

**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**JANUARY 17, 2017**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Ruben Valencia**  
Council Member



**Al C. Boling**  
City Manager

**John E. Brown**  
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 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)**

**6:30 p.m.**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

Council Member Valencia

**INVOCATION**

Pastor Brian E Kennedy, Mt. Zion Baptist Church

**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 December 6 and December 20, 2016, approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

**Bills** November 13, 2016 through December 10, 2016 and **Payroll** November 13, 2016 through December 10, 2016, when audited by the Finance Committee.

### **3. AN ORDINANCE AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE TO MODIFY SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL**

That the City Council adopt an ordinance to modify the monthly salary compensation rates for the Mayor and the City Council.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL.

### **4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS**

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

**5. A PROFESSIONAL SERVICES AGREEMENT WITH WORTHINGTON PARTNERS, LLC FOR CITYWIDE MANAGEMENT CONSULTING SERVICES**

That the City Council authorize the City Manager to execute a three (3) year Professional Services Agreement (on file with the Records Management Department) with Worthington Partners, LLC of Chino, California, for the provision of citywide management consulting services.

**6. COOPERATIVE FUNDING AGREEMENTS FOR THE NORTH VINEYARD AND SOUTH MILLIKEN GRADE SEPARATION PROJECTS**

That the City Council:

- (A) Approve Cooperative Funding Agreement 17-1001619 (on file with the Records Management Department) with the San Bernardino Associated Governments (SANBAG) for funding the North Vineyard Grade Separation Project; authorize the City Manager to execute said agreement and future amendments within the City Council approved budget; and rescind the previous North Vineyard Grade Separation Cooperative Funding Agreements C08194, C10094, C11168 and C13105 and their respective amendments; and
- (B) Approve Cooperative Funding Agreement 17-1001620 (on file with the Records Management Department) with SANBAG for funding the South Milliken Grade Separation Project; authorize the City Manager to execute said agreement and future amendments within the City Council approved budget; and rescind the previous South Milliken Grade Separation Cooperative Funding Agreements C11167 and C13104 and their respective amendments.

**7. FIRST AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2016-17 PROGRAM YEAR AND RESOLUTIONS APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY FOR THE MINOR REHABILITATION OF THE FRANCIS STREET APARTMENTS, LOCATED AT 307-309-311 WEST FRANCIS STREET**

That the City Council and Ontario Housing Authority Board take the following actions:

- (A) Approve the First Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2016-17 (“Substantial Amendment”);
- (B) Adopt resolutions approving a Community Development Block Grant (“CDBG”) grant agreement between the City and Ontario Housing Authority (“Authority”) for the minor rehabilitation of the Francis Street Apartments, located at 307-309-311 West Francis Street;
- (C) Authorize City Manager and Executive Director, to take all actions necessary or desirable to implement these activities related to the rehabilitation of the Francis Street Apartments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THAT CERTAIN CITY GRANT AGREEMENT [307-309-311 W. FRANCIS STREET] CONCERNING THE GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE ONTARIO HOUSING AUTHORITY FOR THE MINOR REHABILITATION OF AFFORDABLE HOUSING AT THE PROPERTIES LOCATED AT 307-309-311 W. FRANCIS STREET.

RESOLUTION NO. OHA-\_\_\_\_\_

A RESOLUTION OF THE GOVERNING BOARD OF THE ONTARIO HOUSING AUTHORITY, APPROVING THAT CERTAIN CITY GRANT AGREEMENT [307-309-311 W. FRANCIS STREET] CONCERNING THE GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE ONTARIO HOUSING AUTHORITY FOR THE MINOR REHABILITATION OF AFFORDABLE HOUSING AT THE PROPERTIES LOCATED AT 307-309-311 W. FRANCIS STREET.

**8. A SUBSCRIPTION AGREEMENT WITH OKTA, INC. FOR SECURE AUTHENTICATION AND IDENTITY MANAGEMENT SOFTWARE**

That the City Council authorize the City Manager to execute an agreement with Okta, Inc. of San Francisco, California, for secure authentication and identity management hosted SAAS, software as a service for a period not to exceed five years.

**9. APPLICATION FOR GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2018 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT PROGRAM**

That City Council authorize the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$872,000 from the California Office of Traffic Safety (OTS) for participation in the FY2018 Selective Traffic Enforcement Program (STEP) Grant Program.

**10. AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH PMA, INC. FOR THE POLICE HEADQUARTERS RENOVATION PROJECT**

That the City Council authorize the City Manager to execute an amendment to the existing Professional Services Agreement on file with the Records Management Department with PMA, Inc. of Norco California, for the Police Department Headquarters Renovation Project in the amount of \$57,000 for a total contract value of \$147,000.

## **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.**

### ***11. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 4 TO TITLE 2 OF THE ONTARIO MUNICIPAL CODE, RELATING TO THE CUSTODY AND USE OF THE OFFICIAL CITY SEAL AND CITY INSIGNIA***

That the City Council introduce and waive further reading of an ordinance to establish permissible uses of the official city seal and city insignia.

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.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 TO TITLE 2 OF THE ONTARIO MUNICIPAL CODE, RELATING TO THE CUSTODY AND USE OF THE OFFICIAL CITY SEAL AND CITY INSIGNIA.

### ***12. A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND INLAND INVESTMENT PARTNERS FOR THE DISPOSITION OF THE MISSION AND OAKLAND SITE (908 SOUTH OAKLAND AVENUE AND 905-907 SOUTH SAN ANTONIO AVENUE***

That the Board of Directors of the Ontario Housing Authority ("Authority") adopt a resolution approving a Purchase and Sale Agreement ("Agreement") between the Authority and Inland Investment Partners (the "Developer") (on file with the City's Records Management Department); and authorize the Executive Director to execute the Agreement on behalf of the Authority.

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.

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

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT AMONGST THE ONTARIO HOUSING AUTHORITY, INLAND INVESTMENT PARTNERS AND NORTH BY NORTHWEST CAPITAL, INC. FOR THE MISSION AND OAKLAND SITE (908 SOUTH OAKLAND AVENUE AND 905 – 907 SOUTH SAN ANTONIO AVENUE) AND FORGIVING A LOAN FROM THE FORMER ONTARIO REDEVELOPMENT AGENCY TO THE ONTARIO HOUSING AUTHORITY RELATED TO THE SITE.

**13. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND CONSIDERATION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

That City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 25 (Park Place Facilities Phase II), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 25 (Park Place Facilities Phase II);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II); and
- (F) Adopt a resolution authorizing the execution and delivery of an Amended and Reinstated Acquisition and Funding Agreement with SL Ontario Development Company, a Delaware Company.

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.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

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

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH SL ONTARIO DEVELOPMENT COMPANY, LLC.



**STAFF MATTERS**

City Manager Boling

**COUNCIL MATTERS**

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

**ADJOURNMENT**

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE TO MODIFY SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL**

**RECOMMENDATION:** That the City Council adopt an ordinance to modify the monthly salary compensation rates for the Mayor and the City Council.

**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** The modification in salary compensation for the Mayor, if approved, will be effective February 19, 2017. The modification will have an estimated fiscal impact of \$12,580 for Fiscal Year 2016-17, or \$33,549 on an annualized basis. Per Ontario Municipal Code Section 2-1.205, the modification in salary compensation for the City Council cannot be effective until after certification of the next election in November 2018, when the next City Council is seated; appropriations for that adjustment will be addressed in future years' budgets.

**BACKGROUND:** On December 20, 2016, the City Council held a public hearing to introduce and waive further reading on the attached ordinance, which modifies the monthly salary compensation rates for the Mayor and City Council.

Government Code Sections 36516.1 and 36516, respectively, permit the City Council to establish, by ordinance, additional salary compensation for the Mayor and salary compensation for City Council Members. Any modifications to the additional salary compensation amount for the Mayor may take place upon the effective date of the ordinance. Adjustments to the salary of City Council Members may not take effect until after "the date one or more members of the Council begin a new term of office following the general municipal election." (Ontario Municipal Code Section 2-1.205; *see also* Government Code Section 36516.5.) Pursuant to Government Code Section 36516, the City Council may adjust salary compensation for City Council Members by up to 5% each year.

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

Prepared by: David Sheasby  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

3

If adopted, the proposed ordinance will establish the Mayor's additional salary at \$3,180.99 per month, effective February 19, 2017. This adjustment is recommended in recognition of ever-increasing responsibilities and time commitments placed upon the Mayor, and as a restoration of compensation taken away during the epic nationwide economic downturn of 2009. Additionally, the proposed ordinance will establish a monthly salary of \$1,884.51 for Council Members, effective after certification of the November 2018 election results and the seating of the next City Council. This adjustment represents an increase of only 10%, half of the allowable amount given that the last adjustment made by Council was adopted effective November 2014.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL.

WHEREAS, Government Code Section 36516.1 authorizes the City Council to modify the additional salary compensation for the Mayor position; and

WHEREAS, with the build out of Ontario Ranch and the return of Ontario International Airport to local control, the responsibilities and time commitments for the position of Mayor continue to increase; and

WHEREAS, the City Council previously reduced the amount of additional compensation due to the Mayor in 2009, during the epic nationwide economic downturn; and

WHEREAS, the City Council now, in recognition of the improved economic climate since that time and the increased obligations of the position of Mayor, desires to restore the salary reduction and modify the amount of additional compensation due to the Mayor; and

WHEREAS, the City Council's last adjustments to the salary compensation for City Council Members of the City of Ontario were effective in November 2014; and

WHEREAS, under Government Code Section 36516 the City Council may adjust compensation up to 5% each calendar year and a "calendar year" is defined as "each 12-month period since the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted"; and

WHEREAS, the new salary for City Council would be effective after certification of the next election in November 2018 and the elected officials are seated; and

WHEREAS, the City Council desires to modify the salary compensation for all City Council Members.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 2-1.203 of Chapter 1 to Title 2 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Sec. 2-1.203. Payment.

(a) Each member of the Council shall receive as salary the sum of One-Thousand-Eight-Hundred-Eighty-Four and 51/100ths Dollars (\$1,884.51) per month.

(b) The Mayor shall receive as additional salary the sum of Three-Thousand-One-Hundred-Eighty and 99/100ths Dollars (\$3,180.99) per month.

(c) Said salaries shall be payable from and after the operative date of this section at the same time and in the same manner as salaries are paid to other officers and employees of the City.

SECTION 3. Modifications to additional salary for the Mayor may become effective thirty days after adoption. Consistent with Ontario Municipal Code Section 2.1-203(c), and in keeping with regular pay periods upon which other officers and employees of the City are paid, this adjustment to the additional salary for the Mayor shall become effective on February 19, 2017.

SECTION 4. Pursuant to Section 36516.5 of the California Government Code, the adjustments to City Council Member salary set forth herein shall become effective upon the completion and installation of the new members of the City Council subsequent to November 6, 2018, pursuant to California Elections Code Section 10262.

