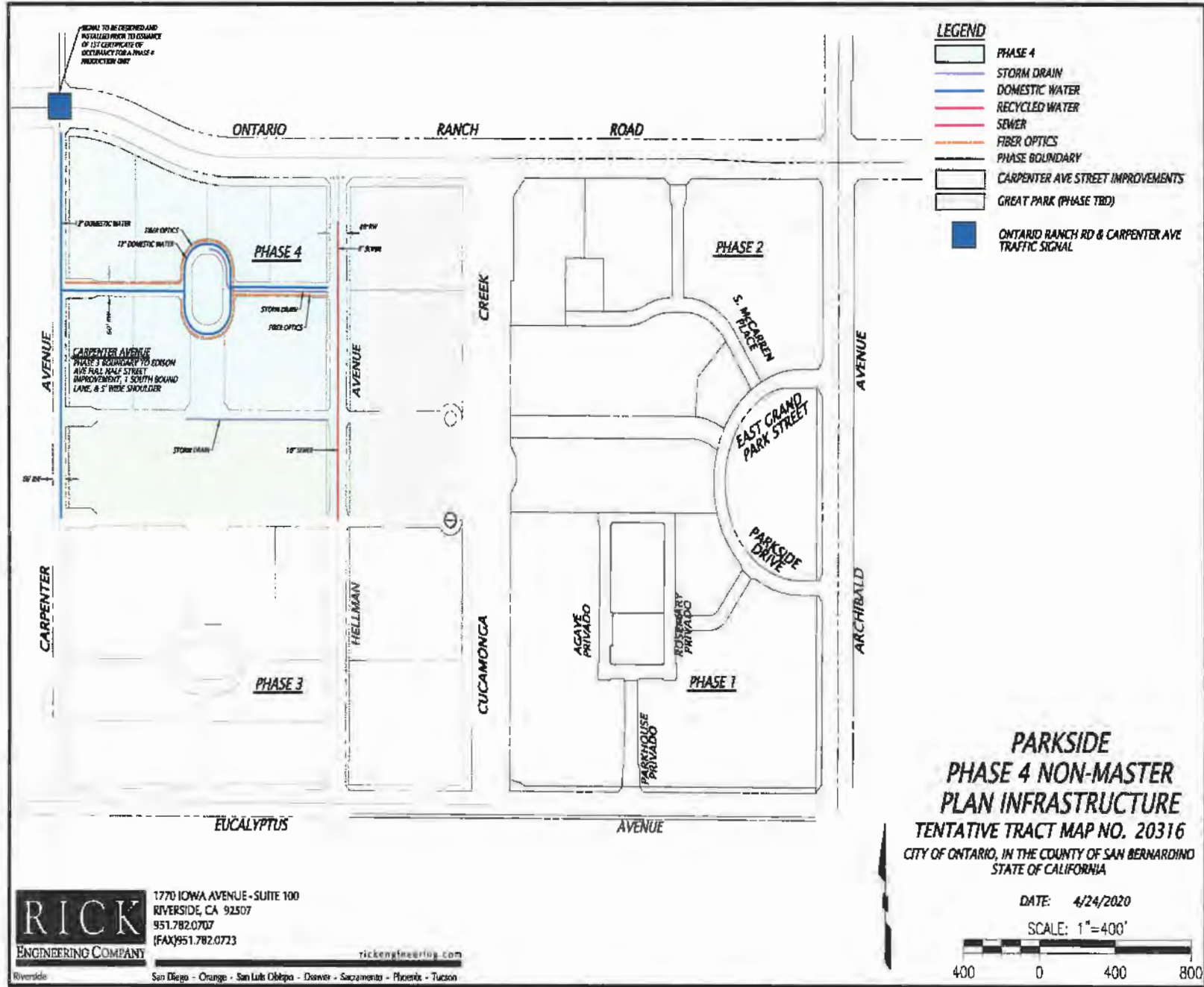


Exhibit "F-Phase 4" - Phase 4 Improvements



# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: ONTARIO INCENTIVE FOR RESTAURANTS PROGRAM GUIDELINES AND APPLICATION**

**RECOMMENDATION:** That the City Council:

- (A) Consider and approve the Ontario Incentive for Restaurants Program Agreement Template and Guidelines; and
- (B) Authorize the City Manager to make any necessary program adjustments and execute all necessary documents to implement the Ontario Incentive for Restaurants Program.

**COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy**  
**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

**FISCAL IMPACT:** The Ontario Incentive for Restaurants Program will provide forgivable loans of up to \$20,000 to each eligible business owner. Future program funding will be contingent upon City Council approved budgets and actual costs to the City will be dependent upon the number of eligible businesses that enroll in the program.

**BACKGROUND:** To encourage the continued development of Ontario and to help fill vacant commercial space with sustainable business, the Economic Development Agency has developed a pilot program to attract new restaurants to the City.

The City may in its sole and complete discretion enter into a "Ontario Incentive for Restaurants Program Loan Agreement" (Attachment A) for loans of up to \$20,000 to qualified business owners who meet the criteria set out in the Guidelines and provide evidence of leases within the Program Area. The balance of the loan will be reduced by 33% each year if the Borrower has remained in business at the qualifying location. If the Business remains at the qualifying location for three (3) years, the loan shall be cancelled, and the promissory note returned to the Borrower as paid in full. Should a recipient not stay in

**STAFF MEMBER PRESENTING:** John P. Andrews, Executive Director Economic Development

Prepared by: Tanya Spiegel  
Department: Economic Development

City Manager  
Approval:



Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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the location for the full three (3) years, the amount remaining will be due and payable to the City of Ontario.

In order to proceed with the implementation of the program, program guidelines need to be approved. The program guidelines contain the details of the eligibility requirements, amount and type of financial assistance offered, eligible improvements, application, and procurement and award processes. Staff recommends that the City Council approve both the Restaurant Incentive Program Loan Agreement template (Attachment A) and Ontario Incentive for Restaurants Program Guidelines (Attachment B), to further the goal of revitalizing commercial properties and creating a destination for the community.

## RESTAURANT INCENTIVE PROGRAM

### LOAN AGREEMENT

This AGREEMENT is made and entered into this \_\_ day of (month), (year) (the "Effective Date") by the CITY OF ONTARIO through its Economic Development Agency ("City" or "Lender"), and \_\_\_\_\_ (or "Borrower") and the Party or Parties, on the terms and conditions set out below.

#### RECITALS

A. To encourage the continued development of Ontario and to help fill vacant commercial space with sustainable business, the City has developed a pilot program to attract small local restaurants (the "Restaurant Incentive Program" or "Program"); and

B. The City may in its sole and complete discretion make loans of up to \$20,000 to business owners who provide evidence of leases within the Program area when such new businesses meet the Guidelines and all applicable terms and conditions of the Program, including all necessary permits and licenses; and

C. After review, the City has verified and determined that Borrower is eligible for such a loan.

Now, therefore, the Parties agree as follows:

1. Recitals: The Recitals set out above are true and correct.

2. Loan. Lender loans to Borrower and Borrower borrows from Lender, on the terms and conditions set out here, the total amount of \$\_\_\_\_\_. The loan proceeds may be used for any business purpose related to Borrower's business within the Program area

(a) The loan will be paid to Borrower in a lump sum upon execution of this Loan Agreement.

(b) The term of the loan is for a maximum of three (3) years commencing on the date of execution of this Loan Agreement.

(c) The loan will not bear interest.

(d) For each fiscal year after Effective Date of agreement (i.e. the first such year being July 1, 2020 through June 30, 2021), the balance of the loan shall be reduced by 33% if the Borrower has remained in business at the qualifying location. If the Borrower remains in business at the qualifying location for three (3) full years from Effective Date, the loan shall be cancelled and the promissory note returned to the Borrower as paid in full.

3. Default. Borrowers shall be considered in default under (a) or (b), as follows:

(a) In the event that the Borrower does not remain in business at the qualifying location at any time during the three (3) year period, the balance of the loan then owed shall be accelerated and due and payable in full, without interest, to the City 30 calendar days from the date of closure or relocation of the business. In the event the loan is not paid within that 30-day time period, the balance shall bear simple interest at the rate of 10% per annum or the maximum amount allowed by law. Thereafter, any payment shall be applied first to interest and then to principal.

(b) Borrower assigns the loan, the lease or sells or transfers the business.

(c) Borrower must notify Lender immediately in writing in the event that either (a) or (b) above occurs or applies.

(d) In the event of a default, Lender may pursue any legal remedy available to it to secure payment of any and all monies owed by Borrower. Nothing herein shall preclude Lender from waiving any breach or breaches which, in the sole judgment of Lender, are not substantial or do not affect the repayment of the loan herein prescribed. The remedies provided by this paragraph are cumulative and in addition to and independent of any other remedies given Lender by law.

4. Additional Terms and Conditions:

(a) Borrower at its sole expense shall indemnify, hold harmless, and defend (with counsel of City's choosing) Lender, its officers, officials, agents, volunteers and employees, from and against any and all claims, demands, damages, causes of action, costs, fines, expenses, liability or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of or pertaining to, the acquisition, development, operation or maintenance of the property described herein except for liability arising out of the sole negligence or willful misconduct of the Lender, its officers, officials, agents, volunteers or employees. In the event the City or its officers, officials, agents, volunteers or employees are named as co-defendant(s) in any court proceeding related to the business, the Borrower shall notify all affected parties of such fact and shall represent such parties in such legal action unless the parties undertake to represent themselves as co-defendant(s) in such legal action, in which event an individual party shall bear its own litigation costs, expenses and attorney's fees.

(b) No delay or failure of City in the exercise of any right or remedy hereunder shall affect any such right or remedy and no single or partial exercise of any such right or remedy shall preclude any further exercise thereof, and no action taken or omitted by City shall be deemed a waiver of any such right or remedy.

(c) Borrower waives demand, protest, presentment, notice of nonpayment, notice of protest, notice of dishonor, and diligence in bringing suit against any party and does hereby agree that time of payment of all or any part of said amount may be extended from time to time by the Lender hereof without notice.

(d) Borrower is responsible for any and all costs of collection of the loan amount, plus interest, including but not limited to any court costs and attorneys' fees.

(e) Any notice to the Borrower shall be given by personally delivering or mailing such notice by first-class mail, postage prepaid, addressed to the Borrower at the address set out below, or to such other address as the Borrower may designate by written notice to the Lender. Any notice to the Lender shall be given by mailing such notice by personal delivery or mailing such notice first class mail, postage prepaid, addressed to Lender at the address set out below. Notice shall be deemed received upon personal delivery or three (3) calendar days after deposit in the U.S. Mail.

Borrower: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lender: City of Ontario  
303 E. "B" Street  
Ontario, CA 91764

In witness whereof, the Parties signing below and authorized to do so have executed this Agreement as of the date(s) set forth below.

Borrower:

Lender:

\_\_\_\_\_  
By:

\_\_\_\_\_  
By: City of Ontario

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# City of Ontario Incentive for Restaurants Program

## Program Description

To encourage the continued development of Ontario and to help fill vacant commercial space with sustainable business, the City has developed a pilot program to attract small local restaurants.

The City of Ontario has dedicated \$20,000 for the FY 2020-2021 *Ontario Incentive for Restaurants (OIR)* as part of its incentive program to attract new full-service sit-down restaurants with regionally and nationally recognized brands to the City of Ontario (the "Program").

## Program Goals

The goals of the Program are to:

- Attract new full-service sit-down restaurants to the City of Ontario;
- Create new jobs;
- Develop, redevelop, revitalize, improve and occupy property in the City of Ontario;
- Create public benefit by providing jobs and restaurant opportunities for the residents of the City of Ontario.

## Building and Qualifying Business Eligibility:

The City may award one or more Incentives as part of the *OIR* to a Restaurant that meets the following criteria:

- Restaurant Eligibility Criteria to establish a Qualifying Restaurant:
  - *Restaurant* must demonstrate one of the following:
    - A viable plan and commitment to create or retain at least five (5) Qualifying Jobs.
    - A viable plan and commitment to complete a new capital investment to retain or expand its workforce, products, services, facilities, or general operations within the 24-month period immediately following the *Incentive Award Date*.
  - *Restaurant* must not have more than five (5) other locations.
  - *Restaurant* must be locating to a street level site.
  - *Restaurant* must not be a start-up venture.
  - *Restaurant* must show profitable operation for a minimum of two (2) years to qualify (exceptions may be considered on a case-by-case basis due to the COVID-19 national disaster). Startup businesses may be considered on an exception basis.
  - *Restaurant* must sign a minimum three (3) year lease agreement.
  - *Restaurants that are currently located in the City of Ontario may apply if the new location is an expansion from their existing location or if this will be a secondary location.*
- If a building sale is proposed, the new owner must include the establishment of a Qualifying Restaurant.



# City of Ontario Incentive for Restaurants Program

## Restaurant Incentive Workplan

The City will consider providing an increased level of *Incentives* to any Qualifying *Restaurant* that meets additional criteria to help reach the City's goal to support workforce, sustainability, and economic goals. Additional criteria are likely to change as Ontario's economy changes and grows. For that reason, the City staff shall, on an as-needed basis, provide to the City Manager a written evaluation of the additional criteria in the *Restaurant Incentive Workplan* and, where appropriate, recommend the deletion, revision, or addition of new criteria in the *Restaurant Incentive Workplan*. Applicants will be evaluated using the most recent *Restaurant Incentive Workplan*.

## Types of RIP Awards

The City may award *Incentives* as follows:

1. Payment of City Fees. Payment made by the City on behalf of the *Restaurant*.
2. Secured and Unsecured Financing. Financing assistance through City loan programs with specialized rates and terms, including a three (3) year forgivable loan program.
3. Payment to Restaurant. Payments made by the City directly to a Qualifying *Restaurant* to support the hiring or training of employees through an existing program offered or other program identified in the *Restaurant Incentive Workplan*.

## Maximum Incentive Amounts

The amount of the incentive is determined by the following:

1. Incentive is not to exceed \$20,000.
2. Incentive is conditioned on completion of the project. The period of time between the approved application and final disbursement cannot exceed three (3) years for the full incentive amount.

# City of Ontario Incentive for Restaurants Program

## Procedures

### 1. Application

To be eligible for *Incentive(s)* through the *OIR*, an authorized representative of the *Restaurant* must submit an *application* to the City that contains information showing how the proposed project is *OIR*-eligible. This may include information such as estimated capital investment in the project, estimated tax base impact, number of prospective jobs created or retained by the project, or other specific benefits the *Business* expects to generate for the benefit of the City. City may require a *Restaurant* to provide, or otherwise make available for review, financial statements and other proprietary information relevant to determining *OIR* eligibility. Proprietary information must be marked as such.

### 2. Economic Development Department Review

City staff will analyze and evaluate the *application* and any supporting material, then communicate to the City Manager its recommendation on whether, and in which manner, to award one or more *Incentives*. City staff's recommendation must be based on consideration and analysis of the following potential benefits to the City:

- i. The cost of the *Incentive(s)* compared to the economic benefits that the project is expected to produce.
- ii. The impact of the project on the City's tax base and revenue.
- iii. A determination the project is not expected to shift economic activity from one area of the City to another.
- iv. Analysis of whether the project would proceed if the *Incentive(s)* were not provided.

### 3. Contract Administration

#### a. Compliance Review

City staff will routinely monitor and document all *Recipients'* progress to ensure that the *Recipients* are meeting all Business Incentive Workplan criteria as they relate to each *Recipient*. At a minimum, City staff must conduct a semi-annual written evaluation to determine each *Recipient's* contractual compliance.

#### b. Enforcement

If any *Recipient* does not meet its contractual obligations, City staff must commence all contractually allowable recapture procedures to recover funds, or other value, provided to the *Recipient* in connection with the *Incentive(s)*.

#### c. Failure to Execute

## City of Ontario Incentive for Restaurants Program

In the event that an approved applicant has received the first incremental incentive disbursement and no progress has been made within the three-year period (i.e. failure to meet the second benchmark), all funds will be required to be returned to the City. This action may be provoked (by way of example) by an excessive lapse in time or a significant change in use or intent by the owner.

### d. Amendment

The Standard Incentive Agreement may include reasonable conditions the City may consider in order to amend the *Recipient's* performance requirements. Reasonable conditions include, but are not limited to, changed economic or market conditions, economic hardship, or unforeseen circumstances resulting in the *Recipient's* need for additional time to fully comply with its contractual obligations.

### e. Reporting

- i. Within 30 calendar days of awarding an *Incentive*, the City will gather the following information:
  1. Memo to the City Manager outlining the *Incentive*.
  2. Complete information on the amount of the *Incentive*.
    - a. The name, identity, and nature of interest of all persons or parties with an ownership or controlling interest in the *Recipient*.
    - b. The exact street-address location of the facility or facilities relating to the *incentive* awarded.
  3. Data on outcomes such as jobs created and wages paid.
  4. Information on steps, such as recapture or repayment of *Incentives*, the City could take if the *Recipient* fails to meet job or investment targets.
- ii. The City shall collect and update all reporting data at the end of each fiscal year.
- iii. The City shall maintain all reporting data throughout the term of the agreement, unless otherwise required by State law, for any year in which a *Recipient* receives an *Incentive*.

### Ownership of Documents/Public Records

Information/documents/materials, etc., submitted for the purpose of supporting a *Restaurant Incentive Program* application shall become property of the City of Ontario and will not be returned. *Restaurant Incentive Program* applicants, by signing this application, understand and consent to the City's utilization of this information for review and approval purposes. Applicants also understand agree that information held by the City of Ontario may become public records which are subject to review by members of the general public, except where marked as proprietary or protected from disclosure by law.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AMENDMENT TO THE VECTOR CONTROL AND SURVEILLANCE SERVICES AGREEMENT FOR THE MILL CREEK WETLANDS**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an Amendment to the Vector Control and Surveillance Services Agreement (on file in the Records Management Department) with the West Valley Mosquito and Vector Control District in the amount of \$37,340 plus a contingency of \$3,660 for a total authorized expenditure of \$132,183; and authorize the City Manager to extend the agreement for an additional year consistent with City Council approved budgets.