SECTION 5. CEQA. The City Council hereby finds that adoption of this Ordinance is not a "project" under the California Environmental Quality Act because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 7. 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 8. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 9. 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 fifteen (15) days of 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 17<sup>th</sup> day of January 2017.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER 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. 3065 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 20, 2016 and adopted at the regular meeting held January 17, 2017 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. 3065 duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017 and that Summaries of the Ordinance were published on January 10, 2017 and January 24, 2017, in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS**

**RECOMMENDATION:** That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** The levy of special assessments will result in the recovery of \$119,031 in costs that the City has expended for inspection or abatement of property violations, as well as the collection of \$17,660 associated with civil penalties and/or fines for continued violations, for a total of \$136,691 to 175 parcels. When received, reimbursement of \$91,361 will be made to the General Fund and \$45,330 to the Dangerous Building Fund.

**BACKGROUND:** The City has established revolving funds to cover City costs for abatement of property and dangerous building violations, as a result of code enforcement activities as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Systematic Health and Safety Inspection Program, Abandoned and Distressed Property Program and Weed and Refuse Abatement Program. These costs, fines, fees and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 3046, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

**STAFF MEMBER PRESENTING:** Robert Gluck, Code Enforcement Director

Prepared by: Erin Bonett  
Department: Code Enforcement

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

4



This assessment cycle, the Code Enforcement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citations, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 394 parcels. Of this, there are remaining amounts due on 175 parcels. Attached are itemized accounts of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2017 for its 2017-2018 tax rolls.

All affected property owners were given notice of the imposition of the special assessments via certified mail as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal or have exhausted the appellate procedure in Ontario Municipal Code Section 1-4.05(b).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

WHEREAS, Ordinance No. 3046, Property Appearance (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

WHEREAS, under Resolution 94-112, Resolution ORA-499, and the Cooperation and Reimbursement Agreement entered into on the 15<sup>th</sup> day of November, 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under a first amendment to the Cooperation and Reimbursement Agreement entered into on the 16<sup>th</sup> day of July 1996, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made an additional advance to the City of One Hundred Thousand Dollars (\$100,000) to continue to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under Resolution 94-113, Resolution ORA-500, and the Cooperation and Reimbursement Agreement entered into on the 15<sup>th</sup> day of November 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of Thirty Thousand Dollars (\$30,000) to repair or abate dangerous buildings and properties in the 6<sup>th</sup> and Grove area; and

WHEREAS, under Resolution 94-12, Resolution ORA-464, and the Cooperation and Reimbursement Agreement entered into on the 22<sup>nd</sup> day of February 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or demolish dangerous buildings throughout the City; and

WHEREAS, Ordinance No. 2894, Systematic Health and Safety Inspection Program (Title 8, Chapter 17, of the Ontario Municipal Code), provides for the collection of unpaid service fees, plus any penalties and accrued interest by Special Assessment; and

WHEREAS, Ordinance No. 2920, provides for the assessment of civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code), and for fines associated with administrative citations to be collected by Special Assessment (Title 1, Chapter 5 of the Ontario Municipal Code), and establishes a uniform procedure before imposing such Special Assessments (Title 1, Chapter 4 of the Ontario Municipal Code); and

WHEREAS, the above said ordinances, resolutions and agreements provide for recovery of costs incurred in the abatement of violations by means of a Special Assessment placed on the tax rolls; and

WHEREAS, the City has incurred costs involved in the abatement of violations under the Ontario Municipal Code and Uniform Code for the Abatement of Dangerous Buildings, issuing Notices of Violation, and administering the Systematic Health and Safety Program and wishes to recover said costs; and

WHEREAS, the owners of all parcels listed in Exhibit A, B, and C were given notice of imposition of such Special Assessment as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal, or have exhausted the appellate procedure provided in Ontario Municipal Code Section 1-4.05(b); and

WHEREAS, the City has an executed contract with the San Bernardino County Board of Supervisors for collection of said assessments;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Confirmed the costs associated with inspection or abatement on the properties as set forth in the report in Exhibit A; and
2. Confirmed the civil penalties and/or fines for continued violations on the properties as set forth in the report in Exhibit B; and
3. Confirmed that Exhibit C contains the total amount assessed for both confirmed costs and confirmed civil penalties and/or fines for each of the properties; and
4. Found and determined that the report, and Exhibits contained therein are true and accurate; and
5. Adopts the above said report and finds that the costs of inspection or abatement on the properties listed are the costs set forth in Exhibit A, the civil penalties and/or fines for continued violations are the penalties and/or fines as set forth in Exhibit B, and the same are hereby charged and placed as special assessments upon the respective properties; and
6. Directs Exhibit C shall be sent to the Auditor-Controller of San Bernardino County and shall be collected on the County tax roll.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017-    duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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

(SEAL)

**City of Ontario**  
**Code Enforcement Department**  
**2017/2018 Tax Roll Year Special Assessments**  
**Exhibit A - Costs Associated with Inspection or Abatement**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
0108-322-04	1839 N GLENN AV, Ontario, CA 91764	512.80
0108-401-02	1851 N DEL NORTE AV, Ontario, CA 91764	1,611.01
0108-491-04	1703 E DEODAR ST, Ontario, CA 91764	3,050.46
0108-493-02	1512 N BAKER AV, Ontario, CA 91764	1,087.26
0108-511-28	1454 E FIFTH ST, Unit:4, Ontario, CA 91764	15.49
0108-532-04	1664 E FIFTH ST, Ontario, CA 91764	212.55
0108-601-14	1522 N LAKE AV, Ontario, CA 91764	1,859.95
0108-601-64	1537 N LASSEN AV, Ontario, CA 91764	15.49
0108-612-16	1604 N EL DORADO AV, Ontario, CA 91764	795.10
0108-622-33	1830 N SACRAMENTO AV, Ontario, CA 91764	15.49
0110-051-22	1229 E NOCTA ST, Ontario, CA 91761	81.95
0110-051-33	1242 E ELMA ST, Ontario, CA 91761	58.42
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	740.00
0110-071-02	1389 E HOLT BL, Ontario, CA 91761	1,305.00
0110-111-01	1614 E HOLT BL, Ontario, CA 91761	50.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	110.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	110.00
0110-153-01	1231 E G ST, Ontario, CA 91764	231.05
0110-163-13	1022 N CALAVERAS AV, Ontario, CA 91764	134.00
0110-202-32	1005 N GLENN AV, Ontario, CA 91764	4,348.05
0110-422-02	1339 E FRESNO ST, Ontario, CA 91764	705.15
0113-641-05	2133 S GREEN PRIVADO, Ontario, CA 91761	540.40
0209-331-41	1952 E ALONDRA CT, Ontario, CA 91764	61.95
0209-371-21	2027 E DEODAR ST, Ontario, CA 91764	29.21
0210-181-06	809 N TURNER AV, Ontario, CA 91764	50.00
0210-301-46	2044 E HAWTHORNE CT, Ontario, CA 91764	3,912.84
0210-331-25	1330 N HACIENDA DR, Ontario, CA 91764	29.21
0211-262-07	0 S BUSINESS PW, Ontario, CA 91761	1,730.00
0216-361-67	1483 E FAIRFIELD CT, Ontario, CA 91761	62.10
0216-401-63	2448 S VINEYARD AV, Building:2, Unit:101, Ontario, CA 91761	110.00
0216-421-67	1531 E FAIRFIELD ST, Unit:1, Ontario, CA 91761	576.00
0216-481-73	1491 E DEERFIELD ST, Ontario, CA 91761	1,203.55
1008-281-46	1556 N FUCHSIA AV, Ontario, CA 91762	2,091.01
1008-281-57	1547 N GARDENIA CT, Ontario, CA 91762	62.10
1008-422-01	1359 N HELEN AV, Ontario, CA 91762	83.05
1008-533-25	1003 W YALE ST, Ontario, CA 91762	47.07
1008-571-34	1550 W HARVARD PL, Ontario, CA 91762	1,230.05
1010-093-09	1521 W J ST, Ontario, CA 91762	91.70
1010-435-21	1303 W E ST, Ontario, CA 91762	2,347.44
1010-446-02	1210 W D ST, Ontario, CA 91762	3,842.08
1010-452-25	515 N AZALEA AV, Ontario, CA 91762	229.95
1010-533-17	1211 W HOLLOWELL ST, Ontario, CA 91762	67.00
1010-543-24	1265 W STONERIDGE CT, Unit:5, Ontario, CA 91762	11.77
1010-551-11	1520 W STONERIDGE CT, Unit:A, Ontario, CA 91762	11.77
1011-111-05	1409 HOLT BL, Building:1, Ontario, CA 91762	1,188.47
1011-112-44	0 W BROOKS ST, Ontario, CA 91762	50.00
1011-361-05	1559 W MISSION BL, Ontario, CA 91762	50.00