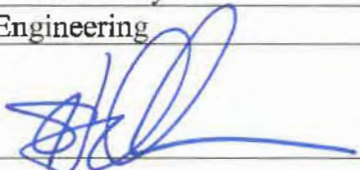
**COUNCIL GOALS:** Operate in a Businesslike Manner  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2020-21 Adopted Operating Budget includes appropriations for various professional and maintenance services for the Mill Creek Wetlands such as water quality monitoring and reporting, landscape maintenance, and vector control. The Vector Control and Surveillance Services Agreement was initially approved with a total expenditure authorization of \$33,843. There were two subsequent amendments which extended the agreement term and increased the total expenditure authorization to \$91,183. This amendment will add an additional year to the contract in the amount of \$37,340 plus a contingency of \$3,660, for a new not to exceed total expenditure authorization of \$132,183.

At the discretion of the City, the contract may be extended for an additional one-year period with any increase to billing rates to be negotiated, consistent with the City Council approved budget for the future fiscal year.

**BACKGROUND:** The Operations and Maintenance Program for the Mill Creek Wetlands includes specific vector control measures to maintain public health, while achieving adequate water quality performance objectives. The West Valley Mosquito and Vector Control District is a Special District

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Eric Woosley  
Department: Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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providing vector control management services to several cities in San Bernardino County including Ontario.

As the wetlands become more established, the required maintenance activities have increased.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 9, 19, 23, 27, 32, 37, 44, 47, 48, 49, 50, and 51 FOR FISCAL YEAR 2020-21**

**RECOMMENDATION:** That the City Council adopt resolutions establishing the annual special tax within City of Ontario Services Community Facilities Districts 9, 19, 23, 27, 32, 37, 44, 47, 48, 49, 50 and 51 for Fiscal Year 2020-21.

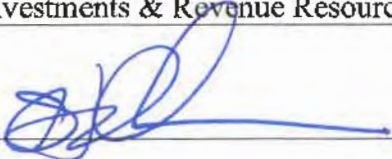
**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Ensure the Development of a Well Planned, Balanced and Self-Sustaining Community in Ontario Ranch

**FISCAL IMPACT:** As proposed for Fiscal Year 2020-21, special tax revenues in the amount of \$8,432,637 will be used to fund City services and related district expenses.

**BACKGROUND:** The services authorized to be financed, in whole or in part, by City of Ontario Community Facilities Districts 9, 19, 23, 27, 32, 37, 44, 47, 48, 49, 50 and 51 are as follows: police protection services; fire protection and suppression services; ambulance and paramedic services; maintenance and lighting of parks, parkways, streets, roads, and open space; flood and storm drain protection services; and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution for each of the above, named districts by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Reports for the districts for Fiscal Year 2020-21, which are on file in the Records Management Department. The assessed rates for Fiscal Year 2019-20, and the maximum and proposed annual tax rates for Fiscal Year 2020-21, are as follows:

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason Jacobsen  
Department: Investments & Revenue Resources  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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## Annual Tax Rates

CFD No.	Land Use	Number of Units / Sq. Ft.	FY 2019-20 Tax Rates	FY 2020-21 Maximum Tax Rates	FY 2020-21 Proposed Tax Rates	FY 2020-21 Special Tax Levy
9	Residential - Tax Zone 1	273 per Unit	\$1,511.55 per Unit	\$1,541.78 per Unit	\$1,511.55 per Unit	\$ 412,653
9	Residential - Tax Zone 2	201 per Unit	\$1,183.64 per Unit	\$1,207.32 per Unit	\$1,183.64 per Unit	\$ 237,912
19	Single Family Detached	226 per Unit	\$1,687.50 per Unit	\$1,755.00 per Unit	\$1,687.50 per Unit	\$ 381,375
23	Single Family Detached	1,234 per Unit	\$1,687.50 per Unit	\$1,755.00 per Unit	\$1,687.50 per Unit	\$ 2,082,375
27	Single Family Detached	754 per Unit	\$1,687.50 per Unit	\$1,755.00 per Unit	\$1,687.50 per Unit	\$ 1,272,375
27	Multiple Family	687 per Unit	\$1,462.42 per Unit	\$1,520.91 per Unit	\$1,462.42 per Unit	\$ 1,004,683
27	Non-Residential Property	92,601 per Sq. Ft.	\$ 0.3163 per Unit	\$ 0.3290 per Unit	\$0.3163 per Unit	\$ 29,290
32	Single Family Detached	229 per Unit	\$1,686.94 per Unit	\$1,754.41 per Unit	\$1,686.94 per Unit	\$ 386,309
37	Single Family Detached	330 per Unit	\$1,687.30 per Unit	\$1,754.79 per Unit	\$1,687.30 per Unit	\$ 556,809
44	Single Family Detached	130 per Unit	\$1,686.88 per Unit	\$1,754.36 per Unit	\$1,686.88 per Unit	\$ 219,294
47	Non-Residential Property	1,289,292 per Sq. Ft.	\$0.3120 per Sq. Ft.	\$0.3245 per Sq. Ft.	\$0.3120 per Sq. Ft.	\$ 402,259
48	Single Family Detached	54 per Unit	N/A	\$1,754.48 per Unit	\$1,687.00 per Unit	\$ 91,098
49	Single Family Detached	176 per Unit	N/A	\$1,754.48 per Unit	\$1,687.00 per Unit	\$ 296,912
50	Non-Residential Property	1,197,794 per Sq. Ft.	\$0.3100 per Sq. Ft.	\$0.3224 per Sq. Ft.	\$0.3100 per Sq. Ft.	\$ 371,316
51	Non-Residential Property	2,219,280 per Sq. Ft.	N/A	\$0.3224 per Sq. Ft.	\$0.3100 per Sq. Ft.	\$ 687,977
<b>Total Fiscal Year 2020-21 Special Tax Levy</b>						<b>\$ 8,432,637</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 9 (Edenglen) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2860 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:



- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 9 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 9 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 9  
(EDENGLLEN)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b><u>Land Use</u></b>	<b><u>FY 2020-21 Tax Rate</u></b>
Residential Property	
Tax Zone 1	\$1,511.55 per Unit
Tax Zone 2	\$1,183.64 per Unit
Non-Residential Property	\$0.2926 per Sq.Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3007 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 19 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 19 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 19  
(COUNTRYSIDE PHASE 1 - SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Number of Units / Sq. Ft.</b>	<b>FY 2020-21 Tax Rates</b>
Residential Property:		
Single Family Detached	226	\$1,687.50 per Unit
Multiple Family	0	\$1,462.41 per Unit
Gated Apartment Community	0	\$1,226.39 per Unit
Non-Residential Property	0	\$0.3163 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 23 (Park Place Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2988 and Ordinance No. 3087 (together, the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 23 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 23 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 23  
(PARK PLACE SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
Residential Property:	
Single Family Detached	\$1,687.50 per Unit
Multiple Family	\$1,462.42 per Unit
Gated Apartment Community	\$1,226.39 per Unit
Non-Residential Property	\$0.3163 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 27 (New Haven Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2993 and Ordinance No. 3119 (together, the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 27 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 27 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR



ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 27  
(NEW HAVEN SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b><u>Land Use</u></b>	<b><u>FY 2020-21 Tax Rates</u></b>
Residential Property:	
Single Family Detached	\$1,687.50 per Unit
Multiple Family	\$1,462.42 per Unit
Gated Apartment Community	\$1,226.39 per Unit
Non-Residential Property	\$0.3163 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER - SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 32 (Archibald/Schaefer - Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3016 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 32 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 32 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 32  
(ARCHIBALD/SCHAEFER - SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
Residential Property:	
Single Family Detached	\$1,686.94 per Unit
Multiple Family	\$1,462.33 per Unit
Gated Apartment Community	\$1,226.02 per Unit
Non-Residential Property	\$0.3159 per Sq. Ft.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 37 (Park & Turner NE Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3043 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 37 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 37 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 37  
(PARK & TURNER NE SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
Residential Property:	
Single Family Detached	\$1,687.30 per Unit
Multiple Family	\$1,462.32 per Unit
Gated Apartment Community	\$1,226.10 per Unit
Non-Residential Property	\$0.3150 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 44 (Esperanza Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3124 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 44 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 44 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER, LLP  
CITY ATTORNEY



STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-     duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 44  
(ESPERANZA SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
<b>Residential Property:</b>	
Single Family Detached	\$1,686.88 per Unit
Multiple Family	\$1,462.24 per Unit
Gated Apartment Community	\$1,226.16 per Unit
<b>Non-Residential Property</b>	\$0.3120 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3107 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 47 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 47 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020

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PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-     duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 47  
(COLONY COMMERCE CENTER WEST I SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
<b>Residential Property:</b>	
Single Family Detached	\$1,686.88 per Unit
Multiple Family	\$1,462.24 per Unit
Gated Apartment Community	\$1,226.16 per Unit
<b>Non-Residential Property</b>	<b>\$0.3120 per Sq. Ft.</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 48 (Tevelde Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3127 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:



- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 48 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 48 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 48  
(TEVELDE SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
<b>Residential Property:</b>	
Single Family Detached	\$1,687.00 per Unit
Multiple Family	\$1,462.00 per Unit
Gated Apartment Community	\$1,226.00 per Unit
<b>Non-Residential Property</b>	<b>\$0.3100 per Sq. Ft.</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 49 (AVENUE 176 SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 49 (Avenue 176 Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3139 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

**SECTION 6.** The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

**SECTION 7.** All monies above collected shall be paid into the Community Facilities District No. 49 Fund.

**SECTION 8.** The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 49 Special Tax," or by any other suitable designation, the installment of the special tax.

**SECTION 9.** The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

**SECTION 10.** This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 49  
(AVENUE 176 SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
<b>Residential Property:</b>	
Single Family Detached	\$1,687.00 per Unit
Multiple Family	\$1,462.00 per Unit
Gated Apartment Community	\$1,226.00 per Unit
<b>Non-Residential Property</b>	\$0.3100 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3132 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 50 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 50 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 50  
(WEST ONTARIO LOGISTICS CENTER SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
<b>Residential Property:</b>	
Single Family Detached	\$1,687.00 per Unit
Multiple Family	\$1,462.00 per Unit
Gated Apartment Community	\$1,226.00 per Unit
<b>Non-Residential Property</b>	<b>\$0.3100 per Sq. Ft.</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 51 (ONTARIO RANCH LOGISTICS CENTER SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 51 (Ontario Ranch Logistics Center Services) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 3140 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Costs of those services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 51 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 51 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR



ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 51  
(ONTARIO RANCH LOGISTICS CENTER SERVICES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
Residential Property:	
Single Family Detached	\$1,687.00 per Unit
Multiple Family	\$1,462.00 per Unit
Gated Apartment Community	\$1,226.00 per Unit
Non-Residential Property	\$0.3100 per Sq. Ft.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: RESOLUTIONS ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS NO. 10, 20, AND 21 FOR FISCAL YEAR 2020-21**

**RECOMMENDATION:** That the City Council adopt a resolution establishing the annual special tax within City of Ontario Services Community Facilities Districts No. 10, 20, and 21 for Fiscal Year 2020-21.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** As proposed for Fiscal Year 2020-21, special tax revenues will be used to fund City services within each respective district and pay for related district expenses. Total revenue is estimated to be \$110,623 for all three districts.

**BACKGROUND:** The services authorized to be financed, in whole or in part, by City of Ontario Services Community Facilities Districts 10, 20, and 21 are as follows: (CFD 10) police protection services, fire protection and rescue services, parkway and open space maintenance services; (CFD 20) the operation and maintenance of the public street lighting facilities and appurtenances that serve the property and whose installation was identified as part of the project; (CFD 20 and 21) the maintenance and servicing of the landscaping and appurtenant improvements of the raised, landscaped medians constructed by the landowners; and all costs related to financing and administering each of the districts.

The adoption of a resolution for each of the above, named districts by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Reports for the districts for Fiscal Year 2020-21, which are on file in the Records

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen  
Department: Investments & Revenue Resources

City Manager Approval:  \_\_\_\_\_

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

10

Management Department. The assessed tax rates for Fiscal Year 2019-20, and the assessed/maximum and proposed annual tax rates for Fiscal Year 2020-21, are as follows:

**Annual Tax Rates**

<b>CFD No.</b>	<b>Land Use</b>	<b>Taxable Acreage/Units</b>	<b>FY 2019-20 Tax Rates</b>	<b>FY 2020-21 Maximum Tax Rates</b>	<b>FY 2020-21 Proposed Tax Rates</b>	<b>FY 2020-21 Special Tax Levy</b>
CFD 10 <sup>1</sup>	Taxable Property	25.012 Acre	\$477.79 per Acre	\$650.75 per Acre	\$479.03 per Acre	\$11,982
CFD 20	Taxable Property	16.28 Acre	\$2,028.53 per Acre	\$2,829.06 per Acre	\$2,028.53 per Acre	\$33,024
CFD 21	Detached Property	150 Units	\$243.90 per Unit	\$249.52 per Unit	\$243.90 per Unit	\$36,585
CFD 21	Attached Property	152 Units	\$191.00 per Unit	\$195.40 per Unit	\$191.00 per Unit	\$29,032
<b>Total Fiscal Year 2020-21 Special Tax Levy</b>						<b>\$110,623</b>

<sup>1</sup> CFD 10 experienced a loss of .06 acres resulting in an increase in the per Acre rate. FY 20-21 Levy remains the same as FY 19-20 Levy.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 10 of the City of Ontario (Ontario Airport Towers)" (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2902 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a services special tax (the "Services Special Tax") and a facilities special tax (the "Facilities Special Tax") to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rate of the Services Special Tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the Services Special Tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the Services Special Tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) police protection services, fire protection and rescue services and parkway and open space maintenance services (the "Services"); and
- (b) all costs related to financing and administering the Services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District (the "Services Incidental Expenses").

SECTION 6. The Services Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said Services Special Tax.

SECTION 7. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 10 Special Tax," or by any other suitable designation, the installment of the Services Special Tax.

SECTION 8. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Services Special Tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 9. This legislative body hereby certifies that the levy of the Services Special Tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER, LLP  
CITY ATTORNEY



STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 10  
(ONTARIO AIRPORT TOWERS)**

**SPECIAL TAX RATE  
FOR FISCAL YEAR 2020-21**

All Assessor's Parcels of Taxable Property within Community Facilities District No. 10 shall be taxed at the following special tax rate pursuant to the Rate and Method of Apportionment of Special tax, as amended:

<u>Land Use</u>	<u>FY 2020-21 Special Tax</u>
Taxable Property	\$479.03 Per Acre

Assessor's Parcel, Acre and Taxable Property shall all have the meanings as defined in the Rate and Method of Apportionment of Special tax, as amended.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 20 of the City of Ontario (Wal-Mart)" (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2963 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a services special tax (the "Services Special Tax") and a facilities special tax (the "Facilities Special Tax") to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rate of the Services Special Tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rate and amount of the Services Special Tax to be collected to pay for the Costs and Expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the Services Special Tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) the lighting, operating, maintaining, improving and servicing of the public street lights and appurtenances benefiting the properties within the District, the maintaining improving and servicing of the landscaping and appurtenances of the raised, landscaped median to be constructed by the landowner on the west side of Mountain Avenue between 5<sup>th</sup> Street and 6<sup>th</sup> Street (the "Services"); and
- (b) all costs related to financing and administering the Services, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the District and administering the District (the "Services Incidental Expenses").

SECTION 6. The Services Special Tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said Services Special Tax.

SECTION 7. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 20 Special Tax," or by any other suitable designation, the installment of the Services Special Tax.

SECTION 8. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such Services Special Tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 9. This legislative body hereby certifies that the levy of the Services Special Tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 20  
(WAL-MART)**

**SPECIAL TAX RATE  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rate</b>
Taxable Property	\$2,028.53 Per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as City of Ontario Community Facilities District No. 21 (Parkside) (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2966 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above does not exceed the amount as previously authorized by the Special Tax Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:



- (a) Costs of providing services authorized to be financed by the District;
- (b) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (c) Administrative costs of the District; and
- (d) Any incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into the Community Facilities District No. 21 Fund.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 21 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

---

COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 21 (PARKSIDE)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
Detached Property	\$243.90 per Unit
Attached Property	\$191.00 per Unit

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV) FOR FISCAL YEAR 2020-21**

**RECOMMENDATION:** That the City Council adopt a resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center - Phase IV) for Fiscal Year 2020-21.

**COUNCIL GOALS:** Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains, and Public Facilities)

**FISCAL IMPACT:** As proposed for Fiscal Year 2020-21, special tax revenues in the amount of \$381,328. will be used to pay the annual debt service for bonds issued to acquire public improvements and to pay for administrative expenses for the district.

**BACKGROUND:** The facilities funded by the district include street improvements and utility connections on Francis Street between Haven Avenue and Dupont Street, and the installation of new storm drain facilities to tie into the existing Lower Deer Creek storm drain system. The adoption of a resolution by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the City's Administrative Report for the district for Fiscal Year 2020-21, which is on file in the Records Management Department. The assessed tax rates for Fiscal Year 2019-20 and the maximum and proposed annual tax rates for Fiscal Year 2020-21; are as follows.

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason Jacobsen  
Department: Investment & Revenue Resources  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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### Annual Tax Levy

Land Use	Number of Parcels	Total Sq. Ft.	FY 2019-20 Tax Levy	FY 2020-21 Maximum Tax Levy	FY 2020-21 Proposed Tax Levy	FY 2020-21 Special Tax Levy
Industrial Property	6	1,936,142	\$0.1826 per Sq. Ft.	\$0.2111 per Sq. Ft.	\$0.1917 per Sq. Ft.	\$371,091
Commercial Property	1	N/A	\$9,752.36 per Parcel	\$11,275.00 per Parcel	\$10,236.97 per Parcel	\$10,237
<b>Total Fiscal Year 2020-21 Special Tax Levy</b>						<b>\$381,328</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER - PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the Government Code of the State of California. This Community Facilities District is designated as "Community Facilities District No. 13 of the City of Ontario (California Commerce Center - Phase IV)" (hereinafter referred to as "District"); and

WHEREAS, the City Council did, acting as the legislative body of the District, by the enactment of Ordinance No. 2893 (the "Special Tax Ordinance") as authorized by Section 53340 of the Government Code of the State of California, authorize the levy of a special tax to pay for costs and expenses related to the District, and this legislative body is desirous to establish the specific rates of the special tax to be collected for the specified Fiscal Year.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amount of the special tax to be collected to pay for the costs and expenses (as defined in Section 5 below) for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates as set forth above do not exceed the amount as previously authorized by Ordinance of this legislative body, and is not in excess of that as previously approved by the qualified electors of the District.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution together with a list of all parcels subject to the special tax for the above specified Fiscal Year and the amount of the special tax to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. That the proceeds of the special tax shall be used only to pay the following costs and expenses:

- (a) Debt service on all bonds or other indebtedness issued to finance those facilities and incidental expenses authorized to be financed by the District (including the costs of any credit enhancement);
- (b) Costs of those facilities authorized to be financed by the District;
- (c) Costs incurred by the District and the City in the annual levy and collection of the special taxes;
- (d) Administrative costs of the District; and
- (e) Any amounts required to replenish any reserve funds established in association with bonds issued to finance those facilities and incidental expenses authorized to be financed by the District.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 7. All monies above collected shall be paid into a Special Tax Fund created and established in connection with the issuance of bonds by the District.

SECTION 8. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 13 Special Tax," or by any other suitable designation, the installment of the special tax.

SECTION 9. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 10. This legislative body hereby certifies that the levy of the special tax was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR



ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 13  
(CALIFORNIA COMMERCE CENTER - PHASE IV)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>FY 2020-21 Tax Rates</b>
<b>Taxable Property:</b>	
Industrial Property	\$0.1917 per Sq. Ft.
Commercial Property	\$10,236.97 per Parcel

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 24, 25, 26, 28, 30, 33, 34, 38, and 39 FOR FISCAL YEAR 2020-21**

**RECOMMENDATION:** That the City Council adopt resolutions establishing the annual special tax within the City of Ontario Community Facilities Districts 24, 25, 26, 28, 30, 33, 34, 38, and 39 for Fiscal Year 2020-21.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

**Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**


**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** As proposed for Fiscal Year 2020-21, special tax revenues in the amount of \$6,325,435 will be used to fund debt service on bonds issued to acquire public improvements, and to pay related district expenses. There is no General Fund impact from establishing the annual special tax.

**BACKGROUND:** The facilities to be financed or purchased, by the City of Ontario Community Facilities Districts 24, 25, 26, 28, 30, 33, 34, 38, and 39 are as follows: street and bridge improvements, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

The adoption of a resolution for each of the above, named districts by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Reports for the districts for Fiscal Year 2020-21, which are on file with the Records

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason Jacobsen  
Department: Investments & Revenue Resources  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Management Department. The assessed tax levy for Fiscal Year 2019-20 and the proposed annual tax levy for Fiscal Year 2020-21, are as follows:

**Annual Tax Levy**

<b>CFD No.</b>	<b>CFD Name</b>	<b>Number of Units</b>	<b>FY 2019-20 Tax Levy</b>	<b>FY 2020-21 Proposed Tax Levy</b>
24	Park Place Facilities Phase II	432	\$1,070,960.73	\$1,079,088
25	Park Place Facilities Phase II	253	\$610,319.95	\$664,727
26	Park Place Facilities Phase III	279	\$627,665.94	\$681,907
28	New Haven Facilities A	336	\$642,015.17	\$688,589
30	New Haven Facilities B	442	\$879,439.84	\$964,420
33	Archibald/Schaefer Facilities	229	\$350,105.00	\$501,514
34	Countryside Phase 1 North - Facilities	226	\$536,377.25	\$538,277
38	Park & Turner NE Facilities	330	\$733,313.79	\$799,856
39	New Haven Facilities	225	\$380,845.10	\$407,057
<b>Total Fiscal Year 2020-21 Special Tax Levy</b>				<b>\$6,325,435</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES PHASE I), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 24 (Park Place Facilities Phase I) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3002 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 24 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY



STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 24  
(PARK PLACE FACILITIES PHASE I)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Residential Property	<1,601	\$1,587.41 per Unit
Residential Property	1,601-1,700	\$1,683.79 per Unit
Residential Property	1,701-1,800	\$1,764.41 per Unit
Residential Property	1,801-1,900	\$1,840.40 per Unit
Residential Property	1,901-2,000	\$1,945.11 per Unit
Residential Property	2,001-2,100	\$1,952.52 per Unit
Residential Property	2,101-2,200	\$2,047.05 per Unit
Residential Property	2,201-2,300	\$2,110.06 per Unit
Residential Property	2,301-2,400	\$2,211.07 per Unit
Residential Property	2,401-2,500	\$2,279.64 per Unit
Residential Property	2,501-2,600	\$2,382.51 per Unit
Residential Property	2,601-2,700	\$2,484.44 per Unit
Residential Property	2,701-2,800	\$2,528.92 per Unit
Residential Property	2,801-2,900	\$2,578.96 per Unit
Residential Property	2,901-3,000	\$2,664.22 per Unit
Residential Property	3,001-3,100	\$2,782.83 per Unit
Residential Property	3,101-3,200	\$2,883.84 per Unit
Residential Property	3,201-3,300	\$2,894.96 per Unit
Residential Property	3,301-3,400	\$2,970.02 per Unit
Residential Property	3,401-3,500	\$3,058.99 per Unit
Residential Property	3,501-3,600	\$3,173.89 per Unit
Residential Property	3,601-3,700	\$3,204.47 per Unit
Residential Property	3,701-3,800	\$3,282.32 per Unit
Residential Property	3,801-3,900	\$3,361.08 per Unit
Residential Property	3,901-4,000	\$3,503.79 per Unit
Residential Property	>4,000	\$3,516.77 per Unit

	<u>Tract No.</u>	
Non-Residential Property	18075	\$28,026.64 per Acre
Non-Residential Property	18076	\$26,315.06 per Acre
Non-Residential Property	18077	\$21,196.98 per Acre
Non-Residential Property	18078	\$24,230.02 per Acre
Non-Residential Property	18079	\$27,643.92 per Acre
Non-Residential Property	18080	\$28,560.41 per Acre
Non-Residential Property	18913-1	\$32,100.35 per Acre
Non-Residential Property	18945	\$32,100.35 per Acre
Final Mapped Property	18075	\$0.00 per Acre
Final Mapped Property	18076	\$0.00 per Acre
Final Mapped Property	18077	\$0.00 per Acre
Final Mapped Property	18078	\$0.00 per Acre
Final Mapped Property	18079	\$0.00 per Acre
Final Mapped Property	18080	\$0.00 per Acre
Final Mapped Property	18945	\$0.00 per Acre
Undeveloped Property	18075	\$0.00 per Acre
Undeveloped Property	18076	\$0.00 per Acre
Undeveloped Property	18077	\$0.00 per Acre
Undeveloped Property	18078	\$0.00 per Acre
Undeveloped Property	18079	\$0.00 per Acre
Undeveloped Property	18080	\$0.00 per Acre
Undeveloped Property	18945	\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3067 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 25 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 25  
(PARK PLACE FACILITIES PHASE II)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Residential Property	<1,701	\$1,691.00 per Unit
Residential Property	1,701-1,800	\$1,806.00 per Unit
Residential Property	1,801-1,900	\$1,911.00 per Unit
Residential Property	1,901-2,000	\$1,999.00 per Unit
Residential Property	2,001-2,100	\$2,078.00 per Unit
Residential Property	2,101-2,200	\$2,297.00 per Unit
Residential Property	2,201-2,300	\$2,332.00 per Unit
Residential Property	2,301-2,400	\$2,442.00 per Unit
Residential Property	2,401-2,500	\$2,525.00 per Unit
Residential Property	2,501-2,600	\$2,586.00 per Unit
Residential Property	2,601-2,700	\$2,714.00 per Unit
Residential Property	2,701-2,800	\$2,732.00 per Unit
Residential Property	2,801-2,900	\$2,883.00 per Unit
Residential Property	2,901-3,000	\$2,885.00 per Unit
Residential Property	3,001-3,100	\$2,966.00 per Unit
Residential Property	3,101-3,200	\$2,999.00 per Unit
Residential Property	>3,200	\$3,113.00 per Unit
	<u>Tract No.</u>	
Non-Residential Property	18266	\$30,188.00 per Acre
Non-Residential Property	18267	\$28,339.00 per Acre
Non-Residential Property	18977-78	\$31,412.00 per Acre
Final Mapped Property	18266	\$0.00 per Acre
Final Mapped Property	18267	\$0.00 per Acre
Final Mapped Property	18977-78	\$0.00 per Acre
Undeveloped Property	18266	\$0.00 per Acre
Undeveloped Property	18267	\$0.00 per Acre
Undeveloped Property	18977-78	\$0.00 per Acre



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3088 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 26 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 26  
(PARK PLACE FACILITIES PHASE III)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Residential Property	<1,701	\$1,937.00 per Unit
Residential Property	1,701-1,800	\$2,034.00 per Unit
Residential Property	1,801-1,900	\$2,147.00 per Unit
Residential Property	1,901-2,000	\$2,331.00 per Unit
Residential Property	2,001-2,100	\$2,375.00 per Unit
Residential Property	2,101-2,200	\$2,401.00 per Unit
Residential Property	2,201-2,300	\$2,480.00 per Unit
Residential Property	2,301-2,400	\$2,674.00 per Unit
Residential Property	2,401-2,500	\$2,718.00 per Unit
Residential Property	2,501-2,600	\$2,793.00 per Unit
Residential Property	2,601-2,700	\$2,863.00 per Unit
Residential Property	2,701-2,800	\$3,025.00 per Unit
Residential Property	2,801-2,900	\$3,122.00 per Unit
Residential Property	2,901-3,000	\$3,227.00 per Unit
Residential Property	3,001-3,100	\$3,324.00 per Unit
Residential Property	3,101-3,200	\$3,420.00 per Unit
Residential Property	>3,200	\$3,517.00 per Unit
	<u>Tract No.</u>	
Non-Residential Property	18073	\$41,577.00 per Acre
Non-Residential Property	18074	\$55,099.00 per Acre
Non-Residential Property	18998	\$35,217.00 per Acre
Final Mapped Property	18073	\$0.00 per Acre
Final Mapped Property	18074	\$0.00 per Acre
Final Mapped Property	18998	\$0.00 per Acre
Undeveloped Property	18073	\$0.00 per Acre
Undeveloped Property	18074	\$0.00 per Acre
Undeveloped Property	18998	\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3031 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

**SECTION 6.** The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

**SECTION 7.** The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

**SECTION 8.** The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

**SECTION 9.** All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

**SECTION 10.** The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 28 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

**SECTION 11.** The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY



STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 28  
(NEW HAVEN FACILITIES - AREA A)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Detached Property	<1,701	\$1,693.93 per Unit
Single Family Detached Property	1,701-1,900	\$1,785.25 per Unit
Single Family Detached Property	1,901-2,100	\$1,968.89 per Unit
Single Family Detached Property	2,101-2,300	\$2,161.36 per Unit
Single Family Detached Property	2,301-2,500	\$2,311.60 per Unit
Single Family Detached Property	2,501-2,700	\$2,455.95 per Unit
Single Family Detached Property	2,701-2,900	\$2,645.48 per Unit
Single Family Detached Property	2,901-3,100	\$2,719.12 per Unit
Single Family Detached Property	3,101-3,300	\$2,857.58 per Unit
Single Family Detached Property	3,301-3,500	\$3,027.47 per Unit
Single Family Detached Property	3,501-3,700	\$3,126.65 per Unit
Single Family Detached Property	3,701-3,900	\$3,263.15 per Unit
Single Family Detached Property	3,901-4,100	\$3,399.64 per Unit
Single Family Detached Property	4,101-4,300	\$3,535.16 per Unit
Single Family Detached Property	4,301-4,500	\$3,671.65 per Unit
Single Family Detached Property	4,501-4,700	\$3,807.17 per Unit
Single Family Detached Property	>4,700	\$3,943.66 per Unit
Single Family Attached Property	<801	\$759.08 per Unit
Single Family Attached Property	801-950	\$838.62 per Unit
Single Family Attached Property	951-1,100	\$879.86 per Unit
Single Family Attached Property	1,101-1,300	\$1,078.22 per Unit
Single Family Attached Property	1,301-1,500	\$1,237.30 per Unit
Single Family Attached Property	1,501-1,700	\$1,396.39 per Unit
Single Family Attached Property	1,701-1,900	\$1,565.29 per Unit
Single Family Attached Property	1,901-2,100	\$1,715.53 per Unit
Single Family Attached Property	2,101-2,300	\$1,875.60 per Unit
Single Family Attached Property	>2,300	\$2,034.68 per Unit
Other Residential Property		\$32,186.61 per Acre
Non-Residential Property		\$32,186.61 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITES - AREA B), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 30 (New Haven Facilities - Area B) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3057 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

**SECTION 6.** The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

**SECTION 7.** The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

**SECTION 8.** The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

**SECTION 9.** All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the [Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

**SECTION 10.** The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 30 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

**SECTION 11.** The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 30  
(NEW HAVEN FACILITIES - AREA B)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Detached Property	<1,701	\$1,660.00 per Unit
Single Family Detached Property	1,701-1,900	\$1,837.00 per Unit
Single Family Detached Property	1,901-2,100	\$1,896.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,053.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,251.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,404.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,557.00 per Unit
Single Family Detached Property	2,901-3,100	\$2,703.00 per Unit
Single Family Detached Property	3,101-3,300	\$2,816.00 per Unit
Single Family Detached Property	3,301-3,500	\$2,962.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,156.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,274.00 per Unit
Single Family Detached Property	>3,900	\$3,429.00 per Unit
Single Family Attached Property	<801	\$851.00 per Unit
Single Family Attached Property	801-950	\$911.00 per Unit
Single Family Attached Property	951-1,100	\$1,019.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,136.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,300.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,595.00 per Unit
Single Family Attached Property	1,701-1,900	\$1,691.00 per Unit
Single Family Attached Property	>1,900	\$1,886.00 per Unit
Other Residential Property		\$28,946.00 per Acre
Non-Residential Property		\$28,946.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3118 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected



for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the [Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 33 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

**SECTION 12.** The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 33  
(ARCHIBALD/SCHAEFER - FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Property	<1,101	\$1,020.00 per Unit
Single Family Property	1,101-1,300	\$1,339.00 per Unit
Single Family Property	1,301-1,500	\$1,587.00 per Unit
Single Family Property	1,501-1,700	\$1,757.00 per Unit
Single Family Property	1,701-1,900	\$2,095.00 per Unit
Single Family Property	1,901-2,100	\$2,385.00 per Unit
Single Family Property	2,101-2,300	\$2,507.00 per Unit
Single Family Property	2,301-2,500	\$2,553.00 per Unit
Single Family Property	2,501-2,700	\$2,907.00 per Unit
Single Family Property	2,701-2,900	\$3,080.00 per Unit
Single Family Property	>2,900	\$3,160.00 per Unit
Other Property		\$25,577.00 per Acre
Non-Residential Property		\$25,577.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3036 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 34 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-            was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-            duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 34  
(COUNTRYSIDE PHASE 1 NORTH - FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Property	<1,701	\$1,659.14 per Unit
Single Family Property	1,701-1,900	\$1,739.33 per Unit
Single Family Property	1,901-2,100	\$2,049.96 per Unit
Single Family Property	2,101-2,300	\$2,061.02 per Unit
Single Family Property	2,301-2,500	\$2,293.30 per Unit
Single Family Property	2,501-2,700	\$2,536.64 per Unit
Single Family Property	2,701-2,900	\$2,577.20 per Unit
Single Family Property	2,901-3,100	\$2,780.91 per Unit
Single Family Property	3,101-3,300	\$2,874.00 per Unit
Single Family Property	3,301-3,500	\$3,104.44 per Unit
Single Family Property	3,501-3,700	\$3,195.69 per Unit
Single Family Property	3,701-3,900	\$3,364.37 per Unit
Single Family Property	>3,900	\$3,524.75 per Unit
Other Residential Property		\$21,134.70 per Acre
Non-Residential Property		\$21,134.70 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 38 (PARK & TURNER NE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 38 (Park & Turner NE Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3073 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the [Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 38 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 38  
(PARK & TURNER NE FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
Developed Property:		
Residential Property	<1,501	\$1,771.00 per Unit
Residential Property	1,501-1,600	\$1,842.00 per Unit
Residential Property	1,601-1,700	\$1,964.00 per Unit
Residential Property	1,701-1,800	\$2,046.00 per Unit
Residential Property	1,801-1,900	\$2,050.00 per Unit
Residential Property	1,901-2,000	\$2,148.00 per Unit
Residential Property	2,001-2,100	\$2,219.00 per Unit
Residential Property	2,101-2,200	\$2,289.00 per Unit
Residential Property	2,201-2,300	\$2,383.00 per Unit
Residential Property	2,301-2,400	\$2,405.00 per Unit
Residential Property	2,401-2,500	\$2,536.00 per Unit
Residential Property	2,501-2,600	\$2,539.00 per Unit
Residential Property	2,601-2,700	\$2,609.00 per Unit
Residential Property	2,701-2,800	\$2,724.00 per Unit
Residential Property	2,801-2,900	\$2,749.00 per Unit
Residential Property	2,901-3,000	\$2,865.00 per Unit
Residential Property	3,001-3,100	\$2,888.00 per Unit
Residential Property	>3,100	\$2,958.00 per Unit
Non-Residential Property		\$31,636.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the “Special Taxes”) in the City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) (the “District”), all as authorized pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982” (the “Act”), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3079 (the “Special Tax Ordinance”) as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit “A”.