**City of Ontario  
Code Enforcement Department  
2017/2018 Tax Roll Year Special Assessments  
Exhibit A - Costs Associated with Inspection or Abatement**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
1011-441-02	0 S BENSON AV, Ontario, CA 91762	110.00
1014-191-58	1605 S MOUNTAIN AV, Ontario, CA 91762	57.28
1014-231-26	1605 S BENSON AV, Ontario, CA 91762	83.05
1014-441-25	1387 W FRANCIS ST, Ontario, CA 91762	2,521.31
1014-571-14	2031 S BENSON AV, Ontario, CA 91762	249.55
1047-142-06	1213 E SEVENTH ST, Ontario, CA 91764	62.10
1047-143-01	0 E EIGHTH ST, Ontario, CA 91764	110.00
1047-171-12	1554 N ELEVENTH AV, Unit:A, Ontario, CA 91764	61.95
1047-321-35	1394 N CHAFFEY CT, Ontario, CA 91762	73.85
1047-401-24	703 E BONNIE BRAE CT, Ontario, CA 91764	67.00
1047-441-16	1334 N PARKSIDE AV, Ontario, CA 91764	46.46
1047-451-02	1201 N GROVE AV, Ontario, CA 91764	196.05
1047-471-17	937 E HARVARD PL, Ontario, CA 91764	13.72
1047-473-39	1037 E FOURTH ST, Ontario, CA 91764	240.65
1047-481-13	1241 N COUNCIL AV, Ontario, CA 91764	7,810.52
1047-503-30	830 E PRINCETON ST, Ontario, CA 91764	61.95
1047-521-05	641 E PRINCETON ST, Ontario, CA 91764	62.10
1047-531-02	1214 N EUCLID AV, Ontario, CA 91764	58.42
1047-543-29	407 E FOURTH ST, Ontario, CA 91764	645.62
1048-011-38	737 W FOURTH ST, Ontario, CA 91762	6,216.55
1048-041-08	401 W J ST, Ontario, CA 91762	1,693.18
1048-041-09	331 W J ST, Ontario, CA 91762	15.49
1048-061-01	116 E FOURTH ST, Ontario, CA 91764	30.98
1048-102-10	756 E ROSEWOOD CT, Ontario, CA 91764	15.49
1048-123-17	1023 E I ST, Ontario, CA 91764	138.55
1048-131-27	1027 N CUCAMONGA AV, Ontario, CA 91764	2,918.28
1048-213-18	739 E H ST, Ontario, CA 91764	87.75
1048-221-15	614 E I ST, Ontario, CA 91764	573.45
1048-221-51	515 E GRANADA CT, Ontario, CA 91764	62.10
1048-243-12	330 E EL MORADO CT, Ontario, CA 91764	62.10
1048-252-26	331 E H ST, Ontario, CA 91764	258.98
1048-366-01	206 E G ST, Ontario, CA 91764	1,829.82
1048-381-04	526 E G ST, Ontario, CA 91764	379.05
1048-391-07	535 E E ST, Ontario, CA 91764	61.95
1048-414-16	823 E F ST, Ontario, CA 91764	15.49
1048-501-21	721 E NOCTA ST, Ontario, CA 91761	61.95
1048-511-15	762 E NOCTA ST, Ontario, CA 91761	46.46
1048-525-19	639 E HOLT BL, Ontario, CA 91761	120.05
1049-011-10	765 W BROOKS ST, Ontario, CA 91762	18,992.24
1049-057-05	112 S EUCLID AV, Building:1, Ontario, CA 91762	9,237.73
1049-121-28	221 S BON VIEW AV, Ontario, CA 91761	660.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	975.00
1049-151-39	1150 E MAIN ST, Ontario, CA 91761	574.25
1049-193-01	509 S BON VIEW AV, Ontario, CA 91761	550.00
1049-201-04	519 S CAMPUS AV, Ontario, CA 91761	110.00
1049-203-18	0 E ONTARIO BL, Ontario, CA 91761	50.00
1049-231-26	501 E PARK ST, Ontario, CA 91761	432.00

**City of Ontario  
Code Enforcement Department  
2017/2018 Tax Roll Year Special Assessments  
Exhibit A - Costs Associated with Inspection or Abatement**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
1049-232-20	560 E PARK ST, Ontario, CA 91761	2,700.05
1049-258-09	415 E CALIFORNIA ST, Ontario, CA 91761	110.00
1049-283-21	540 W PARK ST, Ontario, CA 91762	61.95
1049-313-09	725 W CARLTON ST, Ontario, CA 91762	144.00
1049-333-04	209 W CARLTON ST, Unit:A, Ontario, CA 91762	601.05
1049-353-09	521 E MAITLAND ST, Ontario, CA 91761	128.61
1049-384-09	930 S GROVE AV, Ontario, CA 91761	110.00
1049-411-01	1383 S CUCAMONGA AV, Ontario, CA 91761	50.00
1049-492-18	562 E PHILLIPS ST, Ontario, CA 91761	550.00
1049-494-08	1366 S PLEASANT AV, Ontario, CA 91761	15.53
1049-495-01	1415 S PLEASANT AV, Ontario, CA 91761	73.03
1049-502-04	618 E MAITLAND ST, Ontario, CA 91761	87.75
1049-502-04	618 E MAITLAND ST, Ontario, CA 91761	965.00
1049-531-44	237 E ACACIA ST, Ontario, CA 91761	46.46
1049-582-18	740 W BELMONT ST, Ontario, CA 91762	785.29
1050-051-01	1420 S EUCLID AV, Unit:A, Ontario, CA 91762	67.00
1050-101-08	641 E ELM ST, Ontario, CA 91761	83.05
1050-101-23	630 E DE ANZA ST, Ontario, CA 91761	157.05
1050-231-17	1745 S MIRAMONTE AV, Ontario, CA 91761	61.95
1050-243-15	1651 S MONTEREY AV, Ontario, CA 91761	62.10
1050-251-01	1727 S EUCLID AV, Ontario, CA 91761	3,398.81
1050-261-20	1613 S EUCLID AV, Ontario, CA 91761	656.55
1050-262-21	404 E LOCUST ST, Ontario, CA 91761	1,484.30
1050-361-40	453 W GREVILLEA ST, Ontario, CA 91762	1,344.00
1050-401-26	325 E GREVILLEA ST, Ontario, CA 91761	194.05
1050-411-32	1920 S MONTEREY AV, Ontario, CA 91761	1,545.28
1050-614-02	2112 S FERN AV, Ontario, CA 91762	1,184.09
1051-051-55	2261 S FERN AV, Unit:B, Ontario, CA 91762	11.48
1051-171-41	2424 S GROVE AV, Ontario, CA 91761	975.00
1051-221-12	147 W GEYER CT, Ontario, CA 91762	110.85
1051-221-16	125 W GEYER CT, Ontario, CA 91762	1,205.00
1051-301-54	2556 S CALDWELL PL, Ontario, CA 91761	2,167.49
1051-421-81	2715 S CONCORD AV, Ontario, CA 91761	2,091.92
1051-431-57	2614 S EUCLID AV, Ontario, CA 91762	30.98
1051-612-60	354 E COTTONWOOD ST, Ontario, CA 91761	11.48
1083-061-08	2920 S ARCHIBALD AV, Unit:F, Ontario, CA 91761	191.05
1083-361-05	0 S MILLIKEN AV, Ontario, CA 91761	110.00
<b>Total</b>		<b>119,030.61</b>



**City of Ontario**  
**Code Enforcement Department**  
**2017/2018 Tax Roll Year Special Assessments**  
**Exhibit B - Civil Penalties and/or Fines for Continued Violations**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
0108-307-04	1435 E FIFTH ST, Ontario, CA 91764	420.00
0108-543-10	1218 N BAKER AV, Ontario, CA 91764	120.00
0113-461-09	1401 E CEDAR ST, Building:1, Unit:D, Ontario, CA 91761	340.00
0113-591-13	2330 S BAKER AV, Ontario, CA 91761	760.00
0113-601-14	1635 E CEDAR ST, Building:1, Ontario, CA 91761	520.00
0210-041-59	1440 N SAN DIEGO PL, Ontario, CA 91764	120.00
0210-181-06	809 N TURNER AV, Ontario, CA 91764	500.00
0218-752-04	3533 S OLD ARCHIBALD RANCH RD, Ontario, CA 91761	120.00
1008-514-11	914 W FOURTH ST, Ontario, CA 91762	120.00
1008-551-06	1346 W PRINCETON ST, Ontario, CA 91762	170.00
1010-105-10	1001 N ELDERBERRY AV, Ontario, CA 91762	120.00
1010-472-03	951 W F ST, Ontario, CA 91762	840.00
1011-112-17	1413 W BROOKS ST, Unit:8, Ontario, CA 91762	120.00
1011-112-44	0 W BROOKS ST, Ontario, CA 91762	500.00
1011-361-05	1559 W MISSION BL, Ontario, CA 91762	500.00
1011-582-03	1329 W PHILLIPS ST, Ontario, CA 91762	170.00
1014-152-10	1487 S GRANITE AV, Ontario, CA 91762	170.00
1014-171-21	855 W LOCUST ST, Ontario, CA 91762	170.00
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	490.00
1047-141-12	1826 N VIRGINIA AV, Ontario, CA 91764	520.00
1047-301-24	746 W LA DENEY DR, Ontario, CA 91762	340.00
1047-372-07	604 E BONNIE BRAE CT, Ontario, CA 91764	640.00
1048-114-18	743 E I ST, Ontario, CA 91764	170.00
1048-124-23	859 N CUCAMONGA AV, Ontario, CA 91764	120.00
1048-191-05	735 N HOLMES AV, Ontario, CA 91764	490.00
1048-201-13	750 E EL MORADO CT, Ontario, CA 91764	760.00
1048-371-06	328 E G ST, Ontario, CA 91764	340.00
1048-412-08	734 E F ST, Ontario, CA 91764	420.00
1048-421-67	939 E D ST, Ontario, CA 91764	170.00
1048-532-02	508 E LYNN HAVEN CT, Ontario, CA 91761	170.00
1048-564-07	109 N EUCLID AV, Building:1, Ontario, CA 91762	120.00
1048-592-18	141 N VINE AV, Ontario, CA 91762	170.00
1049-021-09	549 W HOLT BL, Ontario, CA 91762	320.00
1049-057-05	112 S EUCLID AV, Building:1, Ontario, CA 91762	150.00
1049-203-18	0 E ONTARIO BL, Ontario, CA 91761	500.00
1049-221-09	543 E NEVADA ST, Ontario, CA 91761	840.00
1049-232-17	546 E PARK ST, Ontario, CA 91761	220.00
1049-272-03	421 W PARK ST, Ontario, CA 91762	500.00
1049-382-03	1124 E CALIFORNIA ST, Ontario, CA 91761	120.00
1049-411-01	1383 S CUCAMONGA AV, Ontario, CA 91761	500.00
1049-461-04	824 E BELMONT ST, Ontario, CA 91761	170.00
1049-511-15	1024 S PLUM AV, Ontario, CA 91761	490.00
1050-092-04	1549 S PLEASANT AV, Ontario, CA 91761	820.00
1050-261-20	1613 S EUCLID AV, Ontario, CA 91761	840.00
1050-291-24	456 W FRANCIS ST, Ontario, CA 91762	420.00
1050-571-19	302 E SPRUCE ST, Ontario, CA 91761	120.00
1050-582-29	2033 S CHERRY AV, Ontario, CA 91761	120.00

**City of Ontario**  
**Code Enforcement Department**  
**2017/2018 Tax Roll Year Special Assessments**  
**Exhibit B - Civil Penalties and/or Fines for Continued Violations**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
1050-582-36	2050 S CHERRY AV, Ontario, CA 91761	120.00
1050-583-05	2033 S CONCORD AV, Ontario, CA 91761	120.00
1083-111-15	2443 S NORTH SHORES PL, Ontario, CA 91761	340.00
1083-452-25	2907 S SNOW CREEK LN, Ontario, CA 91761	250.00
	<b>Total</b>	<b>17,660.00</b>