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the [Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 39 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.



SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-                    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-                    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 39  
(NEW HAVEN FACILITIES – AREA C)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Detached Property	<1,701	\$1,563.45 per Unit
Single Family Detached Property	1,701-1,900	\$1,710.71 per Unit
Single Family Detached Property	1,901-2,100	\$2,005.21 per Unit
Single Family Detached Property	2,101-2,300	\$2,290.82 per Unit
Single Family Detached Property	2,301-2,500	\$2,395.58 per Unit
Single Family Detached Property	2,501-2,700	\$2,493.42 per Unit
Single Family Detached Property	2,701-2,900	\$2,682.18 per Unit
Single Family Detached Property	2,901-3,100	\$2,848.21 per Unit
Single Family Detached Property	3,101-3,300	\$2,999.42 per Unit
Single Family Detached Property	3,301-3,500	\$3,149.64 per Unit
Single Family Detached Property	3,501-3,700	\$3,297.88 per Unit
Single Family Detached Property	3,701-3,900	\$3,410.54 per Unit
Single Family Detached Property	>3,900	\$3,497.51 per Unit
Single Family Attached Property	<801	\$555.41 per Unit
Single Family Attached Property	801-950	\$763.94 per Unit
Single Family Attached Property	951-1,100	\$1,097.97 per Unit
Single Family Attached Property	1,101-1,300	\$1,452.77 per Unit
Single Family Attached Property	1,301-1,500	\$1,548.63 per Unit
Single Family Attached Property	1,501-1,700	\$1,771.98 per Unit
Single Family Attached Property	1,701-1,900	\$1,985.45 per Unit
Single Family Attached Property	>1,900	\$2,082.30 per Unit
Other Residential Property		\$38,581.31 per Acre
Non-Residential Property		\$38,581.31 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 31 AND 45 FOR FISCAL YEAR 2020-21**

**RECOMMENDATION:** That the City Council adopt resolutions establishing the annual special tax within City of Ontario Community Facilities Districts 31 and 45 for Fiscal Year 2020-21.

**COUNCIL GOALS: Maintain the Current High Level of Public Safety**

**Operate in a Businesslike Manner**

**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

**Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** As proposed for Fiscal Year 2020-21, special tax revenues in the amount of \$924,961 will be used to pay annual debt service for bonds issued to acquire public improvements, and to pay related district expenses; special tax revenues in the amount of \$580,295 will be used to fund City services for the districts for a total special tax revenues of \$1,505,256.

**BACKGROUND:** Community Facilities Districts (CFDs) 31 and 45 generate special tax revenues used to fund both facilities and services within their respective districts. The facilities financed, by the districts are as follows: street and bridge improvements, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

The services authorized to be financed, in whole or in part, by CFDs 31 and 45 are as follows: police protection services, fire protection and suppression services; ambulance and paramedic services;

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason Jacobsen  
Department: Investments & Revenue Resources

City Manager Approval:  \_\_\_\_\_

Submitted to Council/O.H.A. 07/07/2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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maintenance and lighting of parks, parkways, streets, roads, open space; flood and storm drain protection services; and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the City.

The adoption of a resolution for each of the above, named districts by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Reports for the districts for Fiscal Year 2020-21, which are on file with the Records Management Department. The assessed tax rates and levies for Fiscal Year 2019-20, and the assigned, maximum and proposed annual tax rates and levies for Fiscal Year 2020-21, are as follows:

**Annual Facilities Tax Levy**

<b>CFD No.</b>	<b>CFD Name</b>	<b>Number of Units / Acres</b>	<b>FY 2019-20 Tax Levy</b>	<b>FY 2020-21 Proposed Tax Levy</b>
31	Carriage House/Amberly Lane	143	\$389,613.28	\$391,614
45	Northpark and Countryside	201	\$223,606.00	\$533,347
<b>Total Fiscal Year 2020-21 Special Tax A Levy</b>				<b>\$924,961</b>

**Annual Services Tax Rates**

<b>CFD No.</b>	<b>Land Use</b>	<b>Number of Units / Sq. Ft.</b>	<b>FY 2019-20 Tax Rates B</b>	<b>FY 2020-21 Maximum Tax Rates B</b>	<b>FY 2020-21 Proposed Tax Rates B</b>	<b>FY 2020-21 Special Tax Levy</b>
31	Single Family Detached	143 per Unit	\$1,686.88 per Unit	\$1,754.41 per Unit	\$1,686.94 per Unit	\$241,232
45	Single Family Detached	201 per Unit	\$1,686.88 per Unit	\$1,754.36 per Unit	\$1,686.88 per Unit	\$339,063
<b>Total Fiscal Year 2020-21 Special Tax B Levy</b>						<b>\$580,295</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE/AMBERLY LANE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 31 (Carriage House/Amerberly Lane) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3020 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services; and

WHEREAS, the Special Taxes consist of a "Special Tax A" (the "Special Tax A"), which were authorized to pay the costs of providing the Facilities and Services and incidental expenses, and a "Special Tax B" (the "Special Tax B"), which were authorized to pay the costs of providing the Services and incidental expenses.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of each of Special Tax A and Special Tax B to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of each of Special Tax A and Special Tax B as set forth above do not exceed the respective rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of

San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of Special Tax A to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of Special Tax A to be collected for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of Special Tax A to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of Special Tax A collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from Special Tax A (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay a pro rata share of administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of Special Tax A collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The proceeds of Special Tax B collected to pay the costs of providing the Services and incidental expenses shall be used only to pay the costs of Services and a pro rata share of administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes).

SECTION 9. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 10. All Special Tax A amounts collected to provide costs of providing the Services shall be deposited in the Government Fund.

All Special Tax B amounts collected shall be deposited in the Government Fund.

SECTION 11. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 31 Special Tax A," or by any other suitable designation, the installment of Special Tax A.

The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 31 Special Tax B," or by any other suitable designation, the installment of Special Tax B.

SECTION 12. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 13. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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COLE HUBER, LLP  
CITY ATTORNEY



STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-                    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-                    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 31  
(CARRIAGE HOUSE / AMBERLY HOUSE)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

**ANNUAL FACILITIES TAX RATES**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates A</b>
<b>Developed Property:</b>		
Single Family Detached	<2,101	\$2,098.10 per Unit
Single Family Detached	2,101-2,400	\$2,228.66 per Unit
Single Family Detached	2,401-2,700	\$2,619.41 per Unit
Single Family Detached	2,701-3,000	\$2,721.47 per Unit
Single Family Detached	3,001-3,300	\$2,864.90 per Unit
Single Family Detached	3,301-3,600	\$3,020.28 per Unit
Single Family Detached	>3,600	\$3,374.25 per Unit
Other Residential Property	N/A	\$23,333.82 per Acre
Non-Residential Property	N/A	\$23,333.82 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

**ANNUAL SERVICES TAX RATES**

<b>Developed Property Land Use</b>	<b>FY 2020-21 Tax Rates B</b>
<b>Residential Property:</b>	
Single Family Detached	\$1,686.94 per Unit
Multiple Family	\$1,462.33 per Unit
Gated Apartment Community	\$1,226.02 per Unit
Non-Residential Property	\$0.3159 per Sq. Ft.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3105 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services; and

WHEREAS, the Special Taxes consist of a "Special Tax A" (the "Special Tax A"), which were authorized to pay the costs of providing the Facilities and Services and incidental expenses, and a "Special Tax B" (the "Special Tax B"), which were authorized to pay the costs of providing the Services and incidental expenses.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of each of Special Tax A and Special Tax B to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of each of Special Tax A and Special Tax B as set forth above do not exceed the respective rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of

San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of Special Tax A to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of Special Tax A to be collected for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of Special Tax A to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of Special Tax A collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from Special Tax A (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay a pro rata share of administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of Special Tax A collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The proceeds of Special Tax B collected to pay the costs of providing the Services and incidental expenses shall be used only to pay the costs of Services and a pro rata share of administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes).

SECTION 9. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 10. All Special Tax A amounts collected to provide costs of providing the Services shall be deposited in the Government Fund.

All Special Tax B amounts collected shall be deposited in the Government Fund.

SECTION 11. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 45 Special Tax A," or by any other suitable designation, the installment of Special Tax A.

The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 45 Special Tax B," or by any other suitable designation, the installment of Special Tax B.

SECTION 12. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 13. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-            was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-            duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 45  
(NORTHPARK AND COUNTRYSIDE)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

**ANNUAL FACILITIES RATES**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates A</b>
<b>Developed Property:</b>		
Single Family Property	<1,701	\$2,063.00 per Unit
Single Family Property	1,701-1,900	\$2,216.00 per Unit
Single Family Property	1,901-2,100	\$2,334.00 per Unit
Single Family Property	2,101-2,300	\$2,513.00 per Unit
Single Family Property	2,301-2,500	\$2,754.00 per Unit
Single Family Property	2,501-2,700	\$2,879.00 per Unit
Single Family Property	2,701-2,900	\$2,904.00 per Unit
Single Family Property	2,901-3,100	\$3,234.00 per Unit
Single Family Property	>3,100	\$3,415.00 per Unit
Other Residential Property	N.A	\$25,989.00 per Acre
Non-Residential Property	N.A	\$25,989.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

**ANNUAL SERVICES RATES**

<b>Developed Property Land Use</b>	<b>FY 2020-21 Tax Rates B</b>
<b>Residential Property:</b>	
Single Family	\$1,686.88 per Unit
Multiple Family	\$1,462.24 per Unit
Gated Apartment Community	\$1,226.16 per Unit
Non-Residential Property	\$0.3120 per Sq. Ft.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICTS 40, 41, 42, 43, 46, 53, AND 54 FOR FISCAL YEAR 2020-21**

**RECOMMENDATION:** That the City Council adopt resolutions establishing the annual special tax within City of Ontario Community Facilities Districts 40, 41, 42, 43, 46, 53, and 54 for Fiscal Year 2020-21.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

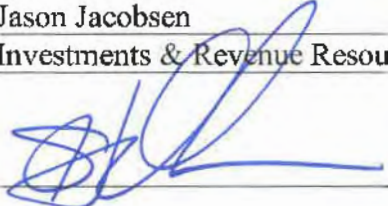
**Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** As proposed for Fiscal Year 2020-21, special tax revenues in the amount of \$2,617,038 will be generated for the future acquisition of public improvements needed to serve the districts, and to pay related district expenses. Bonds for these districts have not yet been issued and there is no General Fund impact from establishing the annual special tax.

**BACKGROUND:** Bonds have not been issued for City of Ontario Community Facilities Districts 40, 41, 42, 43, 46, 53, and 54; but when issued the facilities to be financed or purchased are as follows: street and bridge improvements, domestic and recycled water distribution facilities, sewer collection facilities, solid waste facilities, storm drainage facilities, park and recreation facilities and equipment, aquatic facilities and equipment, fire facilities and equipment, police facilities and equipment, library facilities and equipment, fiber optic telecommunication system facilities, general governmental office, administrative and meeting facilities, and land, rights-of-way and easements necessary for any of such facilities.

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason Jacobsen  
Department: Investments & Revenue Resources  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The adoption of a resolution for each of the above, named districts by the City Council is required annually to establish the special tax rates to be levied. Goodwin Consulting Group has prepared the Administrative Reports for the districts for Fiscal Year 2020-21, which are on file in the Records Management Department. The assessed tax levy for Fiscal Year 2019-20, and the proposed annual tax levy for Fiscal Year 2020-21, are as follows:

**Annual Tax Levy**

<b>CFD No.</b>	<b>CFD Name</b>	<b>Number of Units / Acres</b>	<b>FY 2019-20 Tax Levy</b>	<b>FY 2020-21 Proposed Tax Levy</b>
40	Emerald Park Facilities	247	\$157,797.00	\$465,593
41	Canvas Park Facilities	188	N/A	\$352,934
42	West Haven	3	N/A	\$10,232
43	Park Place Facilities IV	270	\$465,136.00	\$1,001,832
46	Avenue 176 Facilities	176	N/A	\$545,235
53	Tevelde Facilities	54	N/A	\$182,949
54	Esperanzs Facilities	18	N/A	\$58,263
<b>Total Fiscal Year 2020-21 Special Tax Levy</b>				<b>\$2,617,038</b>

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3131 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 40 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 40  
(EMERALD PARK FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Detached Property	<1,701	\$2,073.00 per Unit
Single Family Detached Property	1,701-1,900	\$2,147.00 per Unit
Single Family Detached Property	1,901-2,100	\$2,305.00 per Unit
Single Family Detached Property	2,101-2,300	\$2,508.00 per Unit
Single Family Detached Property	2,301-2,500	\$2,626.00 per Unit
Single Family Detached Property	2,501-2,700	\$2,793.00 per Unit
Single Family Detached Property	2,701-2,900	\$2,942.00 per Unit
Single Family Detached Property	2,901-3,100	\$3,100.00 per Unit
Single Family Detached Property	3,101-3,300	\$3,258.00 per Unit
Single Family Detached Property	3,301-3,500	\$3,416.00 per Unit
Single Family Detached Property	3,501-3,700	\$3,574.00 per Unit
Single Family Detached Property	3,701-3,900	\$3,732.00 per Unit
Single Family Detached Property	>3,900	\$3,890.00 per Unit
Single Family Attached Property	<801	\$966.00 per Unit
Single Family Attached Property	801-950	\$1,079.00 per Unit
Single Family Attached Property	951-1,100	\$1,276.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,459.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,655.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,905.00 per Unit
Single Family Attached Property	1,701-1,900	\$2,144.00 per Unit
Single Family Attached Property	>1,900	\$2,319.00 per Unit
Other Residential Property		\$46,243.00 per Acre
Non-Residential Property		\$46,243.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 41 (Canvas Park Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3161 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 41 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.



The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 41  
(CANVAS PARK FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Actual Special Tax</b>
<b>Developed Property:</b>		
Single Family Detached Property	<1,801	\$2,293.00 per Unit
Single Family Detached Property	1,801-2,000	\$2,378.00 per Unit
Single Family Detached Property	2,001-2,200	\$2,491.00 per Unit
Single Family Detached Property	2,201-2,400	\$2,612.00 per Unit
Single Family Detached Property	>2,400	\$2,653.00 per Unit
Single Family Attached Property	<901	\$1,075.00 per Unit
Single Family Attached Property	901-1,100	\$1,140.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,400.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,632.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,759.00 per Unit
Single Family Attached Property	1,701-1,900	\$1,923.00 per Unit
Single Family Attached Property	>1,900	\$2,066.00 per Unit
Single Family Attached Three Story	<751	\$711.00 per Unit
Single Family Attached Three Story	751-900	\$833.00 per Unit
Single Family Attached Three Story	901-1,050	\$1,040.00 per Unit
Single Family Attached Three Story	1,051-1,200	\$1,127.00 per Unit
Single Family Attached Three Story	1,201-1,400	\$1,251.00 per Unit
Single Family Attached Three Story	1,401-1,600	\$1,503.00 per Unit
Single Family Attached Three Story	1,601-1,800	\$1,615.00 per Unit
Single Family Attached Three Story	>1,800	\$1,717.00 per Unit
Other Residential Property		\$43,199.00 per Acre
Non-Residential Property		\$43,199.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre
<b>Total Fiscal Year 2020-21 Special Tax Levy</b>		

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 42 (WEST HAVEN), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 42 (West Haven) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3113 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 42 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 42  
(WEST HAVEN)

SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
Developed Property:		
Single Family Property	<1,901	\$2,453.00 per Unit
Single Family Property	1,901-2,100	\$2,542.00 per Unit
Single Family Property	2,101-2,300	\$2,709.00 per Unit
Single Family Property	2,301-2,500	\$2,886.00 per Unit
Single Family Property	2,501-2,700	\$3,063.00 per Unit
Single Family Property	2,701-2,900	\$3,237.00 per Unit
Single Family Property	2,901-3,100	\$3,411.00 per Unit
Single Family Property	3,101-3,300	\$3,584.00 per Unit
Single Family Property	3,301-3,500	\$3,758.00 per Unit
Single Family Property	>3,500	\$3,832.00 per Unit
Other Property		\$33,755.00 per Acre
Non-Residential Property		\$33,755.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3114 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Facilities and incidental expenses shall be deposited in the Special Tax Fund of the District. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 43 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 43  
(PARK PLACE FACILITIES PHASE IV)**

**SPECIAL TAX RATES \*  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
Developed Property:		
Residential Property		
Single Family Detached Property	<1,701	\$2,282.00 per Unit
Single Family Detached Property	1,701-1,800	\$2,366.00 per Unit
Single Family Detached Property	1,801-1,900	\$2,449.00 per Unit
Single Family Detached Property	1,901-2,000	\$2,502.00 per Unit
Single Family Detached Property	2,001-2,100	\$2,616.00 per Unit
Single Family Detached Property	2,101-2,200	\$2,666.00 per Unit
Single Family Detached Property	2,201-2,300	\$2,823.00 per Unit
Single Family Detached Property	2,301-2,400	\$2,830.00 per Unit
Single Family Detached Property	2,401-2,500	\$2,990.00 per Unit
Single Family Detached Property	2,501-2,600	\$3,073.00 per Unit
Single Family Detached Property	2,601-2,700	\$3,156.00 per Unit
Single Family Detached Property	2,701-2,800	\$3,240.00 per Unit
Single Family Detached Property	2,801-2,900	\$3,282.00 per Unit
Single Family Detached Property	2,901-3,000	\$3,406.00 per Unit
Single Family Detached Property	3,001-3,100	\$3,448.00 per Unit
Single Family Detached Property	3,101-3,200	\$3,573.00 per Unit
Single Family Detached Property	3,201-3,300	\$3,615.00 per Unit
Single Family Detached Property	3,301-3,400	\$3,739.00 per Unit
Single Family Detached Property	>3,400	\$3,782.00 per Unit

One Story Property	<2,301	\$3,185.00 per Unit
One Story Property	2,301-2,400	\$3,252.00 per Unit
One Story Property	2,401-2,500	\$3,346.00 per Unit
One Story Property	2,501-2,600	\$3,389.00 per Unit
One Story Property	2,601-2,700	\$3,442.00 per Unit
One Story Property	2,701-2,800	\$3,521.00 per Unit
One Story Property	>2,800	\$3,588.00 per Unit
	<u>Tract</u>	
Other Property	18065	\$34,777.00 per Acre
Other Property	18066	\$30,226.00 per Acre
Other Property	18067	\$24,095.00 per Acre
Other Property	18068	\$35,974.00 per Acre
Other Property	18081	\$35,386.00 per Acre
Final Mapped Property	18065	\$19,181.34 per Acre
Final Mapped Property	18066	\$16,671.23 per Acre
Final Mapped Property	18067	\$13,289.66 per Acre
Final Mapped Property	18068	\$19,841.55 per Acre
Final Mapped Property	18081	\$19,517.24 per Acre
Undeveloped Property	18065	\$0.00 per Acre
Undeveloped Property	18066	\$0.00 per Acre
Undeveloped Property	18067	\$0.00 per Acre
Undeveloped Property	18068	\$0.00 per Acre
Undeveloped Property	18081	\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES) ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 46 (Avenue 176 Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3149 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

SECTION 6. The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

SECTION 7. The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

SECTION 8. The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

SECTION 9. All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

SECTION 10. The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 46 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

SECTION 11. The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

SECTION 12. The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.