**City of Ontario**  
**Code Enforcement Department**  
**2017/2018 Tax Roll Year Special Assessments**  
**Exhibit C - Total Amounts per Parcel**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
0108-307-04	1435 E FIFTH ST, Ontario, CA 91764	420.00
0108-322-04	1839 N GLENN AV, Ontario, CA 91764	512.80
0108-401-02	1851 N DEL NORTE AV, Ontario, CA 91764	1,611.01
0108-491-04	1703 E DEODAR ST, Ontario, CA 91764	3,050.46
0108-493-02	1512 N BAKER AV, Ontario, CA 91764	1,087.26
0108-511-28	1454 E FIFTH ST, Unit:4, Ontario, CA 91764	15.49
0108-532-04	1664 E FIFTH ST, Ontario, CA 91764	212.55
0108-543-10	1218 N BAKER AV, Ontario, CA 91764	120.00
0108-601-14	1522 N LAKE AV, Ontario, CA 91764	1,859.95
0108-601-64	1537 N LASSEN AV, Ontario, CA 91764	15.49
0108-612-16	1604 N EL DORADO AV, Ontario, CA 91764	795.10
0108-622-33	1830 N SACRAMENTO AV, Ontario, CA 91764	15.49
0110-051-22	1229 E NOCTA ST, Ontario, CA 91761	81.95
0110-051-33	1242 E ELMA ST, Ontario, CA 91761	58.42
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	740.00
0110-071-02	1389 E HOLT BL, Ontario, CA 91761	1,305.00
0110-111-01	1614 E HOLT BL, Ontario, CA 91761	50.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	110.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	110.00
0110-153-01	1231 E G ST, Ontario, CA 91764	231.05
0110-163-13	1022 N CALAVERAS AV, Ontario, CA 91764	134.00
0110-202-32	1005 N GLENN AV, Ontario, CA 91764	4,348.05
0110-422-02	1339 E FRESNO ST, Ontario, CA 91764	705.15
0113-461-09	1401 E CEDAR ST, Building:1, Unit:D, Ontario, CA 91761	340.00
0113-591-13	2330 S BAKER AV, Ontario, CA 91761	760.00
0113-601-14	1635 E CEDAR ST, Building:1, Ontario, CA 91761	520.00
0113-641-05	2133 S GREEN PRIVADO, Ontario, CA 91761	540.40
0209-331-41	1952 E ALONDRA CT, Ontario, CA 91764	61.95
0209-371-21	2027 E DEODAR ST, Ontario, CA 91764	29.21
0210-041-59	1440 N SAN DIEGO PL, Ontario, CA 91764	120.00
0210-181-06	809 N TURNER AV, Ontario, CA 91764	550.00
0210-301-46	2044 E HAWTHORNE CT, Ontario, CA 91764	3,912.84
0210-331-25	1330 N HACIENDA DR, Ontario, CA 91764	29.21
0211-262-07	0 S BUSINESS PW, Ontario, CA 91761	1,730.00
0216-361-67	1483 E FAIRFIELD CT, Ontario, CA 91761	62.10
0216-401-63	448 S VINEYARD AV, Building:2, Unit:101, Ontario, CA 9176	110.00
0216-421-67	1531 E FAIRFIELD ST, Unit:1, Ontario, CA 91761	576.00
0216-481-73	1491 E DEERFIELD ST, Ontario, CA 91761	1,203.55
0218-752-04	3533 S OLD ARCHIBALD RANCH RD, Ontario, CA 91761	120.00
1008-281-46	1556 N FUCHSIA AV, Ontario, CA 91762	2,091.01
1008-281-57	1547 N GARDENIA CT, Ontario, CA 91762	62.10
1008-422-01	1359 N HELEN AV, Ontario, CA 91762	83.05
1008-514-11	914 W FOURTH ST, Ontario, CA 91762	120.00
1008-533-25	1003 W YALE ST, Ontario, CA 91762	47.07
1008-551-06	1346 W PRINCETON ST, Ontario, CA 91762	170.00
1008-571-34	1550 W HARVARD PL, Ontario, CA 91762	1,230.05
1010-093-09	1521 W J ST, Ontario, CA 91762	91.70

**City of Ontario  
Code Enforcement Department  
2017/2018 Tax Roll Year Special Assessments  
Exhibit C - Total Amounts per Parcel**

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
1010-105-10	1001 N ELDERBERRY AV, Ontario, CA 91762	120.00
1010-435-21	1303 W E ST, Ontario, CA 91762	2,347.44
1010-446-02	1210 W D ST, Ontario, CA 91762	3,842.08
1010-452-25	515 N AZALEA AV, Ontario, CA 91762	229.95
1010-472-03	951 W F ST, Ontario, CA 91762	840.00
1010-533-17	1211 W HOLLOWELL ST, Ontario, CA 91762	67.00
1010-543-24	1265 W STONERIDGE CT, Unit:5, Ontario, CA 91762	11.77
1010-551-11	1520 W STONERIDGE CT, Unit:A, Ontario, CA 91762	11.77
1011-111-05	1409 HOLT BL, Building:1, Ontario, CA 91762	1,188.47
1011-112-17	1413 W BROOKS ST, Unit:8, Ontario, CA 91762	120.00
1011-112-44	0 W BROOKS ST, Ontario, CA 91762	550.00
1011-361-05	1559 W MISSION BL, Ontario, CA 91762	550.00
1011-441-02	0 S BENSON AV, Ontario, CA 91762	110.00
1011-582-03	1329 W PHILLIPS ST, Ontario, CA 91762	170.00
1014-152-10	1487 S GRANITE AV, Ontario, CA 91762	170.00
1014-171-21	855 W LOCUST ST, Ontario, CA 91762	170.00
1014-191-58	1605 S MOUNTAIN AV, Ontario, CA 91762	57.28
1014-231-26	1605 S BENSON AV, Ontario, CA 91762	83.05
1014-421-08	1853 S BENSON AV, Ontario, CA 91762	490.00
1014-441-25	1387 W FRANCIS ST, Ontario, CA 91762	2,521.31
1014-571-14	2031 S BENSON AV, Ontario, CA 91762	249.55
1047-141-12	1826 N VIRGINIA AV, Ontario, CA 91764	520.00
1047-142-06	1213 E SEVENTH ST, Ontario, CA 91764	62.10
1047-143-01	0 E EIGHTH ST, Ontario, CA 91764	110.00
1047-171-12	1554 N ELEVENTH AV, Unit:A, Ontario, CA 91764	61.95
1047-301-24	746 W LA DENEY DR, Ontario, CA 91762	340.00
1047-321-35	1394 N CHAFFEY CT, Ontario, CA 91762	73.85
1047-372-07	604 E BONNIE BRAE CT, Ontario, CA 91764	640.00
1047-401-24	703 E BONNIE BRAE CT, Ontario, CA 91764	67.00
1047-441-16	1334 N PARKSIDE AV, Ontario, CA 91764	46.46
1047-451-02	1201 N GROVE AV, Ontario, CA 91764	196.05
1047-471-17	937 E HARVARD PL, Ontario, CA 91764	13.72
1047-473-39	1037 E FOURTH ST, Ontario, CA 91764	240.65
1047-481-13	1241 N COUNCIL AV, Ontario, CA 91764	7,810.52
1047-503-30	830 E PRINCETON ST, Ontario, CA 91764	61.95
1047-521-05	641 E PRINCETON ST, Ontario, CA 91764	62.10
1047-531-02	1214 N EUCLID AV, Ontario, CA 91764	58.42
1047-543-29	407 E FOURTH ST, Ontario, CA 91764	645.62
1048-011-38	737 W FOURTH ST, Ontario, CA 91762	6,216.55
1048-041-08	401 W J ST, Ontario, CA 91762	1,693.18
1048-041-09	331 W J ST, Ontario, CA 91762	15.49
1048-061-01	116 E FOURTH ST, Ontario, CA 91764	30.98
1048-102-10	756 E ROSEWOOD CT, Ontario, CA 91764	15.49
1048-114-18	743 E I ST, Ontario, CA 91764	170.00
1048-123-17	1023 E I ST, Ontario, CA 91764	138.55
1048-124-23	859 N CUCAMONGA AV, Ontario, CA 91764	120.00
1048-131-27	1027 N CUCAMONGA AV, Ontario, CA 91764	2,918.28

*City of Ontario  
Code Enforcement Department  
2017/2018 Tax Roll Year Special Assessments  
Exhibit C - Total Amounts per Parcel*

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
1048-191-05	735 N HOLMES AV, Ontario, CA 91764	490.00
1048-201-13	750 E EL MORADO CT, Ontario, CA 91764	760.00
1048-213-18	739 E H ST, Ontario, CA 91764	87.75
1048-221-15	614 E I ST, Ontario, CA 91764	573.45
1048-221-51	515 E GRANADA CT, Ontario, CA 91764	62.10
1048-243-12	330 E EL MORADO CT, Ontario, CA 91764	62.10
1048-252-26	331 E H ST, Ontario, CA 91764	258.98
1048-366-01	206 E G ST, Ontario, CA 91764	1,829.82
1048-371-06	328 E G ST, Ontario, CA 91764	340.00
1048-381-04	526 E G ST, Ontario, CA 91764	379.05
1048-391-07	535 E E ST, Ontario, CA 91764	61.95
1048-412-08	734 E F ST, Ontario, CA 91764	420.00
1048-414-16	823 E F ST, Ontario, CA 91764	15.49
1048-421-67	939 E D ST, Ontario, CA 91764	170.00
1048-501-21	721 E NOCTA ST, Ontario, CA 91761	61.95
1048-511-15	762 E NOCTA ST, Ontario, CA 91761	46.46
1048-525-19	639 E HOLT BL, Ontario, CA 91761	120.05
1048-532-02	508 E LYNN HAVEN CT, Ontario, CA 91761	170.00
1048-564-07	109 N EUCLID AV, Building:1, Ontario, CA 91762	120.00
1048-592-18	141 N VINE AV, Ontario, CA 91762	170.00
1049-011-10	765 W BROOKS ST, Ontario, CA 91762	18,992.24
1049-021-09	549 W HOLT BL, Ontario, CA 91762	320.00
1049-057-05	112 S EUCLID AV, Building:1, Ontario, CA 91762	9,387.73
1049-121-28	221 S BON VIEW AV, Ontario, CA 91761	660.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	975.00
1049-151-39	1150 E MAIN ST, Ontario, CA 91761	574.25
1049-193-01	509 S BON VIEW AV, Ontario, CA 91761	550.00
1049-201-04	519 S CAMPUS AV, Ontario, CA 91761	110.00
1049-203-18	0 E ONTARIO BL, Ontario, CA 91761	550.00
1049-221-09	543 E NEVADA ST, Ontario, CA 91761	840.00
1049-231-26	501 E PARK ST, Ontario, CA 91761	432.00
1049-232-17	546 E PARK ST, Ontario, CA 91761	220.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	2,700.05
1049-258-09	415 E CALIFORNIA ST, Ontario, CA 91761	110.00
1049-272-03	421 W PARK ST, Ontario, CA 91762	500.00
1049-283-21	540 W PARK ST, Ontario, CA 91762	61.95
1049-313-09	725 W CARLTON ST, Ontario, CA 91762	144.00
1049-333-04	209 W CARLTON ST, Unit:A, Ontario, CA 91762	601.05
1049-353-09	521 E MAITLAND ST, Ontario, CA 91761	128.61
1049-382-03	1124 E CALIFORNIA ST, Ontario, CA 91761	120.00
1049-384-09	930 S GROVE AV, Ontario, CA 91761	110.00
1049-411-01	1383 S CUCAMONGA AV, Ontario, CA 91761	550.00
1049-461-04	824 E BELMONT ST, Ontario, CA 91761	170.00
1049-492-18	562 E PHILLIPS ST, Ontario, CA 91761	550.00
1049-494-08	1366 S PLEASANT AV, Ontario, CA 91761	15.53
1049-495-01	1415 S PLEASANT AV, Ontario, CA 91761	73.03
1049-502-04	618 E MAITLAND ST, Ontario, CA 91761	87.75

*City of Ontario  
Code Enforcement Department  
2017/2018 Tax Roll Year Special Assessments  
Exhibit C - Total Amounts per Parcel*

<b>Parcel Number</b>	<b>Address</b>	<b>Amount Due</b>
1049-502-04	618 E MAITLAND ST, Ontario, CA 91761	965.00
1049-511-15	1024 S PLUM AV, Ontario, CA 91761	490.00
1049-531-44	237 E ACACIA ST, Ontario, CA 91761	46.46
1049-582-18	740 W BELMONT ST, Ontario, CA 91762	785.29
1050-051-01	1420 S EUCLID AV, Unit:A, Ontario, CA 91762	67.00
1050-092-04	1549 S PLEASANT AV, Ontario, CA 91761	820.00
1050-101-08	641 E ELM ST, Ontario, CA 91761	83.05
1050-101-23	630 E DE ANZA ST, Ontario, CA 91761	157.05
1050-231-17	1745 S MIRAMONTE AV, Ontario, CA 91761	61.95
1050-243-15	1651 S MONTEREY AV, Ontario, CA 91761	62.10
1050-251-01	1727 S EUCLID AV, Ontario, CA 91761	3,398.81
1050-261-20	1613 S EUCLID AV, Ontario, CA 91761	1,496.55
1050-262-21	404 E LOCUST ST, Ontario, CA 91761	1,484.30
1050-291-24	456 W FRANCIS ST, Ontario, CA 91762	420.00
1050-361-40	453 W GREVILLEA ST, Ontario, CA 91762	1,344.00
1050-401-26	325 E GREVILLEA ST, Ontario, CA 91761	194.05
1050-411-32	1920 S MONTEREY AV, Ontario, CA 91761	1,545.28
1050-571-19	302 E SPRUCE ST, Ontario, CA 91761	120.00
1050-582-29	2033 S CHERRY AV, Ontario, CA 91761	120.00
1050-582-36	2050 S CHERRY AV, Ontario, CA 91761	120.00
1050-583-05	2033 S CONCORD AV, Ontario, CA 91761	120.00
1050-614-02	2112 S FERN AV, Ontario, CA 91762	1,184.09
1051-051-55	2261 S FERN AV, Unit:B, Ontario, CA 91762	11.48
1051-171-41	2424 S GROVE AV, Ontario, CA 91761	975.00
1051-221-12	147 W GEYER CT, Ontario, CA 91762	110.85
1051-221-16	125 W GEYER CT, Ontario, CA 91762	1,205.00
1051-301-54	2556 S CALDWELL PL, Ontario, CA 91761	2,167.49
1051-421-81	2715 S CONCORD AV, Ontario, CA 91761	2,091.92
1051-431-57	2614 S EUCLID AV, Ontario, CA 91762	30.98
1051-612-60	354 E COTTONWOOD ST, Ontario, CA 91761	11.48
1083-061-08	2920 S ARCHIBALD AV, Unit:F, Ontario, CA 91761	191.05
1083-111-15	2443 S NORTH SHORES PL, Ontario, CA 91761	340.00
1083-361-05	0 S MILLIKEN AV, Ontario, CA 91761	110.00
1083-452-25	2907 S SNOW CREEK LN, Ontario, CA 91761	250.00
<b>175</b>	<b>Total</b>	<b>136,690.61</b>

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH WORTHINGTON PARTNERS, LLC FOR CITYWIDE MANAGEMENT CONSULTING SERVICES**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute a three (3) year Professional Services Agreement (on file with the Records Management Department) with Worthington Partners, LLC of Chino, California, for the provision of citywide management consulting services.

**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** For FY 2016-17, the estimated costs for services is \$120,000; and General Fund appropriations are included in the adopted baseline operating budget such services. For future fiscal years, the actual costs incurred will be based on the extent of services provided, and appropriations for those future years will be included in the respective fiscal years' proposed budgets for Council consideration and approval.

**BACKGROUND:** In recent years, the City of Ontario has continued to thrive as a burgeoning economic, housing, and transportation center for the Inland Empire as well as the broader region. In addition to having Ontario International Airport return to local control, the City has continued to build out residential development in Ontario Ranch. Along with this growth has come greater responsibility and a need for specialized management consulting. This agreement with Worthington Partners, LCC, for citywide management consulting services will help provide for the effective and efficient administration of governmental services.

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

Prepared by: Al C. Boling  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: COOPERATIVE FUNDING AGREEMENTS FOR THE NORTH VINEYARD AND SOUTH MILLIKEN GRADE SEPARATION PROJECTS**

**RECOMMENDATION:** That the City Council:

- (A) Approve Cooperative Funding Agreement 17-1001619 (on file with the Records Management Department) with the San Bernardino Associated Governments (SANBAG) for funding the North Vineyard Grade Separation Project; authorize the City Manager to execute said agreement and future amendments within the City Council approved budget; and rescind the previous North Vineyard Grade Separation Cooperative Funding Agreements C08194, C10094, C11168 and C13105 and their respective amendments; and
- (B) Approve Cooperative Funding Agreement 17-1001620 (on file with the Records Management Department) with SANBAG for funding the South Milliken Grade Separation Project; authorize the City Manager to execute said agreement and future amendments within the City Council approved budget; and rescind the previous South Milliken Grade Separation Cooperative Funding Agreements C11167 and C13104 and their respective amendments.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2016-17 Adopted Budget includes appropriations for all phases of work for the North Vineyard and South Milliken Grade Separation Projects and is sufficient to cover the increased right of way costs addressed in these agreements.

**BACKGROUND:**

North Vineyard Grade Separation Project

In June 2013, SANBAG and the City entered into Cooperative Funding Agreement C13105 for the construction phase of the North Vineyard Grade Separation Project (N. Vineyard Project) which defined the cost sharing between SANBAG and the City at 80% and 20%, respectively. Subsequent to this

**STAFF MEMBER PRESENTING:** Louis Abi-Younes, P.E., City Engineer

Prepared by: Jay Bautista  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

6



agreement, the N. Vineyard Project received \$19.49M in State-Local Partnership Program (SLPP) funds and \$5M in California Public Utilities Commission (CPUC) Section 190 funds. The new funding agreement for the N. Vineyard Project acknowledges the increase in right of way costs, awarded construction cost savings and acceptance of the various external funds received and consolidates all prior agreements into one new agreement.

In addition, Agreement 17-1001619 for the N. Vineyard Project supersedes and rescinds the following funding agreements and their amendments:

- C08194 – Project Approval & Environmental Document (PA&ED) phase
- C10094 – Plans, Specifications & Estimates (PS&E) phase
- C11168 – Right of Way (ROW) phase
- C13105 – Construction phase

#### South Milliken Grade Separation Project

In June 2013, SANBAG and the City entered into Cooperative Funding Agreement C13104 for the construction phase of the S. Milliken Project which defined the cost sharing between SANBAG and the City at 80% and 20%, respectively. In May 2014, SANBAG and the City entered into Amendment No. 1 to Funding Agreement C13104 to acknowledge the awarded construction cost savings and the acceptance of \$7.21M in SLPP funds and \$21.8M in Trade Corridor Improvement Fund (TCIF) funds toward the project. Subsequent to Amendment No. 1, the City received \$5M in CPUC Section 190 funds. The new funding agreement for the S. Milliken Project acknowledges the increase in right of way costs and acceptance of the Section 190 funds received and consolidates all prior agreements into one new agreement.

In addition, Agreement 17-1001620 for the S. Milliken Project supersedes and rescinds the following funding agreements and their amendments:

- C11167 – Right of Way (ROW) phase
- C13104 – Construction phase

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: FIRST AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2016-17 PROGRAM YEAR AND RESOLUTIONS APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY FOR THE MINOR REHABILITATION OF THE FRANCIS STREET APARTMENTS, LOCATED AT 307-309-311 WEST FRANCIS STREET**

**RECOMMENDATION:** That the City Council and Ontario Housing Authority Board take the following actions:

- (A) Approve the First Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2016-17 (“Substantial Amendment”);
- (B) Adopt resolutions approving a Community Development Block Grant (“CDBG”) grant agreement between the City and Ontario Housing Authority (“Authority”) for the minor rehabilitation of the Francis Street Apartments, located at 307-309-311 West Francis Street;
- (C) Authorize City Manager and Executive Director, to take all actions necessary or desirable to implement these activities related to the rehabilitation of the Francis Street Apartments.

**COUNCIL GOALS:** Focus Resources in Ontario’s Commercial and Residential Neighborhoods

**FISCAL IMPACT:** The Substantial Amendment allocates \$200,000 in CDBG for the minor rehabilitation costs of the Francis Street Apartments. The CDBG funds will be provided as a grant to the Ontario Housing Authority. There is no impact to the General Fund.

**BACKGROUND:** On May 3, 2016, the City Council approved the Fiscal Year 2016-17 One-Year Annual Action Plan as part of the Consolidated Plan. Additional funds from prior years have been identified as available for allocation.

The Ontario Housing Authority acquired the property at 307-309-311 West Francis Street (the Francis Street Apartments) in April 2009. Staff has identified a number of items that currently need to be addressed including:

**STAFF MEMBER PRESENTING:** Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Katryna Gonzalez  
Department: Housing and Municipal Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

7

1. Painting the exterior of the structures;
2. Minor deck repair as needed;
3. Flooring replacement in units not included in the original rehabilitation as needed; and
4. Air conditioner replacement in units not included in the original rehabilitation as needed.

The proposed action to utilize CDBG funds for the rehabilitation items listed above qualifies as a substantial amendment and requires the City to formally amend the Consolidated Plan Annual Action Plan for the 2016-17 Program Year.

The draft Substantial Amendment was available for public review from December 16, 2016 through January 16, 2017. No public comments were received during the public review period. Subsequent to City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends that approval of the Substantial Amendment and resolutions for the minor rehabilitation of the Francis Street Apartments.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THAT CERTAIN CITY GRANT AGREEMENT [307-309-311 W. FRANCIS STREET] CONCERNING THE GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE ONTARIO HOUSING AUTHORITY FOR THE MINOR REHABILITATION OF AFFORDABLE HOUSING AT THE PROPERTIES LOCATED AT 307-309-311 W. FRANCIS STREET.