The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-\_\_\_\_\_ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-\_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 46  
(AVENUE 176 FACILITIES)

SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21

Land Use	Residential Floor Area (Sq. Ft.)	FY 2020-21 Tax Rates
Developed Property:		
Single Family Property	<2,151	\$2,167.00 per Unit
Single Family Property	2,151-2,350	\$2,274.00 per Unit
Single Family Property	2,351-2,550	\$2,751.00 per Unit
Single Family Property	2,551-2,750	\$2,879.00 per Unit
Single Family Property	2,751-2,950	\$3,141.00 per Unit
Single Family Property	2,951-3,150	\$3,275.00 per Unit
Single Family Property	3,151-3,350	\$3,416.00 per Unit
Single Family Property	3,351-3,550	\$3,666.00 per Unit
Single Family Property	>3,550	\$3,901.00 per Unit
Other Residential Property		\$26,735.00 per Acre
Non-Residential Property		\$26,735.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 53 (Tevelde Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3158 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

**SECTION 6.** The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

**SECTION 7.** The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

**SECTION 8.** The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

**SECTION 9.** All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

**SECTION 10.** The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 53 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

**SECTION 11.** The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

**SECTION 12.** The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-            was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-            duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 53  
(TEVELDE FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Detached Property	<2,201	\$2,529.00 per Unit
Single Family Detached Property	2,201-2,300	\$2,642.00 per Unit
Single Family Detached Property	2,301-2,400	\$2,798.00 per Unit
Single Family Detached Property	2,401-2,500	\$2,956.00 per Unit
Single Family Detached Property	2,501-2,600	\$3,049.00 per Unit
Single Family Detached Property	2,601-2,700	\$3,094.00 per Unit
Single Family Detached Property	2,701-2,800	\$3,260.00 per Unit
Single Family Detached Property	2,801-2,900	\$3,329.00 per Unit
Single Family Detached Property	2,901-3,000	\$3,484.00 per Unit
Single Family Detached Property	3,001-3,100	\$3,639.00 per Unit
Single Family Detached Property	3,101-3,200	\$3,657.00 per Unit
Single Family Detached Property	3,201-3,300	\$3,770.00 per Unit
Single Family Detached Property	3,301-3,400	\$3,974.00 per Unit
Single Family Detached Property	3,401-3,500	\$3,998.00 per Unit
Single Family Detached Property	3,501-3,600	\$4,108.00 per Unit
Single Family Detached Property	3,601-3,700	\$4,221.00 per Unit
Single Family Detached Property	3,701-3,800	\$4,356.00 per Unit
Single Family Detached Property	>3,800	\$4,437.00 per Unit
One Story Property	<2,201	\$2,946.00 per Unit
One Story Property	2,201-2,300	\$3,042.00 per Unit
One Story Property	2,301-2,400	\$3,123.00 per Unit
One Story Property	>2400	\$3,198.00 per Unit
	<u>Tract</u>	
Other Property	18929	\$33,652.00 per Acre
Other Property	18930	\$33,652.00 per Acre
Final Mapped Property	18929	\$0.00 per Acre
Final Mapped Property	18930	\$0.00 per Acre
Undeveloped Property	18929	\$0.00 per Acre
Undeveloped Property	18930	\$0.00 per Acre



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES), ESTABLISHING THE ANNUAL SPECIAL TAXES FOR FISCAL YEAR 2020-21.

WHEREAS, the City Council of the City of Ontario, California, has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of special taxes (the "Special Taxes") in the City of Ontario Community Facilities District No. 54 (Esperanza Facilities) (the "District"), all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5, of the California Government Code; and

WHEREAS, the City Council did, by the enactment of Ordinance No. 3162 (the "Special Tax Ordinance") as authorized by Section 53340 of the Act, authorize the levy of the Special Taxes to pay the costs of providing the Facilities and Services and incidental expenses (as such terms are defined in the Special Tax Ordinance), and the City Council is desirous to establish the specific rates of the Special Taxes to be collected for the specified Fiscal Year and the portion thereof to be applied to each of the costs of providing the Facilities and incidental expenses and the costs of providing the Services.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. That the specific rates and amounts of the Special Taxes to be collected for the referenced Fiscal Year for the District is hereby determined and established as set forth in the attached referenced and incorporated Exhibit "A".

SECTION 3. That the rates of the Special Taxes as set forth above do not exceed the rates previously approved by the qualified electors of the District and authorized by the Special Tax Ordinance.

SECTION 4. The City Manager is authorized and directed to file a certified copy of this Resolution, together with a list of all parcels subject to the Special Taxes for the above specified Fiscal Year and the amount of the Special Taxes to be levied against each such parcel, with the County Auditor/Tax Collector of the County of San Bernardino on or before August 10; provided, however, that such may be filed after August 10, but not later than August 21, if the City Manager obtains the prior written consent of such County Auditor/Tax Collector.

SECTION 5. The portion of the Special Taxes to be collected for the referenced Fiscal Year (a) to pay the costs of providing the Facilities and incidental expenses shall be 100% of the rates and amounts of the Special Taxes to be collected

for such Fiscal Year as set forth in the attached Exhibit "A", and (b) to pay the costs of providing the Services shall be 0% of the rates and amounts of the Special Taxes to be collected for such Fiscal Year as set forth in the attached Exhibit "A".

**SECTION 6.** The proceeds of the Special Taxes collected to pay the costs of providing the Facilities and incidental expenses shall be used only to:

- (a) pay debt service on all outstanding bonds or other debt (as defined in Section 53317(d) of the Act) issued by the District under the Act and payable from the Special Taxes (the "Bonds");
- (b) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds;
- (c) pay administrative expenses (including costs incurred by the District and the City in the annual levy and collection of the Special Taxes);
- (d) provide any amounts required to establish or replenish any reserve fund for the Bonds; and
- (e) pay directly for acquisition or construction of Facilities.

**SECTION 7.** The proceeds of the Special Taxes collected to pay the costs of providing the Services shall be used only to pay the costs of providing such Services.

**SECTION 8.** The Special Taxes shall be collected in the same manner as ordinary *ad valorem* property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for *ad valorem* taxes, and the County Auditor/Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any Special Taxes.

**SECTION 9.** All Special Taxes collected to provide costs of providing the Services shall be deposited in the Government Fund.

**SECTION 10.** The County Auditor/Tax Collector is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land affected in a space marked "CFD No. 54 Special Tax," or by any other suitable designation, the installment of the Special Taxes.

**SECTION 11.** The County Auditor/Tax Collector shall then, at the close of the tax collection period, promptly render to the District a detailed report showing the amount and/or amounts of such special tax installments, interests, penalties, and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

**SECTION 12.** The City Council hereby certifies that the levy of the Special Taxes was authorized in accordance with the provisions of the Act, and complies with the requirements of Articles XIII A and XIII C of the Constitution of the State of California.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, California, DO HEREBY CERTIFY that foregoing Resolution No. 2020-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-        duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**EXHIBIT "A"**

**CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 54  
(ESPERANZA FACILITIES)**

**SPECIAL TAX RATES  
FOR FISCAL YEAR 2020-21**

<b>Land Use</b>	<b>Residential Floor Area (Sq. Ft.)</b>	<b>FY 2020-21 Tax Rates</b>
<b>Developed Property:</b>		
Single Family Detached Property	<2,201	\$2,574.00 per Unit
Single Family Detached Property	2,201-2,400	\$2,848.00 per Unit
Single Family Detached Property	2,401-2,600	\$3,016.00 per Unit
Single Family Detached Property	2,601-2,800	\$3,216.00 per Unit
Single Family Detached Property	2,801-3,000	\$3,441.00 per Unit
Single Family Detached Property	3,001-3,200	\$3,579.00 per Unit
Single Family Detached Property	>3,200	\$3,761.00 per Unit
Single Family Attached Property	<901	\$1,090.00 per Unit
Single Family Attached Property	901-1,100	\$1,166.00 per Unit
Single Family Attached Property	1,101-1,300	\$1,312.00 per Unit
Single Family Attached Property	1,301-1,500	\$1,484.00 per Unit
Single Family Attached Property	1,501-1,700	\$1,623.00 per Unit
Single Family Attached Property	1,701-1,900	\$1,766.00 per Unit
Single Family Attached Property	>1,900	\$1,840.00 per Unit
Other Residential Property		\$32,813.00 per Acre
Non-Residential Property		\$32,813.00 per Acre
Final Mapped Property		\$0.00 per Acre
Undeveloped Property		\$0.00 per Acre

# CITY OF ONTARIO

Agenda Report  
July 7, 2020


SECTION:  
CONSENT CALENDAR

**SUBJECT: PURCHASE AND IMPLEMENTATION OF A NEW CITYWIDE FINANCIAL ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute agreements (on file in the Records Management Department) related to the purchase and implementation of a new citywide Financial Enterprise Resource Planning (ERP) system:

- (A) Five (5) year master subscription agreements (MSA) with Workday, Inc., of Pleasanton, California, for the software purchase, licensing and maintenance as well as training services of Workday Finance, an Enterprise Resource Planning (ERP) software solution on a hosted, cloud based software as a service (SaaS) platform, for a not to exceed amount of \$2,193,785;
- (B) A four (4) year master subscription agreement (MSA) with Workday, Inc., of Pleasanton, California, for the licensing and maintenance of Workday Human Capital Management (HCM) and Payroll system for a total of \$1,326,031 and term extension to July 8, 2025, to align with the Workday Finance licensing and maintenance agreement term;
- (C) An amendment to the multi-year professional services agreement with Collaborative Solutions, LLC, of Reston, Virginia, to expand the scope of work to include consulting services related to the implementation of the new Workday Finance ERP system for in the amount of \$2,045,725 plus a 10 percent contingency of \$204,573, for a revised not to exceed total amount of \$2,650,298;
- (D) A service agreement with Can/Am Technologies, Inc., of Lakewood, Colorado, for the software purchase, licensing and maintenance of Teller Software, a centralized cashiering system, for a not to exceed amount of \$454,007;
- (E) An amendment to the professional services agreement with SDI Presence, LLC, of Chicago, Illinois, to expand the scope of work to include consulting services throughout the

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Doreen Nunes  
Department: Fiscal Services  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

15

implementation of the ERP system in the amount of \$327,600 plus a 10 percent contingency of \$32,760, for a revised not to exceed total amount of \$444,710;

- (F) An amendment to the professional services agreement with M Jack Brooks, JD, of Costa Mesa, California, to expand the scope of work to include professional accounting services throughout the implementation of the ERP system in the amount of \$250,000, for a revised not to exceed total amount of \$400,000; and
- (G) Authorize a 20 percent contingency of \$732,277 to address any unforeseen issues that may arise during the implementation.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**FISCAL IMPACT:** The total citywide Financial ERP system implementation costs are estimated to be \$4,394,160 (including a 20 percent contingency of \$732,277 for unforeseen issues that may arise during implementation) and appropriations are included in the Adopted Fiscal Year 2020-21 Capital Improvement Program (CIP) Budget. This amount includes the purchase of the software, first year of license and maintenance costs, and training services for Workday Finance (\$566,445) and Teller Software (\$234,780), as well as implementation services provided by Collaborative Solutions (\$2,250,298), SDI Presence (\$360,360) and M Jack Brooks, JD (\$250,000). Additional costs for future years of license and maintenance for both Workday Finance and HCM/Payroll will be included in future years' Information Technology Agency operating budgets.

**BACKGROUND:** The City's current Financial ERP system of Oracle PeopleSoft was purchased and implemented over 20 years ago to replace a custom mainframe system. The PeopleSoft system has functioned well over time; however, due to consolidations of software companies, technical support for PeopleSoft by Oracle is no longer available. In January 2020, the City issued a Request for Proposals (RFP) for the design and implementation of a citywide ERP system for core financial functions (Accounting, Accounts Payable, Purchasing, etc.) and a centralized cashiering system. The City received an initial eleven (11) proposals; however, after an administrative review in accordance with the City's formal bidding process, a qualified list of six (6) firms were deemed responsive. Those firms are:

CentralSquare Technologies, LLC  
CherryRoad Technologies, Inc. (Oracle software partner)  
Collaborative Solutions, LLC (Workday software partner)  
Graviton Consulting, Inc. (Oracle software partner)  
Kinsey & Kinsey, Inc. (Lawson/Infor software partner)  
Tyler Technologies, Inc.

After a City committee selection review process, the list was shortened to two firms: Collaborative Solutions, Inc. (Workday software partner) and Tyler Technologies, Inc. Given the magnitude of the project, a Citywide Proof of Capabilities (POC) assessment was conducted so that all departmental users and staff could evaluate and provide input in the selection of the new citywide Financial ERP system. This POC assessment was conducted over a two-week period, with both Collaborative/Workday and Tyler each receiving the same period of time to demonstrate to City staff participants their system capabilities.

After receiving input from City staff participants and ratings from the selection review committee members, it was unanimously recommended that the partnership between Collaborative Solutions and Workday, as well as the Workday centralized cashiering system: Teller Software

(Can/Am Technologies), be selected as the new citywide Financial ERP system. This will align the Financial ERP system with the City's current Workday HCM/Payroll system and enable the City to streamline its business processes and eliminate redundancies, in a time when the City will have fewer resources. Highlights of the Finance Workday solution include:

- Single Solution – Workday's one "system of record" means no behind the scene interfaces are needed to move data between functional areas.
- Ease of access and usability – Workday financials are designed to operate like the human capital management (HCM) functionality the City uses today.
- Unleashing data access with powerful reporting and analytics – a critical component of any modern software system is its ability to provide a unified real-time, easy to use analytical tool.
- Proven Government Experience – over 50 government customers are using Workday as their HCM and financial solution (City of Los Angeles is one of Workday's most recent government clients).
- Workday is a leader in enterprise-class, SaaS solutions, which allows Workday to combine a lower cost of ownership with a proven innovative approach to business applications.
- All major updates are at no additional cost, so the City will never be left behind on an outdated version of software
- Updates of traditional software systems could take months to complete and have a high cost in consulting fees; Workday updates take a matter of a week or two to manage

The current software license and maintenance agreement with Workday for the City's HCM/Payroll system will expire in early May 2021. To align the Workday Finance and HCM/Payroll software license and maintenance service agreements, it is recommended to extend the HCM/Payroll's service agreement for an additional four years. The service agreement with Workday for the Finance system will be for five years.

SDI Presence, LLC assisted City staff in conducting a citywide needs assessment for a new Financial ERP system and participated through the entire bidding and selection process. Staff recommends utilizing SDI Presence consulting services throughout the implementation process for project management, subject matter expert, change management and other needed implementation services. In addition to the City of Ontario, SDI Presence has provided project management services to the cities of Chino Hills, Glendale and Yorba Linda.

Since April 2019, the City has contracted with M Jack Brooks, JD to provide financial consulting services in support of the Financial Services Agency. As the ERP implementation will place further stress on limited staff resources in the Agency, it is recommended that the consulting services provided by M Jack Brooks, JD continue throughout the ERP implementation process.



# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM GRANT FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED GRANT DOCUMENTS**

**RECOMMENDATION:** That the City Council take the following actions:

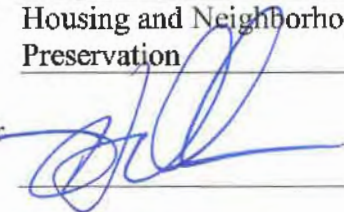
- (A) Adopt a resolution authorizing the submittal of the Permanent Local Housing Allocation (PLHA) Program Application, including the Five-Year PLHA Plan (on file with the Records Department); and
- (B) Authorize the City Manager, or his designee, to execute the PLHA Program Application, Standard Agreement, and any documents and subsequent amendments or modifications related to the Program or the PLHA grant.

**COUNCIL GOALS:** Focus Resources in Ontario's Commercial and Residential Neighborhoods Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** In the first year of the PLHA Plan, the City will receive \$920,018. It is estimated that the City will receive approximately \$5,520,108 during the five-year time period.

**BACKGROUND:** In September 2017, the California Legislature approved Senate Bill 2 (SB2), known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing stock throughout California. The Act established the PLHA program, administered by the California Department of Housing and Community Development (HCD).

**STAFF MEMBER PRESENTING:** Julie Bjork, Executive Director Housing and Neighborhood Preservation

Prepared by: Julie Bjork  
Department: Housing and Neighborhood Preservation  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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PLHA funding is provided as a formula grant to entitlement jurisdictions or as a competitive grant program to non-entitlement jurisdictions. The City of Ontario is an entitlement jurisdiction and is eligible to receive an estimated \$5,520,108 over a five-year period or approximately \$1.1 million per year. In the first year of the program, the City of Ontario will receive \$920,018. It is important to note that the revenue from SB2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity.