WHEREAS, the City of Ontario ("City") has received funds from the United States Department of Housing and Urban Development under the Community Development Block Grant ("CDBG") Program, to be used pursuant to the City's One-Year Action Plan for FY 2016-2017 and the regulations pertaining to the CDBG Program (24 CFR Part 570) ("CDBG Regulations"); and

WHEREAS, the Ontario Housing Authority ("Authority") is owner of certain real property in the County of San Bernardino, State of California, commonly known as 307, 309, and 311 W. Francis Street, Ontario, California (the "Properties"); and

WHEREAS, the Authority wishes to complete minor rehabilitation of the Properties ("Project") and is in need of funds to complete the Project; and

WHEREAS, the City desires to develop and support affordable rental housing, and stabilize the community through the use of CDBG funds; and

WHEREAS, the City wishes to extend to the Authority financial assistance in the form of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) in CDBG monies to assist in the Project (the "CDBG Grant"), in accordance with the terms and conditions set forth in the City Grant Agreement [307-309-311 W. Francis Street] attached to this Resolution, and the Authority desires to receive the CDBG Grant from the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario ("City Council") as follows:

SECTION 1. Recitals. The above recitals are true and correct, and are incorporated into this Resolution by reference as though fully set forth herein.

SECTION 2. Approval of City Grant Agreement [307-309-311 W. Francis Street]. The City Council hereby approves the City Grant Agreement [307-309-311 W. Francis Street], in the form on file at the Offices of the City.

SECTION 3. Authorization. The City Council hereby authorizes the City Manager (with the concurrence of the City Attorney) to execute and deliver on behalf of the City the agreement referenced herein, with such changes as may be authorized by the City Attorney, and such other documents and instruments as may be necessary or convenient in the furtherance of the actions authorized in this Resolution.

SECTION 4.     Direction. City staff is hereby directed to do all that is necessary to effectuate the intent of this Resolution.

SECTION 5.     CEQA Compliance. The City has determined that it can be seen with certainty that there is no possibility that approval of the actions authorized under this Resolution will have a significant adverse effect on the environment. Thus, the adoption of this Resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City hereby directs staff to file a Notice of Exemption with the County Clerk of San Bernardino County within five (5) working days following the approval of this Resolution.

SECTION 6.     Certification. The City Clerk shall certify the adoption of this Resolution.

SECTION 7.     Effective Date. This Resolution shall become effective 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 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017-        duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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

(SEAL)

RESOLUTION NO. OHA-\_\_\_\_\_

A RESOLUTION OF THE GOVERNING BOARD OF THE ONTARIO HOUSING AUTHORITY, APPROVING THAT CERTAIN CITY GRANT AGREEMENT [307-309-311 W. FRANCIS STREET] CONCERNING THE GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE ONTARIO HOUSING AUTHORITY FOR THE MINOR REHABILITATION OF AFFORDABLE HOUSING AT THE PROPERTIES LOCATED AT 307-309-311 W. FRANCIS STREET.

WHEREAS, the City of Ontario ("City") has received funds from the United States Department of Housing and Urban Development under the Community Development Block Grant ("CDBG") Program, to be used pursuant to the City's One-Year Action Plan for FY 2016-2017 and the regulations pertaining to the CDBG Program (24 CFR Part 570) ("CDBG Regulations").

WHEREAS, the Ontario Housing Authority ("Authority") is owner of certain real property in the County of San Bernardino, State of California, commonly known as 307, 309, and 311 W. Francis Street, Ontario, California (the "Properties"), which Properties are utilized to provide affordable housing in the City to qualified low and moderate income persons.

WHEREAS, the Authority wishes to complete minor rehabilitation of the Properties ("Project") and is in need of funds to complete the Project.

WHEREAS, the City desires to develop and support affordable rental housing, and stabilize the community through the use of CDBG funds.

WHEREAS, the City wishes to extend to the Authority financial assistance in the form of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) in CDBG monies to assist in the Project (the "CDBG Grant"), in accordance with the terms and conditions set forth in the City Grant Agreement [307-309-311 W. Francis Street], and the Authority desires to receive the CDBG Grant from the City.

WHEREAS, the Authority is a responsible agency for purposes of environmental review under the California Environmental Quality Act (Public Resources Code § 21000, et seq.) ("CEQA") of the activities authorized by this Resolution. Authority staff has recommended that the Governing Board of the Agency determine that these activities are categorically exempt from further environmental review under CEQA Guidelines Section 15301 (Class 1).

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Ontario Housing Authority as follows:

**SECTION 1. CEQA Determination.** The Governing Board has reviewed the activities authorized by this Resolution and has determined that these activities are categorically exempt from further environmental review under CEQA Guidelines

Section 15301 as a Class 1 categorical exemption, in that these activities constitute the operation, repair and maintenance of existing public or private structures involving no expansion of use.

SECTION 2. Approval of City Grant Agreement [307-309-311 W. Francis Street]. The Governing Board approves City Grant Agreement [307-309-311 W. Francis Street] in the form on file with the City's Records Management Department and authorizes and directs the Executive Director to execute said agreement on behalf of the Authority. With the Authority Counsel's approval, the Executive Director is further authorized to approve and execute on behalf of the Authority: (1) technical, non-substantive amendments to said agreement; and (2) those instruments and other documents reasonably necessary or convenient to carry out the actions described in said agreement for the Project.

SECTION 3. Notice of Exemption. The Authority Secretary is directed to file a CEQA Notice of Exemption with the County of San Bernardino Clerk's Office within three (3) calendar days of this Resolution's adoption.

SECTION 4. Effective Date. This Resolution will take effect immediately upon its adoption.

SECTION 5. Certification. The Authority Secretary shall certify as to the adoption of this Resolution. The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of January 2017.

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PAUL S. LEON, CHAIRMAN

ATTEST:

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SHEILA MAUTZ, AUTHORITY SECRETARY

APPROVED AS TO FORM:

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AUTHORITY COUNSEL



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

I, SHEILA MAUTZ, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA-    was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held January 17, 2017, by the following roll call vote, to wit:

AYES:            BOARD MEMBERS:

NOES:           BOARD MEMBERS:

ABSENT:         BOARD MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA    duly passed and adopted by the Ontario Housing Authority at their regular meeting held January 17, 2017.

\_\_\_\_\_  
SHEILA MAUTZ, AUTHORITY SECRETARY

(SEAL)

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: A SUBSCRIPTION AGREEMENT WITH OKTA, INC. FOR SECURE AUTHENTICATION AND IDENTITY MANAGEMENT SOFTWARE**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an agreement with Okta, Inc. of San Francisco, California, for secure authentication and identity management hosted SAAS, software as a service for a period not to exceed five years.

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

**FISCAL IMPACT:** The term of the agreement is for one year with the option to renew annually for up to four additional years. Appropriations are included in the FY 2016-17 Adopted Budget for the first year. Annual appropriations will be requested in future years' budgets for renewals. The cost per user is approximately \$104 annually and are subject to market based increases annually. The initial year will cost an estimated \$123,700 covering over 1,200 user accounts.

**BACKGROUND:** The Okta SAAS authentication solution provides an opportunity for the City to leverage a state of the art hosted solution on cloud infrastructure. Okta was rolled out with the City's recently implemented Workday Human Resources Management System and has proven to be a robust and reliable identity management and secure authentication solution.

Okta, is a highly regarded, publicly traded, industry leading SAAS authentication solution, accessible anytime, anywhere. Notable Okta clients include: Adobe, ESRI, LinkedIn, 20th Century Fox, Rotary International, and Seton Hall University.

Features of the Okta solution include:

- True SAAS, high performance, web-based architecture running in the cloud;
- 24/7 remote access for staff with role based security;

**STAFF MEMBER PRESENTING:** Elliott Ellsworth, Information Technology Director

Prepared by: Elliott Ellsworth  
Department: Information Technology

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

8

- Integrated single sign on identity management with the City's Microsoft Active Directory;
- Secure login to the City's Workday HR system as well as other compatible software solutions;
- All major updates are included in the purchase, so the City will never be left behind on an outdated version of software.

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: APPLICATION FOR GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2018 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT PROGRAM**

**RECOMMENDATION:** That City Council authorize the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$872,000 from the California Office of Traffic Safety (OTS) for participation in the FY2018 Selective Traffic Enforcement Program (STEP) Grant Program.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** Grant awards will be announced in July 2017 and the grant period is October 1, 2017 – September 30, 2018. These grants are reimbursable on a quarterly basis, funding police overtime, education, equipment, supplies, and training to conduct DUI saturation patrols, special traffic enforcements, field enforcements and education, and sobriety checkpoints. The approximate grant funding reimbursement is \$872,000. The STEP grant may be comprised of, but not limited to, overtime enforcements, field education, equipment, materials, and travel expenses. The City is not required to provide matching funds for the grants. If awarded, the revenue and associated expenditure adjustments will be included in the Fiscal Year 2017-18 First Quarter Budget Report.

**BACKGROUND:** The California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), offers local law enforcement agencies overtime grants to migrate traffic safety program deficiencies, expand ongoing activities, develop new programs, and conduct sobriety checkpoints. The grant period includes two "National Impaired Driving Campaign" mobilization periods: Winter holiday period is from December 13 through 31, 2017; and Labor Day period is from August 17, 2018 through September 3, 2018. Sobriety checkpoints, DUI saturation patrols and special traffic enforcements will be scheduled during each of the highly publicized mobilization periods, and additional operations will continue to be conducted outside the mobilization periods. Each overtime enforcement

**STAFF MEMBER PRESENTING:** Brad Kaylor, Chief of Police

Prepared by: Douglas Sorel  
Department: Police

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

9

and checkpoint will be conducted accordingly to each operation which may include supervisors, officers, technicians, and/or clerical/other staff members.

The goals of the grant program include: (1) reducing the number of people killed in alcohol-involved crashes through combined efforts of local law enforcement agencies; (2) California Highway Patrol, and OTS; reducing the total number of traffic collisions that occur in the city; informing drivers about increased enforcement periods and warn drivers that the only way to “Avoid” arrest and/or injury or death is to drive sober; and network law enforcement agencies regionally and conduct multiple joint operations to decrease alcohol related issues such as DUI’s and underage drinking.

# CITY OF ONTARIO

*Agenda Report*  
January 17, 2017

SECTION:  
CONSENT CALENDAR

**SUBJECT: AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH PMA, INC. FOR THE POLICE HEADQUARTERS RENOVATION PROJECT**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an amendment to the existing Professional Services Agreement on file with the Records Management Department with PMA, Inc. of Norco California, for the Police Department Headquarters Renovation Project in the amount of \$57,000 for a total contract value of \$147,000.