To receive PLHA funds, the City is required to submit an application that includes a five-year plan (PLHA Plan) detailing the manner in which PLHA funds will be allocated, a description of how investments will be prioritized to increase of the supply of housing for households at or below 60 percent of Area Median Income (AMI); a description of how proposed activities are consistent with the programs set forth in the City’s Housing Element; and, evidence that the PLHA Plan was authorized and adopted by Resolution by the City Council and provided the public with adequate opportunity to review and comment on its content.

The proposed PLHA Plan directs PLHA funding to the following activities:

<b>Activities</b>	<b>Five-Year Percentage</b>	<b>Estimated Five-Year Funding</b>	<b>Description</b>
Affordable Housing Production	61%	\$3,375,401	Financial assistance would be provided for the development of new affordable rental housing projects serving households earning up to 60 percent of Area Median Income (AMI) in the form of a low-interest, deferred loan. The PHLA loan shall be evidenced through a Promissory Note secured by a Deed of Trust.
Homeownership Opportunities	21%	\$1,151,274	Funds will be used to provide down payment assistance to households earning up to 120% of AMI for first-time home buyers and/or through the low-interest, deferred loans for the acquisition, construction or rehabilitation of for-sale housing developments for households earning up to 120% of AMI.
New Permanent Supportive Housing (Capital Reserves for Services)	10%	\$538,073	Funds would be utilized to establish capital reserves to provide wrap-around services connected to new permanent supportive housing units serving households earning up to 30% of AMI.
Enhanced Homeless Services Programs	3%	\$179,358	Funds would be used to enhance services offered through Ontario’s Continuum of Care including case management, homeless street outreach, and housing navigation services to secure permanent housing units.
Administration	5%	\$276,002	Administration
<b>TOTAL</b>	<b>100%</b>	<b>\$5,520,108</b>	

The income limits for the various programs for a family of four are shown in the table below:

	<b>2020 Income Limits</b>		
	<b>30% AMI</b>	<b>60% of AMI</b>	<b>120% of AMI</b>
<b>Family of Four</b>	\$26,200	\$45,180	\$90,350
<i>Income limits are updated annually.</i>			

It is anticipated that PLHA funds will be leveraged with other dedicated community development and housing funds including Community Development Block Grant (CDBG), HOME, Emergency Solutions Grant (ESG), Low- and Moderate-Income Housing Asset Funds (LMIHAF), and In-Lieu Affordable Housing Fees. Utilization of these funds will allow the City to continue to partner with developers and non-profit housing organizations to develop new affordable housing units, enhance homeless services provided through the Continuum of Care, and create home buying opportunities throughout Ontario.

The proposed PLHA activities are also in alignment with the goals and policies identified in the City's Housing Element that was approved by City Council on October 15, 2013. Further, these proposed programs will help the City meet its Regional Housing Needs Assessment (RHNA) goals.

A public notice was published in the Inland Valley Daily Bulletin on Friday, June 26, 2020 informing the public of the opportunity to review and comment on the draft PLHA application and five-year plan. No public comments were received during the public review period. Subsequent to City Council approval, the PLHA application will be submitted to the State of California Housing and Community Development Department prior to July 27, 2020 deadline for applications.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM APPLICATION.

THE CITY OF ONTARIO ("APPLICANT") HEREBY CONSENTS TO, ADOPTS AND RATIFIES THE FOLLOWING RESOLUTION:

WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)); and

WHEREAS, the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 02/26/2020 under the Permanent Local Housing Allocation (PLHA) Program; and

WHEREAS, Applicant is an eligible Local government applying for the program to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation; and

WHEREAS, the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA grant recipients.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.

SECTION 2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA **\$5,520,108** in accordance with all applicable rules and laws.

SECTION 3. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program

requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.

**SECTION 4.** Applicant certifies that it will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.

**SECTION 5.** Applicant certifies that its selection process of these subgrantees will be accessible to the public and avoided or shall avoid any conflicts of interest.

**SECTION 6.** Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.

**SECTION 7.** Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).

**SECTION 8.** Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.

**SECTION 9.** Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.

**SECTION 10.** The City Manager, or his designee, is authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

---

PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: PURCHASE OF POLICE EQUIPMENT AND SUPPLIES**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a three-year Goods and Services Agreement (on file in the Records Management Department) with Safariland, LLC of Ontario, California, for police equipment and supplies; and authorize the City Manager to extend the agreement for up to two additional years.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The estimated annual base cost of the proposed Goods and Services Agreement is \$95,000 for each of the three years, or a total of \$285,000. Appropriations for frontline law enforcement uniforms and equipment has been included in the Fiscal Year 2020-21 Adopted Operating Budget, and appropriations requests will be part of the proposed operating budgets for the respective future fiscal years.

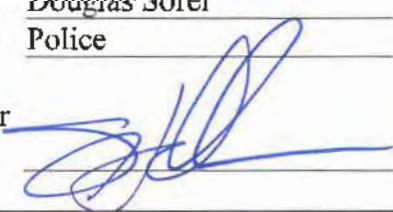
**BACKGROUND:** On February 18, 2020, the City Council approved Safariland LLC as a pre-authorized vendor for specialized police equipment and supplies. The company's West Coast operations are based in Ontario and they are major producer and supplier of law enforcement equipment and protective gear, including body armor, leather belts and holsters, handcuffs, communications equipment and forensic supplies. Certain items, such as protective vests and body armor, expire five years after the manufacturing date; therefore, approximately 20% of all department-issued protective vests must be replaced each year. By approving this agreement, the City will ensure Police Department staff have the equipment and supplies necessary to perform their job duties safely through streamlining the purchasing process.

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Douglas Sorel

Department: Police

City Manager

Approval: 

Submitted to Council/O.H.A. 07/07/2020

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FY 2019**

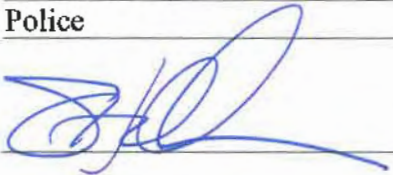
**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute all documents necessary to participate in the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$40,765 grant spending plan.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** Upon approval and receipt of the grant award, a separate Grant Identification Number will be established to record, monitor and report on the financial activities of this grant award. The total grant award is \$42,911, of which 5% (\$2,146) will be assigned to the Law & Justice Group of San Bernardino County for administrative fees, resulting in a net award to the City in the amount of \$40,765. This is a one-time allocation with no local matching funds requirement, and grant expenditures must be completed within the four-year grant period. If approved, budget adjustments for appropriations and revenue will be included in the First Quarter Budget update report to the City Council.

**BACKGROUND:** The Bureau of Justice Assistance has announced the availability of grant funds through the Edward Byrne Memorial JAG Program. Ontario has participated in the JAG Program (formerly the Local Law Enforcement Block Grant) since 1997. Grant allocations are predetermined through a formula based on population and crime statistics. Ontario has been allocated \$42,911 for FY 2019-20. The grant award along with JAG FY 2017 and JAG FY 2018 grants, previously approved by City Council, have been on hold due to a nationwide injunction by a U.S. District Court on September 15, 2017. With the long-awaited legislative approval, the County of San Bernardino intends to accept all three pending JAG awards. Under the JAG legislation, the County will act as the fiscal agent for disbursement of the funds.

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Donna Bailey  
Department: Police  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
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Based on current law enforcement operational needs, the Police Department proposes the following grant spending plan: Hand-held radios - \$40,765.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A GRANT APPLICATION FOR THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FY2020-21 ALCOHOL POLICING PARTNERSHIP PROGRAM**

**RECOMMENDATION:** That City Council authorize the City Manager or his designee to execute all documents necessary to apply for and accept a 12-month grant for a maximum of \$22,312 to assist in funding overtime enforcement operations and training classes for the California Department of Alcoholic Beverage Control (ABC) Alcohol Policing Partnership Program to address alcohol-related problems in the community.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** The Ontario Police Department has been awarded \$22,312 from the ABC Alcohol Policing Partnership Grant Program. The grant period is July 1, 2020 – June 30, 2021. This is a reimbursable grant for police overtime and operating expenses on a monthly basis to conduct minor decoy operations, shoulder tap operations, retail inspections, and training classes. The City is not required to provide matching funds for the grant award. The revenue and associated expenditure adjustments will be included in the Fiscal Year 2020-21 First Quarter Budget Update Report.

**BACKGROUND:** The Department of Alcoholic Beverage Control is a special fund agency and the grant program is funded entirely by license fees from the alcoholic beverage industry. The Alcohol Policing Partnership (APP) grant program funds are distributed by ABC to assist law enforcement agencies in developing an effective, comprehensive and strategic approach to eliminating the crime and public nuisance problems associated with problematic alcoholic beverage outlets and then institutionalize those approaches within the local police agency. The grant requires a sworn officer to be appointed to the program, work directly with an ABC Investigator, and receive training in ABC alcohol enforcement strategies. Prior grant participation has led to higher rates of business compliance with alcohol-related laws and ordinances and the closure of habitual non-compliant business offenders, while

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Douglas Sorel  
Department: Police

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
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providing invaluable experience which has made the Ontario Police Department a resource for law enforcement agencies throughout California.

The proposed spending plan for the ABC grant is as follows:

• Personnel Overtime	\$22,212
• Operating Expenses	
- Buy money	<u>100</u>
<b>TOTAL</b>	<b><u>\$22,312</u></b>

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AMENDMENT TO THE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an amendment (on file in the Records Management Department) to the agreement with All City Management Services, Inc. of Santa Fe Springs, California, for crossing guard services extending the term by three years and increasing the revised authorized contract amount by \$747,252, for a new total of \$2,453,814.

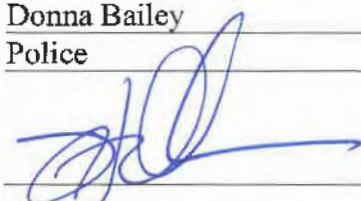
**COUNCIL GOALS:** Maintain The Current High Level of Public Safety  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The estimated annual cost for the crossing guard services is \$383,350. However, All City Management Services, Inc., has agreed to forgo the increase of \$29,376 (approximately 8.3%), contain the current cost, and extend the contract term for an additional three years. Appropriations of \$354,164 have been included in the Fiscal Year 2020-21 Adopted Budget. Appropriations for the extension years of the agreement will be included in future annual budgets presented to the City Council, which will include the deferred rate increases.

**BACKGROUND:** In January 1999 the City Council approved a Professional Services Agreement with All City Management Services for crossing guard services as a result of a competitive proposal process. The specific locations and times for crossing guard services are negotiated on an annual basis between the participating school districts, the Ontario Police Department, and Traffic Engineering based on current and projected considerations for the academic year. The combined increases represent the most significant and impactful escalation in minimum wages since contract inception. Next fiscal year's contracted rate was to be no exception.

Because of the unprecedented impact of the COVID-19 pandemic nationwide, the City's budget has been severely impacted, and the crossing guard services were not immune. School closures halted operations resulting in operating budget shortfalls. As the state begins to reopen, schools will also begin classes likely in a hybrid fashion of online distance learning as well as in-person; and contract services

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Donna Bailey  
Department: Police  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
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will need to resume. The Police Department recommends that an additional three years be added to the current agreement to ensure the ability to quickly provide service to the community in future years. All City Management Services, Inc. has agreed to forego a previously contracted for rate increase for this fiscal year. This demonstrates that when the City and its partners band together, helping one another, all partners can get through the upcoming challenges and be stronger while emerging from the COVID-19 pandemic.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A COST SHARING AGREEMENT WITH CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS**

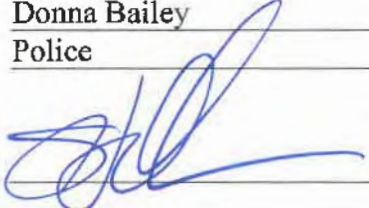
**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a one-year cost sharing agreement (on file in the Records Management Department) with the Chaffey Joint Union High School District for three school resource officers in the amount of \$240,000.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety

**FISCAL IMPACT:** The City has assigned one School Resource Officer (SRO) at each of the following high schools: Chaffey High School, Colony High School and Ontario High School. Chaffey Joint Union High School District (CJUHSD) has agreed to reimburse the City \$240,000 for the school year, consistent with terms and conditions of the current agreement. This amount covers approximately 50% of the annual cost of three officers (\$475,711) for the period of August 2020 through May 2021. Appropriations for these costs are included in the Police Department's annual operation budget for the Fiscal Year 2020-21.

**BACKGROUND:** In addition to providing a police presence at each high school, SROs serve as positive role models for students; foster student, faculty, staff and law enforcement interaction; and provide on-site crisis intervention. CJUHSD has agreed to enter into a one-year cost sharing agreement in the amount of \$240,000 which reflects a small increase as compared to the current contract. Under this agreement, the Ontario Police Department will provide SRO services at Chaffey, Colony and Ontario High Schools to maintain a safe and secure environment on these campuses.

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Donna Bailey  
Department: Police  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
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# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: EXTENSION OF THE MAINTENANCE SERVICE AGREEMENTS FOR ON-CALL URGENCY PLUMBING AND ELECTRICAL SERVICES**


**RECOMMENDATION:** That the City Council authorize the City Manager to extend the existing Maintenance Service Agreements (on file in the Records Management Department) for an additional 90 days with E.L. Engineering Corp., of La Verne, California, and Rymax Electric Inc., of Upland, California, for on-call plumbing and electrical services for a not-to-exceed amount of \$60,000 each.

**COUNCIL GOALS: Operate in a Businesslike Manner  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

**FISCAL IMPACT:** Each contractor will be compensated on an on-call, as-needed basis at the rates set forth in their respective agreements for a, not-to-exceed amount of \$60,000. The contract term extension will end on September 30, 2020, unless terminated earlier by the City. Appropriations from the Facilities Maintenance Fund for these maintenance and repair services are included in the Fiscal Year 2020-21 Adopted Operating Budget.

**BACKGROUND:** In June 2015, the City solicited a request for proposal and selected E.L. Engineering Corp. for on-call plumbing services and Rymax Electric Inc. for on-call electrical services with the contract terms ending on June 30, 2020. In May 2020, staff solicited proposals for on-call plumbing and electrical services. After reviewing the responses, staff identified several discrepancies with the proposals and have deemed all the bids non-responsive. New solicitations were posted on PlanetBids in June 2020 and responses are currently being reviewed. Once a vendor recommendation is made, staff will bring the new proposed agreements to City Council for approval.

**STAFF MEMBER PRESENTING:** Tito Haes, Executive Director Public Works

Prepared by: Michael Johnson  
Department: Municipal Services  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
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# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION & PARKS COMMISSION FOR 2020-21 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR THE YEAR SERVED 2019-20**

**RECOMMENDATION:** That the City Council confirm Emily Bravo of Montclair High School as the Student Representative and Abril Escobosa of Ontario High School as the Alternate Student Representative to the Recreation & Parks Commission for the term to expire June 30, 2021; and recognize Jennifer Camarena of Ontario High School for serving as the Student Representative and Julissa Soto of Chaffey High School for serving as the Alternate Student Representative for the past year.

**COUNCIL GOALS:** Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** None.

**BACKGROUND:** The Student Representative Program was approved by the City Council on January 15, 2002. The Student Representative is a non-voting member of the Recreation & Parks Commission. Since its inception, thirty (30) students have participated in the program.

A recruitment process was conducted to include all local high schools and City teen programs. Candidate finalists were invited to the Recreation & Parks Commission meeting on June 22, 2020, for the final selection process before being presented to the City Council. These appointments represent the recommendation of the Recreation & Parks Commission.

**CANDIDATES' INFORMATION:** *Emily Bravo* – Emily is a student at Montclair High School entering her sophomore year. This young lady has been involved with the Anthony Muñoz Community Center's Teen Action Committee (TAC) since the age of 12. She has volunteered for several programs throughout her years in TAC, such as Beach Clean Ups, Dinner & Movie Nights, Christmas Dinner,

**STAFF MEMBER PRESENTING:** Nicholas Gonzalez, Recreation & Community Services Director

Prepared by: Candice Smith  
Department: Recreation & Community Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
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Summer Luau's, and the Summer Lunch Program. Emily is also involved with ASB, AVID, and volunteers at the Montclair High School Library.

Emily would like to become more involved in the City by becoming a voice for the teen population and learn more about the city she lives in. Emily also aspires to become a mentor for future TAC members and share her wonderful experiences.

Emily's plans for her future is to attend college with hopes of starting her own baking business. In the meantime, she aspires to follow in her big sister Victoria's footsteps by obtaining a job with the City of Ontario's Recreation & Community Services Department.

*Abril Escobosa* – Abril is entering the 11th grade at Ontario High School and has been involved in the Teen Action Committee (TAC) at the De Anza Community & Teen Center for three (3) years and has served on the TAC Advisory Board as the Community Service Representative and Secretary. Abril volunteers at several events such as the Spark of Love Toy Drive, the Independence Day Parade, the annual 5k Reindeer Run and several events held at the De Anza Community & Teen Center. She is an active member of Theatre Troops and participates in Friday Night Teen events.

Abril works very hard in school so that she can one day become a neurologist and aims to become the President of Mexico. She aspires to be a positive voice for her fellow peers as well as community members that may not speak English well and are new to the country like her and her family once were. She is excited to come up with new ideas to help improve our community and learn what it takes to facilitate recreation and park programs.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: A SERVICE AGREEMENT FOR THE SENIOR TRANSPORTATION PROGRAM**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute a one-year Service Agreement (on file in the Records Management Department) with West End YMCA (Ontario/Montclair YMCA) of Ontario, California, for the City's senior transportation program with an estimated cost of \$136,536; and authorize a one-year extension subject to City Council appropriations.

**COUNCIL GOALS:** Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

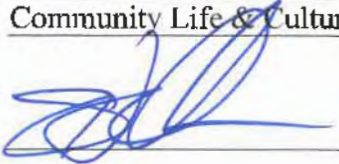
**FISCAL IMPACT:** The estimated cost of the proposed service agreement is \$136,536 for Fiscal Year 2020-21 and covers program costs for drivers, dispatchers, customer service, administrative support, as well as vehicle operation and maintenance. Appropriations for the senior transportation program are included in Fiscal Year 2020-21 Adopted Operating Budget.

At the City's discretion, a one-year extension may be exercised. Future contracting actions will be commensurate with the City Council authorized work programs and budgets. Contracting with the ability to extend the agreement for one-year will allow the City to provide service continuity, better future project program costs, and reduce administrative costs due to re-bidding.

**BACKGROUND:** Since 2008, the City has contracted with the Ontario/Montclair YMCA for senior transportation services which consists of door-to-door transport of Ontario's senior citizens to attend programs and activities within the City with approximate hours of operations of Monday through Friday from 7:30 a.m. to 4:30 p.m. by reservation. Furthermore, depending on funding availability, transportation will also be provided to local medical appointments and grocery stores.

Statistics from the last full fiscal year (2018-19) showed that the program provided an average of 1,105 one-way trips per month to the Ontario Senior Center, or approximately 13,260 one-way rides during the year. During the 2019-20 fiscal year, monthly ridership through the month of March had increased to

**STAFF MEMBER PRESENTING:** Nick Gonzalez, Recreation & Community Services Director

Prepared by: Alonso Ramirez  
Department: Community Life & Culture  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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approximately 1,300 one-way trips per month. Due to the closure of the Ontario Senior Center in response to the COVID-19 pandemic, trips to and from the center ceased. As community facilities re-open when available and safe to do so, this agreement will ensure the City is ready to provide access to much-needed programming for the community's senior population.

# CITY OF ONTARIO

Agenda Report

July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: PURCHASE OF WATER METERS AND REPAIR PARTS**

**RECOMMENDATION:** That the City Council approve and authorize the sole source purchase of new water meters and repair parts for a total not to exceed amount of \$2,700,000 from Core & Main of Perris, California.

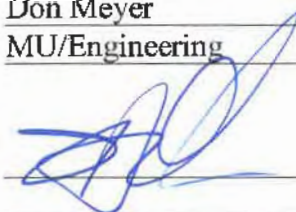
**COUNCIL GOALS:** Invest in the City's Infrastructure (Water, Sewers, Parks, Streets, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The actual cost of meters to be purchased will be determined based on unit pricing for the various sizes of meters and actual meter repair, replacement and new installation needs. Core & Main is not increasing meter pricing for Fiscal Year 2020-21. The Fiscal Year 2020-21 Water Operating and Capital Improvement Program Budgets include \$2,700,000 for the purchase of new and replacement meters and repair parts. Development projects pay for new meter installations while the cost of meter testing, repair and replacement is included in the rates the City bills for water service. There is no impact to the General Fund.

**BACKGROUND:** There are over 33,500 water meters citywide, which includes approximately 4,500 meters that serve industrial and commercial businesses as well as landscape areas. Approximately 28,300 meters are used for residential service and the remainder are for recycled water service. The accuracy of meters has a direct relationship to accounting and billing for water service. To maintain accuracy and functionality, meters need to be replaced approximately every ten years, and they are repaired as needed.

In Fiscal Year 2020-21, approximately 3,000 meters are planned to be installed to replace existing meters as part of the ten-year meter replacement program, and about 1,000 new meters are planned to be installed for development projects in the Old Model Colony and Ontario Ranch.

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Don Meyer  
Department: MU/Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The Master Meter Radio Read Meter was selected as the City standard specification for all new and replacement meter installations as a result of a public bid process and product evaluation that took place in 2001, when six different vendors and product lines were evaluated. To maintain consistency with our standardized meters that are already in place throughout the City, the purchase of these new meters can only be made directly through the manufacturer. Section 2-6.11 (b) (2) of the Ontario Municipal Code states that sole source purchases are authorized if there is only one procurement source. Core & Main is the exclusive distributor in California for Master Meter Radio Read Meters and generally has uniform pricing for water agencies utilizing its products; and staff has reviewed pricing and recommends this sole source award to Core & Main.

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
CONSENT CALENDAR

**SUBJECT: RENEWAL OF OWNER'S PERMIT FOR THE PROVISION OF TAXICAB SERVICES WITHIN THE CITY OF ONTARIO**

**RECOMMENDATION:** That City Council consider, at a public meeting, the renewal of an owner's permit for the provision of taxicab services within the City of Ontario to Network Paratransit Systems, Inc., dba Bell Cab Company, of San Bernardino, CA and authorize the City Manager to execute a five-year service agreement with the company.

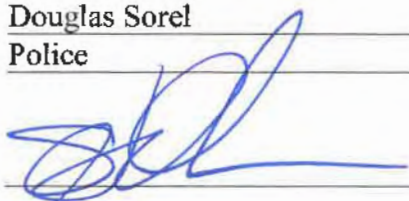
**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** If renewed, the City will continue to receive an annual owner's permit fee of \$2,500 (plus a \$4 SB1186 fee) from Bell Cab Company. The cost of inspections and permitting is reimbursed through the collection of vehicle inspection fees paid by the taxicab service providers.

**BACKGROUND:** Title 4, Chapter 5, of the Ontario Municipal Code (OMC) establishes comprehensive requirements and regulations concerning the provision of automobiles for hire and taxicab services within the City of Ontario. In 2015, the City Council awarded five-year owner's permits and service agreements to Rykal, LLC., dba Yellow Cah Company and Network Paratransit Systems, Inc., dba Bell Cab Company. Yellow Cah Company ceased operation in 2018 and is no longer in business. Bell Cab Company is currently the only company authorized to operate within the city limit (including Ontario International Airport). The agreement with Bell Cab Company expires on July 16, 2020.

OMC Section 4-5.05 provides that any person desiring to renew an existing permit should submit a letter to the City Council between June 1 and June 30, or within 30 days of the expiration of their permit. That section also provides that any person who desires to obtain a new permit should submit a letter to the City Council between June 1 and June 30. Bell Cab Company has submitted such a letter, dated June 15, 2020, requesting the renewal of its existing permit and agreement. No letters have been received by companies requesting a new permit.

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Douglas Sorel  
Department: Police  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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In determining whether the public convenience and necessity requires the renewal of existing permits or granting additional permits, the OMC indicates that the City Council shall be guided by the following factors:

1. The transportation needs of residents and visitors of the City;
2. The number of taxicabs, limousines, and automobiles for hire already operational in the City;
3. Whether existing transportation services are adequate to meet the public need;
4. The probable effect of additional taxicabs on local traffic conditions;
5. The effect of increased competition on the revenues of existing permittees and on the wages, compensation, hours and conditions of service of existing licensed drivers; and
6. Other relevant factors.

Using these factors, the City Council last made a determination regarding the public convenience and necessity on August 15, 2017. At that time, the City Council determined that the public convenience and necessity was adequately served by two permittees.

In the three years since that determination, besides the elimination of service from Yellow Cab, there have been significant changes to the relevant analytical data. Going through the factors one-by-one:

1. Passenger traffic at ONT is up significantly from 2017 numbers, and is now over 5 MAP. COVID-19 has decreased passenger traffic this year, but that decrease is not permanent, and staff expects that the airport will resume positive gains in future years. The City population is also up significantly, and now sits at 182,871 according to the May 2020 estimate from the California Department of Finance.
2. The number of taxicabs for hire operational in the City has decreased from 2017, when there were 60 taxicabs available with the ability to utilize up to 175. Bell Cab currently provides service to the City with at least 30 taxicabs available at any time, and with the ability to utilize up to 74.
3. Due to the continued rise of Uber and Lyft ridesharing service, the taxicab industry is currently constricting. Accordingly, there has been a sharp decline in demand for taxicab service. The Greater Ontario Convention and Visitors Bureau and the Tourism Marketing District both indicate that the existing level of service provided by Bell Cab Company is sufficient to meet the City's needs.
4. Staff has not observed any indications of the current number of taxicabs negatively affecting traffic conditions. An extension of the existing permit would maintain the current number of taxicabs providing service and would have no impact on local traffic conditions.
5. Maintaining the level of existing service with one permittee would have no effect on the wages, compensation, hours, and conditions of service of existing licensed drivers.
6. Other relevant factors:
  - a. Bell Cab Company has met the performance standards articulated within its existing service agreement. Specifically as for on-time pickups, for the time period between March 1, 2019 - February 29, 2020, Bell Cab Company reported a total of 13,553 customer service requests within the City of Ontario. Of those requests, 92.5% of customers were picked up within 20 minutes of the initial request for service and 99.95% of customers were picked up within 45 minutes.
  - b. Staff has received only two complaints regarding Bell Cab Company's service during the term of their current agreement. Both complaints were related to pick-ups at Ontario International Airport, and the most recent complaint was received in February 2017.
  - c. Failing to renew the existing owner's permit would leave the residents and visitors of Ontario without taxicab service.



- d. The company is subject to on-going monitoring for compliance with the Rules & Regulations set out in Ontario Municipal Code Section 4-5.15.

This data demonstrates a continuing need for taxicab service within the City of Ontario that can be met with one permittee, and that Bell Cab Company can adequately service those needs. As such, staff recommends that the City Council grant Bell Cab Company's request that its existing owner's permit be extended for a period of five-years, and that the City Manager be authorized accordingly to execute the related service agreement with the company.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE RENEWAL OF THE EXISTING OWNER'S PERMIT FOR PROVISION OF TAXICAB SERVICES WITHIN THE CITY.

WHEREAS, pursuant to Title 4, Section 4-5.05 of the Ontario Municipal Code, the City Council shall determine by Resolution that the public convenience and necessity require the renewal of existing permits for the provision of taxicab services within the City; and

WHEREAS, Section 4-5.05 of the Ontario Municipal Code sets forth guiding criteria by which the City Council shall make its determination, including: (1) the transportation needs of residents and visitors of the City; (2) the number of taxicabs and limousines, and other automobiles for hire already operational in the City; (3) whether existing transportation services are adequate to meet the public need; (4) the probable effect of additional taxicabs or automobiles for hire on local traffic conditions; (5) the effect of increased competition on the revenues of existing permittees and on the wages, compensation, hours, and conditions of service of existing licensed drivers; and (6) other relevant factors; and

WHEREAS, there is one company with a current permit to operate taxicab services in the City, Bell Cab Company; and

WHEREAS, the agreement with Bell Cab Company expires on July 17, 2020 and Bell Cab timely submitted its letter requesting renewal of that permit; and

WHEREAS, for a variety of reasons, the transportation needs of residents and visitors have not increased substantially since 2017; and

WHEREAS, the number of taxicabs and automobiles for hire within the City is sufficient to meet the current need for taxi or hired car service; and

WHEREAS, the existing transportation services provided by the existing taxicab operator is adequate to meet the public need and the City has not received unresolved complaints or learned of recurring or continuing problems with Bell Cab Company; and

WHEREAS, maintaining the level of existing taxicab services would have no effect on the wages, competition, hours, and conditions of service of existing licensed drivers; and

WHEREAS, there will be no provision of taxicab services within the City unless the existing permit is renewed.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO.

SECTION 1. It is determined that the public convenience and necessity requires the renewal of the existing taxicab owner's permit for Bell Cab Company to

ensure the continuation of taxicab services in the City.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
COLE HUBER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF ONTARIO                        )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held \_\_\_\_\_ and adopted at the regular meeting held \_\_\_\_\_, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:  
NOES:            COUNCIL MEMBERS:  
ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. \_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held \_\_\_\_\_ and that Summaries of the Ordinance were published on \_\_\_\_\_ and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
PUBLIC HEARINGS

**SUBJECT:** A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03)

**RECOMMENDATION:** That the City Council conduct a public hearing on the appeal and, after receiving all public testimony, consider the following:

(A) Approve one of the following options:

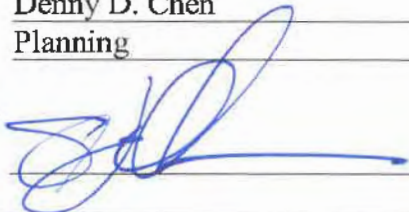
- (1) Uphold the Planning Commission's approval of File Nos. PDEV18-022 and PCUP18-021;
- (2) Overturn the Planning Commission's decision of approval and deny File Nos. PDEV18-022 and PCUP18-021; or
- (3) Refer File Nos. PDEV18-022 and PCUP18-021 back to the Planning Commission for further consideration and community input.

(B) Direct staff to prepare a resolution adopting findings and formalizing the decision and placing the decision on the Consent Calendar for consideration at the next regular City Council meeting.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** None.

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director Development Agency

Prepared by: Denny D. Chen  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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**BACKGROUND:** On June 21, 2018, Mr. George Estrada applied for Development Plan (File No. PDEV18-022) approval to construct a 6,870 square-foot industrial building and a Conditional Use Permit (File No. PCUP18-021), to establish and operate a towing service business on 3.1 acres of land located at 580 East Belmont Street. The subject property is currently a vacant site.

Prior to any public hearing on this project, the Planning Department sent project notices to property owners within 300 feet of the project site on April 22, 2020, in English, and on May 4, 2020, in Spanish. These notices provided a detailed description of the project, solicited interest in conducting a neighborhood meeting, and provided contact information for directing questions and comments.

On May 18, 2020, the Development Advisory Board conducted a hearing to consider the application and recommended that the Planning Commission approve the project subject to conditions. On May 26, 2020, the Planning Commission conducted a public hearing to consider the subject application and the Development Advisory Board's recommendation. Following a presentation of staff's findings and after receipt of all public correspondence and testimony, the Planning Commission addressed the applications, and approved the project by a vote of 5 to 1, adopting Resolution Nos. PC20-023 and PC20-024.

**APPEAL:** On June 5, 2020, Daniela Ortega ("Appellant"), in conjunction with Ontario News Zone (O.N.Z), a local community social media group, submitted an appeal of the Planning Commission's decision to approve File Nos. PCUP18-021 and PDEV18-022. A copy of the appeal application and Appellant statement is included as Exhibit "A" of this report.

The basis of the Appellant's appeal lies in their belief that the project was not properly noticed and that many property owners and tenants outside the minimum 300-foot radius notification requirement should have been noticed. Subsequently, they argue that the notices were sent out during the COVID-19 pandemic, a time when in-person engagement is limited and residents are distracted, impeding their ability to understand the notice and the Planning Commission teleconference Zoom meeting process. They argue that due to the COVID-19 pandemic, the community was not given a proper in-person community meeting to understand the project. Additionally, the Appellant believes that the tow service yard is not the "best project for the community" and is concerned with the project's potential safety, health, crime, air quality and fire hazard impacts to the surrounding residential community. A survey was prepared and distributed by the Appellant with the help of several volunteers who walked the residential community surrounding the project site and spoke to the residents about the proposed towing service yard. Attached, as part of Exhibit "A", are copies of the surveys.

Staff has reviewed the Appellant's appeal statement and has provided a response for each issue raised by the Appellant:

1. *Appellant Issue No. 1: Inadequate noticing. The residents who live outside the 300-foot project noticing requirement should have been notified and many residents who live within the 300-foot radius are tenants that should have been notified.*

**Staff Response:** The noticing of the project was done in compliance with the noticing requirements of State law and the Ontario Development Code. Division 2:03 – Public Hearing, Section 2.03.010; Public Hearing Notification requires that all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the last equalized assessment roll, or records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll shall be noticed. Public hearing notices were sent out on May 6, 2020, to all property owners within 300 feet of the project

site. No tenants within the 300-foot radius were notified. The public hearing meeting notice was mailed out in English.

To ensure community input from the surrounding residents prior to the Planning Commission hearing date, additional notices were mailed out to all property owners within 300-feet of the Project site, in both English on April 22, 2020, and in Spanish on May 4, 2020. The intent of the notification was to inform the surrounding property owners of the proposed project, entertain requests for a neighborhood meeting and to address any questions or concerns they may have regarding the project. Staff received one telephone call on April 24, 2020, from a resident, who requested clarification and details about the project. With no other correspondence, emails or telephone calls received, the project was moved forward to the Planning Commission for their consideration.

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Planning Commission hearings were required to limit in-person attendance and, therefore, alternative measures such as the Zoom Web Conferencing were established by the City of Ontario to allow the public to view and participate in the Planning Commission meetings. As a result of this alternative public hearing procedure (Zoom Web Conferencing), staff provided the residents the opportunity to submit their comments beyond the prescribed public comment deadline of 5:00 p.m. (see Exhibit "B") and waived the speaker request/comment card requirement to allow public testimony. All correspondence and emails were provided to the Planning Commission for their review and consideration. In fact, the Commission asked staff several questions in response to comments raised in the various correspondence and emails received from the public. In addition, staff has included all comments received after the Planning Commission's consideration of the of the item for the City Council's information (see Exhibit "C"). These comments were not received by, or considered by, the Planning Commission.

2. *Appellant Issue No. 2: Safety. Residents are concerned with traffic impacts.*

Staff Response: The towing service business anticipates operating Monday thru Friday, 8:00 a.m. to 5:00 p.m. and would be closed on weekends. The tow service business is seeking to continue its contract with the City for rotational towing service and, if selected, would be required to operate based on a 24-hour rotation schedule.

The fact that the subject site is vacant means that any development would generate new vehicle trips over what is existing. The Engineering Department's Traffic Division has reviewed the project for access and circulation and does not anticipate traffic or noise to increase beyond the traffic and noise that currently exists on Sultana Avenue, Belmont Street, Phillips Street and the surrounding areas.