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

**FISCAL IMPACT:** The Fiscal Year 2016-17 Budget includes \$1,879,973 appropriations for the Police Headquarters Renovation Project. Recommended amendment does not require any additional appropriations.

**BACKGROUND:** The City entered into a Professional Services Agreement with PMA, Inc. in August of 2015, in the amount of \$90,000. Additional project needs and an extension of the construction period of performance have resulted in a need for additional project management services to complete the renovation, which is expected to conclude in September 2017.

**STAFF MEMBER PRESENTING:** Brad Kaylor, Chief of Police

Prepared by: Christine Booker  
Department: Police

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

10

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 4 TO TITLE 2 OF THE ONTARIO MUNICIPAL CODE, RELATING TO THE CUSTODY AND USE OF THE OFFICIAL CITY SEAL AND CITY INSIGNIA**

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance to establish permissible uses of the official city seal and city insignia.

**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** None.

**BACKGROUND:** In 1954, the City Council adopted Ordinance 1020, which established the "Official City Seal" of the City of Ontario. In 2002, the City Council adopted Resolution 2002-015, which designated additional city insignia, including the "City Seal," the "City Flag," the "City Logo," and the "City Colors." Further, that resolution authorized the City Manager to approve "City Marketing Marks" which may be generally distributed and used to promote programs and economic development; the City Manager has since done so and has established an official marketing mark for the City.

With the advent of electronic media, the potential for replication and unapproved use of the Official City Seal and City Insignia has become a greater concern. In an effort to protect intellectual property, a number of cities across the state have adopted ordinances establishing official uses for their seals and insignias. These ordinances allow for a cease and desist letter to be issued to help amicably resolve impermissible uses. In more serious instances, such as contractor impersonating City vendor in order to attract businesses, or a private website posing as a City website in order to scam residents, civil administrative fines and misdemeanor penalties can be imposed.

If adopted, the proposed ordinance will provide the City a tool to help ensure that the Official City Seal and City Insignia are used only for purposes directly related to the official business of the City of Ontario, or as expressly authorized. The proposed ordinance will establish authorized uses for the

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

Prepared by: David Sheasby  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

11

Official City Seal and City Insignia, designate the City Clerk as the custodian of the Official City Seal, and create a process by which members of the public can seek permission to use them. Moreover, the proposed ordinance will empower the City Manager to institute an administrative policy regarding the use of the Official City Seal and City Insignia by City staff. Lastly, the proposed ordinance will establish civil fines of up to \$1,000 and a misdemeanor offense for malicious or commercial uses which are inconsistent with the public good.



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 TO TITLE 2 OF THE ONTARIO MUNICIPAL CODE, RELATING TO THE CUSTODY AND USE OF THE OFFICIAL CITY SEAL AND CITY INSIGNIA.

WHEREAS, in 1954, the City Council adopted Ordinance 1020, which established the "Official City Seal" of the City of Ontario; and

WHEREAS, in 2002, the City Council adopted Resolution 2002-015, which designated the "City Seal," the "City Flag," the "City Logo," and the "City Colors"; and

WHEREAS, Resolution 2002-015 authorized the City Manager to approve "City Marketing Marks" which may be generally distributed and used to promote programs and economic development; and

WHEREAS, with the advent of electronic media, the replication and unapproved use of the City Seal and City Insignia has become a greater concern; and

WHEREAS, the City Council seeks to ensure that the City Seal and City Insignia are used only for purposes directly related to the official business of the City of Ontario, or as expressly authorized.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Chapter 4 to Title 2 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

"CHAPTER 4: CUSTODY AND USE OF OFFICIAL CITY SEAL AND CITY INSIGNIA

Sec. 2-4.01. Purpose

Sec. 2-4.02. Definitions

Sec. 2-4.03. Official City Seal Established

Sec. 2-4.04. Custodian of Official City Seal

Sec. 2-4.05. Use of the City Seal and City Insignia

Sec. 2-4.06. Unauthorized use of the Official City Seal or City Insignia is prohibited

Sec. 2-4.07. Penalties.

Sec. 2-4.01. Purpose.

The purpose of this ordinance is to specify permissible uses of the Official City Seal and City Insignia of the City of Ontario.

Sec. 2-4.02. Definitions.

- (a) "City Insignia" is defined as the City Seal, City Flag, and City Logo, as designated from time to time by resolution of the City Council, as well as all other logos, website banners, letterhead, business cards, or emblems depicting or including City Insignia, or any Marketing Marks as approved by the City Manager.
- (b) "City Staff" is defined as all employees, agents, and designees of the City of Ontario.
- (c) "Official City Seal" is defined as the seal established herein in Sec. 2-4.03.

Sec. 2-4.03. Official City Seal Established.

The Official City Seal of the City of Ontario is hereby established. The inscription on the center of the seal shall read "Incorporated December, 1891," and around the outer edge thereof, the inscription shall read "City of Ontario, California." The Official City Seal is set forth below:



Sec. 2-4.04. Custodian of Official City Seal.

The City Clerk shall have custody of the Official City Seal.

Sec. 2-4.05. Use of the Official City Seal and City Insignia.

- (a) The City Seal and City Insignia shall be used only for purposes directly connected with the official business of the City of Ontario and its City Council and officers, or for those matters expressly approved by the City Manager.
- (b) The City Manager shall promulgate an administrative policy regarding the use of the City Seal and City Insignia by City Staff.

Sec. 2-4.06. Unauthorized use of the Official City Seal or City Insignia is prohibited.

- (a) It shall be unlawful for any person to use or allow to be used any reproduction or facsimile of the Official City Seal or City Insignia, including any design so closely resembling the Official City Seal or City Insignia as to be apt to deceive, except for those uses expressly authorized in Section 2-4.05.

Sec. 2-4.07. Penalties.

- (a) Any person who, for malicious or commercial purposes, engages in the

unauthorized use of the Official City Seal or City Insignia, shall be subject to a civil administrative fine not to exceed one thousand dollars (\$1,000.00) and shall be guilty of a misdemeanor offense.”

SECTION 3. CEQA. The City Council hereby finds that adoption of this Ordinance is not a “project” under the California Environmental Quality Act because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk’s office located at 303 East “B” Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 7. 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 fifteen (15) days of 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 \_\_\_\_\_ 2017.

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

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER 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 \_\_\_\_\_, 2017 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  
January 17, 2017

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND INLAND INVESTMENT PARTNERS FOR THE DISPOSITION OF THE MISSION AND OAKLAND SITE (908 SOUTH OAKLAND AVENUE AND 905 – 907 SOUTH SAN ANTONIO AVENUE)**

**RECOMMENDATION:** That the Board of Directors of the Ontario Housing Authority (“Authority”) adopt a resolution approving a Purchase and Sale Agreement (“Agreement”) between the Authority and Inland Investment Partners (the “Developer”) (on file with the City’s Records Management Department); and authorize the Executive Director to execute the Agreement on behalf of the Authority.

**COUNCIL GOALS:** Focus Resources in Ontario’s Commercial and Residential Neighborhoods

**FISCAL IMPACT:** The Authority will convey the site (APNs: 1049-323-06, 07, 08, 12, and 13) to the Developer for a purchase price of \$700,000.

In addition, the Authority will forgive the 2010 loan to the Authority to acquire the site from the Ontario Redevelopment Agency in the amount of \$557,966 plus all accrued interest.

**BACKGROUND:** The Authority owns the five-parcel Mission/Oakland site (APNs: 1049-323-06, 07, 08, 12, and 13) as shown on Exhibit A. The Site consists of approximately 3.5 acres and provides a unique opportunity for development of new, infill, for-sale housing.

The Purchase and Sale Agreement requires a non-refundable deposit of \$55,000 due within 14 days of Authority Board approval. The escrow period is eight (8) months with two 30-day extensions at the Executive Director’s sole discretion. An additional non-refundable deposit of \$25,000 is required for each extension if the option is exercised. The Developer intends to develop the site as market rate housing.

**STAFF MEMBER PRESENTING:** Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Katryna Gonzalez  
Department: Housing and Municipal Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

12

The Authority acquired the site in 2010 from the Ontario Redevelopment Agency (the "Agency"). The Agency loaned the Authority \$557,966 with a 4% annual interest rate to purchase the property. The loan was subsequently assigned to the Authority, with State of California Department of Finance approval, after the dissolution of redevelopment statewide.

An appraisal was obtained from a certified general real estate appraiser who concluded that the sales price of \$700,000 was reasonable given the extensive nature of the offsite improvements required to develop the site. The Purchase and Sale Agreement includes the sale of the land and development plans for the site that were previously purchased by the Authority.

The Developer, Inland Investment Partners, is based in Ontario, California, and the principals are Alex Espinoza, Jr., Monica Espinoza, Jimmy Espinoza, and Carla Espinoza. Transfer of the Agreement by the Developer to another entity prior to the close of escrow is permitted only with the prior written consent of the Executive Director in his sole discretion. The Developer plans to develop the site with 31 single-family detached homes all consisting of 3 bedrooms and 2½ bathrooms. Planning Department staff have conducted a preliminary review the project and have determined that it meets land use requirements for the site. The proposed elevations and site plan are attached for reference.

Staff recommends that the Board of the Authority adopt the resolution approving the Purchase and Sale Agreement between the Authority and Developer and forgiving the Authority loan. Proceeds from the sale of the site shall be restricted for future affordable housing development.

# Mission/Oakland Proposed Site Plan



**ILLUSTRATIVE SITE PLAN**  
**SAN ANTONIO ESTATES**  
 ONTARIO, CA  
 PELICAN PROPERTIES



# Mission/Oakland Proposed Elevations



## Mission/Oakland

Ontario, California  
DE LORO/PHELICAN, L.L.C.  
**MEERS + PARTNERS**  
ARCHITECTS

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

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT AMONGST THE ONTARIO HOUSING AUTHORITY, INLAND INVESTMENT PARTNERS AND NORTH BY NORTHWEST CAPITAL, INC. FOR THE MISSION AND OAKLAND SITE (908 SOUTH OAKLAND AVENUE AND 905 – 907 SOUTH SAN ANTONIO AVENUE) AND FORGIVING A LOAN FROM THE FORMER ONTARIO REDEVELOPMENT AGENCY TO THE ONTARIO HOUSING AUTHORITY RELATED TO THE SITE.