The existing Pepe's Towing yard, located at 810 East Main Street, averages approximately 2 tow service calls per day normally and 8 to 12 per day when on a 24-hour rotation providing service to the City. In addition, the tow yard averages about two customer visits per day. For context, a typical single-family home averages 9.4 vehicle trips per day. On August 28, 2007, the Planning Commission approved a development plan (File No. PDEV06-035) to construct a 16,738 industrial warehouse building on the west parcel of the project site. That project did not move forward. In comparison, that industrial building would have generated approximately 29 vehicle trips per day

(based on the Institute of Transportation (ITE) Trip Generation Manual of 1.74 vehicle trips per 1,000 SF of warehouse building).

The project would also be required to widen Philips Street and construct and improve the sidewalk and landscape parkways along Sultana Avenue, Phillips Street and Belmont Street. In addition, the project would only be accessed from Belmont Street to the North. No access will be made from Sultana Avenue (except emergency access only) and Phillips Street. The project has been conditioned to require that all tow trucks entering and exiting the site use Campus Avenue by way of Belmont Street. Tow trucks will not be allowed to use Sultana Avenue or Phillips Street.

3. *Appellant Issue No. 3: Health. The project is opposed by the Safe Routes to School organization and the project contradicts and affects the current grants the City of Ontario has received from Kaiser Permanente (Ontario HEAL Zone), Strategic Growth Council (Ontario Together Transformative Climate Communities Project) and Caltrans (Ontario Active Transportation Master Plan).*

Staff Response: The proposed project is within active grant and planning efforts including the Kaiser Permanente HEAL Grant, Transformative Climate Communities (TCC) Grant, and Ontario Active Transportation Master Plan with each effort in support of improving overall Quality of Life. The Kaiser Permanente HEAL Grant funding is focused specifically on achieving long-term sustainable reductions in obesity and related chronic illnesses, including diabetes and heart disease. The Transformative Climate Communities (TCC) Grant is funded through the state Cap-and-Trade program for community supported projects including sustainable housing, transportation, and infrastructure that are targeted to reduce greenhouse gases, improve health, and support economic and health benefits in California's most disadvantaged communities. The Ontario Active Transportation Master Plan has been developed to identify and prioritize the walking, biking, access to transit, and safe routes to school needs in Ontario. Community members provide input that will help to guide the development of the plan. The intent is to engage community members in the plan-making process, collect and analyze data, evaluate and forecast demand, and develop Safe Routes to School (SRTS), pedestrian, and bicycle improvement recommendations. City staff has worked with the community to secure program funding in support of park improvements, community gardens, education and physical activity classes, civic engagement training, walk audits, partnerships with the Police Department's Neighborhood Watch program, and SRTS Active Transportation grants. It should be noted that these programs have no standing as to local land use regulations; however, the project does affect the spirit of the Grants' intent to encourage the community to participate in shared decisions that impact the neighborhood's quality of life. In addition, the project would be required to widen Philips Street and construct and improve the sidewalk and landscape parkways along Sultana Avenue, Phillips Street and Belmont Street, which would improve connectivity and walkability of the neighborhood.

4. *Appellant Issue No.4: Crime. The residents have concerns with the project attracting homeless, break ins, and angry people from outside the community coming to the towing service yard to retrieve their impounded vehicles.*

Staff Response: Homelessness is a statewide issue. The City of Ontario has proactively addressed the community's homeless issue and has adopted a Continuum of Care program to prevent and address homelessness in Ontario. For safety and security, the towing service yard would be surrounded by combination of 8-foot high perimeter walls and fences and would provide on-site



security during operating hours. In addition, as required by the Ontario Police Department, the project would have a security alarm system and video surveillance cameras.

5. *Appellant Issue No.5: Air Quality. The residents have concerns with air quality and pollution from trucks and vehicles into the area.*

Staff Response: The tow yard would operate with a total of 3 clean diesel tow trucks. The tow trucks have been certified and are in compliance with the regulations of the California Air Resource Board. No semi-trucks would be used at the project site.

The project would not conflict with or obstruct implementation of any air quality plan. As noted in The Ontario Plan FEIR (Section 5.3), pollutant levels in the Ontario area already exceed Federal and State standards. To reduce pollutant levels, the City of Ontario is actively participating in efforts to enhance air quality by implementing Control Measures in the Air Quality Management Plan for local jurisdictions within the South Coast Air Basin. The proposed project is consistent with The Ontario Plan, for which the EIR was prepared and impacts evaluated. Furthermore, the project is consistent with The Ontario Plan, the EIR, and the City's participation in the Air Quality Management Plan and, because of the project's limited size and scope, would not conflict with or obstruct implementation of the plan.

Short-term air quality impacts would result from construction-related activities, such as excavation and grading, machinery and equipment emissions, vehicle emissions from construction employees, etc. As such, during project construction, the project would be required to follow Best Management Practices (BMPs) for erosion control and dust mitigation which include regular watering during soil disturbance.

6. *Appellant Issue No. 6: Noise. Residents are concerned with the noise levels from the tow yard and truck wash area.*

Staff Response: An 8-foot high masonry screen/noise wall would be required to be constructed along the frontages of Sultana Avenue, Phillips Street, Belmont Street and the eastern property line. Landscaping, that includes trees and shrubs, would be placed in front of the walls for aesthetics. The project proposes the construction of an 800-square foot (50 feet long by 16 feet wide) outdoor truck wash area, located at the southeast area of the site (see Exhibit "D" Site Plan). To ensure that the proposed truck wash would not generate noise levels beyond the City's allowed noise levels within the adjacent residential zones to the west, south and east of the Project site, a Noise Study was prepared by Rincon Consultants, Inc. on April 8, 2020. Per the Ontario Municipal Code Noise Ordinance, the maximum exterior noise level allowed within residential zoning districts is 65 decibels (dBA), between the hours of 7:00 a.m. to 10:00 p.m. The Noise Study concluded that the exterior noise level generated by the truck wash area would not exceed 59 dBA and, therefore, complies with the City's maximum allowed exterior noise level of 65 dBA for residential zoning districts.

7. *Appellant Issue No.7: Fire Hazard. Residents are concerned with the proposed 1,000 gallon above ground fuel tank.*

Staff Response: The project proposes the installation of a 1,000 gallon above-ground fueling tank. The fuel tank is proposed to be located at southeast area of the site, just to the west of the office/warehouse building, and setback 15 feet from the south property line along Phillips Street

and more than 100 feet from the nearest residential home on the south side of Phillips Street (see Exhibit “D” Site Plan). The fuel tank would be screened and protected from Phillips Street by an 8-foot-high split-face masonry block wall. The Fire Department reviewed the project and recommended approval subject to conditions of approval. The installation of the fuel tank would be required to be reviewed, approved and permitted by the Fire Department, Ontario Building Department and the San Bernardino County Fire Department Hazardous Materials Division. An exterior emergency pump shut-off switch would be required to be installed. In addition, the fuel tank would be required to obtain all necessary Air Quality Management District (AQMD) permits prior to its operation.

- 8. *Appellant Issue No. 8: Zoning: The residents understand that the property is zoned Light Industrial but is predominately surrounded by residential uses. The residents argue that a tow yard is not the “best” project for the community and would like the City Council to consider a rezoning of the property to Low Density Residential.*

Staff Response: City records show that the project site has been zoned industrial since 1947. The Policy Plan (General Plan) land use designations surrounding the site are Industrial to the north, Low Density Residential/Industrial Overlay to the east, Low Density Residential to the south, and Low Medium Density Residential to the west, as depicted in Figure 1 below. The project site is zoned IL (Light Industrial). The IL zoning district was established to accommodate lighter manufacturing and assembly activities, storage and warehousing activities, and other similar uses developed at a maximum intensity of 0.55 FAR. This zoning district is typically located within 500 feet of residentially zoned properties, public parks and schools, and mixed-use properties having a residential component. The IL district is intended to serve as a buffer between residentially zoned areas and heavier industrial zoning districts. Allowed uses are expected to have little or no impacts on nearby residential uses with regard to noise, odor, or hazards. The IL zoning



Figure 1: TOP Policy Plan Land Use Map

district is consistent with, and implements, the Industrial land use designations of the Policy Plan component of The Ontario Plan.

**CONCLUSION:** Staff recommends that the City Council consider all public testimony on the appeal of Planning Commission's decision approving Conditional Use Permit, File No. PCUP18-021 and Development Plan, File No. PDEV18-022, approve one of the recommended options, and direct staff to prepare and bring forward a resolution with findings supporting City Council's decision.

## Agenda Report Exhibits A - D

PDEV18-021 & PDEV-18-022

Exhibit A - Application & Applicant Statement

Exhibit B – Comments & Correspondence

Exhibit C – Comments & Correspondence Received After the  
Planning Commission Public Hearing

Exhibit D – Site Plan

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Exhibits are Available for Public Review during  
Normal Business Hours at the  
City Clerk's Office

# CITY OF ONTARIO

Agenda Report  
July 7, 2020

SECTION:  
ADMINISTRATIVE REPORTS/  
DISCUSSION/ACTION

**SUBJECT: A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$19,000,000 AND RELATED MATTERS**

**RECOMMENDATION:** That the City Council consider and adopt a resolution authorizing the issuance of City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) Special Tax Bonds, Series 2020, and related matters:

- (A) Authorizing the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities project and the Ontario Ranch development.
- (B) Approving the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizing a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizing the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

**COUNCIL GOALS: Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)  
Ensure the Development of a Well Planned, Balanced and Self-Sustaining Community in Ontario Ranch**

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen  
Department: Investments & Revenue Resources

City Manager Approval: 

Submitted to Council/O.H.A. 07/07/2020  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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**FISCAL IMPACT:** The use of Mello-Roos financing for public facilities in the residential development of the Park Place Facilities project and the Ontario Ranch development is estimated to generate approximately \$19 million, based on current market interest rates, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. The resolution authorizing the issuance of City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) Special Tax Bonds, Series 2020, and related matters, limits the principal amount of the bonds to \$19 million. The City currently expects the bonds to be sold no later than August 2020; however, such schedule could change based on market volatility and market conditions. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the applicable community facilities district, there is no General Fund impact from the issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provides local government, with the requisite consent and approval from the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting a resolution declaring the City's intention to establish a community facilities district and levy special taxes, and a resolution to issue bonds. On July 17, 2018 the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of the District with the adoption of Resolution No. 2018-102, declaring the City's intention to establish the District and to authorize the levy of special taxes. On August 21, 2018, the City Council adopted Resolution No. 2018-121 forming the District, and Resolution No. 2018-122 deeming it necessary to incur bonded indebtedness. Based on a successful property owner election held on August 21, 2018, the City Council adopted Ordinance No. 3114 on September 4, 2018, authorizing the levy of special taxes within the District to finance public improvements related to the Park Place Facilities project.

The Park Place Facilities project addresses the residential development of approximately 40 taxable gross acres located generally east of Parkplace Avenue, generally west of Haven Avenue, south of Eucalyptus Avenue and north of Parkview Street. At build out, the development is projected to include 279 detached single-family units.

The proposed resolution references several bond documents and other matters related to the proposed issuance of bonds by City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV). These documents are listed below and are on file with the Records Management Department.

- Indenture
- Bond Purchase Agreement
- Continuing Disclosure Agreement
- Preliminary Official Statement

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 43 (PARK PLACE FACILITIES PHASE IV) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has formed the City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes; and

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District proposes to issue its City of Ontario Community Facilities District No. 43 (Park Place Facilities Phase IV) Special Tax Bonds, Series 2020 (the "Series 2020 Bonds"), in the aggregate principal amount of not to exceed \$19,000,000; and

WHEREAS, in order to provide for the authentication and delivery of the Series 2020 Bonds, to establish and declare the terms and conditions upon which the Series 2020 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with Zions Bancorporation, National Association, as trustee (the "Trustee") (such Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Indenture"); and

WHEREAS, Stifel, Nicolaus & Company, Incorporated (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2020 Bonds from the Community Facilities District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Purchase Agreement"); and

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the

Series 2020 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series 2020 Bonds to provide disclosure of certain financial information and certain listed events on an ongoing basis; and

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Trustee (such Continuing Disclosure Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Continuing Disclosure Agreement"); and

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2020 Bonds has been prepared (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Preliminary Official Statement"); and

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Indenture;
- (b) the Purchase Agreement;
- (c) the Continuing Disclosure Agreement; and
- (d) the Preliminary Official Statement; and

WHEREAS, Harris Realty Appraisal has prepared and provided to the Community Facilities District an updated appraisal report, dated May 15, 2020 (the "Appraisal"), providing an opinion of value of the property in the Community Facilities District, which has been submitted to this meeting; and

WHEREAS, Section 5852.1 of the California Government Code requires that the City Council obtain from an underwriter, financial advisor or private lender and disclose, in a meeting open to the public, prior to authorization of the issuance of the Series 2020 Bonds, good faith estimates of (a) the true interest cost of the Series 2020 Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Series 2020 Bonds, (c) the amount of proceeds of the Series 2020 Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Series 2020 Bonds, and (d) the sum total of all debt service payments on the Series 2020 Bonds calculated to the final maturity of the Series 2020 Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Series 2020 Bonds; and

WHEREAS, in compliance with Section 5852.1 of the California Government Code, the City Council has obtained from CSG Advisors Incorporated, as the Community Facilities District's municipal advisor, the required good faith estimates, which the Municipal Advisor has prepared in consultation with the Underwriter, and such estimates are disclosed and set forth in Exhibit A attached hereto; and



WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2020 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2020 Bonds; and

WHEREAS, the City Council is the legislative body of the Community Facilities District; and

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Subject to the provisions of Section 3 hereof, the issuance of the Series 2020 Bonds, in an aggregate principal amount of not to exceed \$19,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2020 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

SECTION 3. The Indenture, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City, the Assistant City Manager of the City, the Executive Director of Finance of the City, the Deputy City Treasurer of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Indenture in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2020 Bonds in excess of \$19,000,000, shall not result in a final maturity date of the Series 2020 Bonds later than September 1, 2051, and shall not result in a true interest cost for the Series 2020 Bonds in excess of 6.50%.

SECTION 4. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Purchase Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions

shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2020 Bonds in excess of 1.50% of the aggregate principal amount of the Series 2020 Bonds. The City Council hereby finds and determines that the sale of the Series 2020 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

SECTION 5. The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Continuing Disclosure Agreement by such Authorized Officer.

SECTION 6. The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2020 Bonds is hereby authorized and approved. Each of the Authorized Officers is hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

SECTION 7. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2020 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

SECTION 8. Based upon the property values within the Community Facilities District reported in the Appraisal and the value-to-lien information set forth in the Preliminary Official Statement, the City Council, for purposes of Section 53345.8 of the Act, hereby finds and determines that the value of the real property that would be subject to the Special Tax to pay debt service on the Series 2020 Bonds will be at least three times the principal amount of the Series 2020 Bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the Community Facilities District or a special assessment levied on property within the Community Facilities District.

SECTION 9. The City Council hereby waives the provisions of the City's Mello-Roos Community Facilities Act of 1982 Local Goals and Policies, as amended to date, that are inconsistent or in conflict with the issuance of the Series 2020 Bonds and the financing of the Facilities as approved and authorized hereby, and finds and determines that benefit inures to the ultimate property owners, the Community Facilities District and/or the City as a result of such waiver.

SECTION 10. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 11. This Resolution shall take effect immediately upon its adoption.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
COLE HUBER, LLP  
CITY ATTORNEY

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    )  
CITY OF ONTARIO                )

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 7, 2020 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:          COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-    duly passed and adopted by the Ontario City Council at their regular meeting held July 7, 2020.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

## EXHIBIT A

### GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Series 2020 Bonds in accordance with Section 5852.1 of the California Government Code. Such good faith estimates have been provided to the Community Facilities District by CSG Advisors Incorporated, the Community Facilities District's municipal advisor (the "Municipal Advisor"), which the Municipal Advisor has prepared in consultation with Stifel, Nicolaus & Company, Incorporated, the Underwriter.

*Principal Amount.* The Municipal Advisor has informed the Community Facilities District that, based on the Community Facilities District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Series 2020 Bonds to be issued and sold is \$15,690,000 (the "Estimated Principal Amount"), which does not include approximately \$1,099,000 of net premium estimated to be generated based on current market conditions. Net premium is generated when, on a net aggregate basis for a single issuance of bonds, the price paid for such bonds is higher than the face value of such bonds.

*True Interest Cost of the Series 2020 Bonds.* The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Series 2020 Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Series 2020 Bonds, is 3.54%.

*Finance Charge of the Series 2020 Bonds.* The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Series 2020 Bonds, which means the sum of all fees and charges paid to third parties (or costs associated with the Series 2020 Bonds), is \$443,000.

*Amount of Proceeds to be Received.* The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is issued and sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the Community Facilities District for sale of the Series 2020 Bonds, less the finance charge of the Series 2020 Bonds, as estimated above, and any reserves or capitalized interest paid or funded with proceeds of the Series 2020 Bonds, is \$15,434,000.

*Total Payment Amount.* The Municipal Advisor has informed the Community Facilities District that, assuming that the Estimated Principal Amount of the Series 2020 Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the Community Facilities District will make to pay debt service

on the Series 2020 Bonds, plus the finance charge for the Series 2020 Bonds, as described above, not paid with the proceeds of the Series 2020 Bonds, calculated to the final maturity of the Series 2020 Bonds, is \$27,301,000, which excludes any reserves or capitalized interest funded or paid with proceeds of the Series 2020 Bonds (which may offset such total payment amount).

The foregoing estimates constitute good faith estimates only and are based on market conditions prevailing at the time of preparation of such estimates. The actual principal amount of the Series 2020 Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Series 2020 Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Series 2020 Bonds issued and sold being different from the Estimated Principal Amount, (c) the actual amortization of the Series 2020 Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Series 2020 Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the Community Facilities District's financing plan, or a combination of such factors. The actual date of sale of the Series 2020 Bonds and the actual principal amount of Series 2020 Bonds issued and sold will be determined by the Community Facilities District based on the timing of the need for proceeds of the Series 2020 Bonds and other factors. The actual interest rates borne by the Series 2020 Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Series 2020 Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the Community Facilities District.