WHEREAS, the Ontario Housing Authority (“Authority”) is engaged in activities to promote the development and preservation of affordable housing within the City of Ontario; and

WHEREAS, the Authority is the owner of that certain real property generally described as the Mission and Oakland Site (908 South Oakland Avenue and 905 – 907 South San Antonio Avenue) and legally described in Exhibit "A" attached to this Resolution and incorporated herein by this reference (the "Site"); and

WHEREAS, the Authority does not currently require the Site for its own uses; and

WHEREAS, Inland Investment Partners and North by Northwest Capital, Inc. (collectively, “Developer”) desire to purchase the Site for development of market rate housing; and

WHEREAS, the Authority and Developer have negotiated a Purchase and Sale Agreement (the “Purchase and Sale Agreement”) for the sale of the Site by the Authority for a purchase price of \$700,000, which includes, but is not limited to, the payment by Developer for development plans for the Site previously prepared by the Authority and Developer’s purchase of the Site from the Authority; and

WHEREAS, the Authority wishes to proceed with the sale of the Property pursuant to the terms and conditions of the Purchase and Sale Agreement, which agreement is on file at the offices of the Authority and available for public review; and

WHEREAS, the Authority has provided notice of and has held a public hearing related to the sale of the Site to Developer, in accordance with Health & Safety Code section 34312.3(b), and the proceeds of the sale of the Site shall be used for future development of low income housing.

WHEREAS, the Authority also wishes to forgive a loan related to the Site from the former Ontario Redevelopment Agency (“Agency”) to the Authority, which loan has been transferred to and is currently owned by the Authority as part of the dissolution of the Agency; and

WHEREAS, the loan was made in 2010 by the Agency in the amount of \$557,966 with a 4% annual interest rate, and was related to the Authority's purchase of the Site from the Agency (the "Loan"), and will be forgiven fifteen (15) days following adoption of this Resolution; and

WHEREAS, since the Authority owns the Loan, there will be no fiscal impact related to its forgiveness.

NOW THEREFORE BE IT RESOLVED, BY THE GOVERNING BODY OF THE ONTARIO HOUSING AUTHORITY AS FOLLOWS:

SECTION 1. Approval of Purchase and Sale Agreement. The Authority's governing body approves the Purchase and Sale Agreement in the form on file at the offices of the Authority.

SECTION 2. Approval of Loan Forgiveness. In accordance with the findings set forth above, the Authority's governing body approves forgiveness of the Loan.

SECTION 3. Further Acts. The Authority's Executive Director is hereby authorized and directed to take any actions and execute any and all necessary documents, subject to legal counsel review, to implement the Purchase and Sale Agreement, and to effectuate forgiveness of the Loan.

SECTION 4. CEQA Compliance. The Authority hereby finds and determines that it can be seen with certainty that there is no possibility that this transaction will have a significant adverse effect on the environment. Thus, the adoption of this Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 5. Notice of Exemption. The Authority hereby authorizes and directs that a Notice of Exemption shall be filed with the Clerk of the Board of Supervisors of the County of San Bernardino, California, within five (5) working days following the date of adoption of this Resolution.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

The Secretary of the Ontario Housing Authority shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of January 2017.

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PAUL S. LEON, CHAIRMAN

ATTEST:

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SHEILA MAUTZ, AUTHORITY SECRETARY

APPROVED AS TO FORM:

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AUTHORITY COUNSEL

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

I, SHEILA MAUTZ, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA- was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held January 17, 2017, by the following roll call vote, to wit:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, AUTHORITY SECRETARY

(SEAL)

The foregoing is the original of Resolution No. OHA duly passed and adopted by the Ontario Housing Authority at their regular meeting held January 17, 2017.

\_\_\_\_\_  
SHEILA MAUTZ, AUTHORITY SECRETARY

(SEAL)

EXHIBIT "A"

TO AUTHORITY RESOLUTION  
LEGAL DESCRIPTION OF AUTHORITY PROPERTY

Portions of (1) Lots 3 and 4 of Block 126 and (2) Lots 1, 2, and 3 of Block 141, Villa Plots, South Side Tract, per map recorded in Book 6, Page 11 of Maps, in the office of the County Recorder, County of San Bernardino, California.

APN: 1049-323-06, 07, 08, 12, and 13

# CITY OF ONTARIO

Agenda Report  
January 17, 2017

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND CONSIDERATION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

**RECOMMENDATION:** That City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 25 (Park Place Facilities Phase II), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 25 (Park Place Facilities Phase II);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II); and
- (F) Adopt a resolution authorizing the execution and delivery of an Amended and Reinstated Acquisition and Funding Agreement with SL Ontario Development Company, a Delaware Company.

**COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

**STAFF MEMBER PRESENTING:** Grant D. Yee, Administrative Services/ Finance Director

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 01/17/2017

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

13

**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony**

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the Park Place Facilities Phase II project is estimated to generate approximately \$9 million which will be used to help fund a portion of the public infrastructure improvements that will serve the project. 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 district, there is no general fund impact from the issuance of Mello-Roos bonds.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of 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. With the adoption of Resolution 2014-019 on March 18, 2014, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds. Accordingly, on December 6, 2016, the City Council approved Resolution No. 2016-119, a Resolution of Intention to establish City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) and authorize the levy of special taxes, and Resolution No. 2016-120, declaring the City Council's intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of January 17, 2017 to consider formation matters.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony ("First Amended and Restated Construction Agreement") between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts to assist in the financing of the public improvements included in the agreement. SL Ontario Development Company, LLC, (an NMC Builders Member) and Tri Point Homes, Inc., have provided written petitions to the City requesting formation of a community facilities district for the Park Place Facilities Phase II project in the Ontario Ranch. The Park Place Facilities Phase II project addresses the development of approximately 49 gross acres located generally east of Archibald Avenue, west of Celebration Avenue, south of Parkview Street and north of Merrill Avenue. At build out, the development is projected to include 253 detached units.

Included, as part of the resolution of formation is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the Homeowners Association (HOA) fee exceeds the adopted policy thresholds, in aggregate, by .34% for each detached units. However, as has been previously authorized for other similar community facilities districts in the Ontario Ranch, and as is consistent with the "enhanced level of amenities" provisions of the Memorandum of Understanding executed between the city and NMC Builders on July 21, 2015 (the MOU), it is recommended that the policy threshold limitations be waived in this instance in recognition of the significantly enhanced level of amenities and services to be provided by the project's HOA(s), which are of the type contemplated by the MOU.



Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** As proposed, the amount of bonds authorized for the district (\$33 million) is set intentionally higher than the current estimated bond amount (approximately \$9 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rate and Method of Apportionment of Special Tax for the Park Place Facilities Phase II project is consistent with those of the previously adopted Rates and Methods of Apportionment for Ontario Ranch community facilities districts. This ensures that the special tax rates levied on all residential property owners in community facilities districts in the Ontario Ranch are developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in Ontario Ranch districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Attached are five resolutions and an ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the district. The second resolution deems the necessity of incurring bonded indebtedness for the district. The third calls for a special landowners election to be held on January 17, 2017. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The ordinance authorizes the levying of special taxes, and the final resolution authorizes the execution and delivery of an amended and reinstated acquisition and funding agreement with SL Ontario Development Company.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on December 6, 2016, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

WHEREAS, pursuant to the Resolution of Intention, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, pursuant to the Resolution of Intention, each officer of the City who is or will be responsible for providing one or more of the proposed types of public facilities or services was directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the public facilities and services by type that will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing such public facilities and services; such officers were also directed to estimate the fair and reasonable cost of the public facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid; and

WHEREAS, said report was so filed with the City Council and made a part of the record of said public hearing; and

WHEREAS, at the hearing, the testimony of all persons for or against the establishment of the Community Facilities District, the extent of the Community Facilities District and the furnishing of the specified types of public facilities and services was heard; and

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of facilities and services within the Community Facilities District or the levying of any specified special tax were not made or filed at or before said hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of December 20, 2016, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, Section 53314.9 of the Act provides that, at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds from any source, including, but not limited to, private persons or private entities and may provide, by resolution, for the use of those funds for any authorized purpose, including, but not limited to, paying any cost incurred by the local agency in creating a community facilities district; and

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53521 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any agreement shall specify that if the qualified electors of the community facilities district do not approve the proposed special tax, the local agency shall return any funds which have not been committed for any authorized purpose by the time of the election to the person or entity advancing the funds; and

WHEREAS, the City and SL Ontario Development Company, LLC, a Delaware limited liability company ("SL Ontario") entered into a Deposit and Reimbursement Agreement, dated as of December 1, 2016 (the "Deposit Agreement"), that provides for the advancement of funds by SL Ontario to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to SL Ontario of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, in accordance with Section 53314.9 of the Act, the City desires to accept such advances and to reimburse SL Ontario therefor, without interest, from the proceeds of special tax bonds issued by the Community Facilities District;

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. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)."

SECTION 4. The public facilities (the "Facilities") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Facilities" on Exhibit A hereto, which is by this reference incorporated herein. Those Facilities proposed to be purchased as completed public facilities are described under the caption "Facilities to be Purchased" on Exhibit A hereto. The services (the "Services") proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption "Services" on Exhibit A hereto. The incidental expenses proposed to be incurred are identified under the caption "Incidental Expenses" on Exhibit A hereto. All or any portion of the Facilities may be financed through a financing plan, including, but not limited to, a lease, lease-purchase or installment-purchase arrangement.

SECTION 5. The proposed special tax to be levied within the Community Facilities District has not been precluded by majority protest pursuant to Section 53324 of the Act.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Facilities and Services, secured by recordation of a continuing lien against all nonexempt real property in the Community Facilities District, will be annually levied within the Community Facilities District. The rate and method of apportionment of the special tax (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed Community Facilities District to estimate the maximum amount that he or she will have to pay, is described in Exhibit B attached hereto, which is by this reference incorporated herein. The conditions under which the obligation to pay the special tax to pay for Facilities may be prepaid and permanently satisfied are specified in the Rate and Method. The special tax will be collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as the City Council shall determine, including direct billing of the affected property owners.

SECTION 7. The special tax may only finance the Services to the extent that they are in addition to those provided in the territory of the Community Facilities District before the Community Facilities District is created. The Services may not supplant services already available within that territory when the Community Facilities District is created.

SECTION 8. The tax year after which no further special tax to pay for Facilities will be levied against any parcel used for private residential purposes is specified in the Rate and Method. Under no circumstances shall the special tax to pay

for Facilities in any fiscal year against any parcel used for private residential purposes be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the Community Facilities District by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. For purposes of this paragraph, a parcel shall be considered "used for private residential purposes" not later than the date on which an occupancy permit for private residential use is issued.

SECTION 9. Pursuant to Section 53344.1 of the Act, the City Council hereby reserves to itself the right and authority to allow any interested owner of property within the Community Facilities District, subject to the provisions of said Section 53344.1 and to those conditions as it may impose, and any applicable prepayment penalties as prescribed in the bond indenture or comparable instrument or document, to tender to the Community Facilities District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

SECTION 10. The name, address and telephone number of the office that will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating further special tax levies pursuant to Section 53340.2 of the Act are as follows: Management Analyst, Management Services, City of Ontario, 303 East B Street, Ontario, California 91764, (909) 395-2341.

SECTION 11. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 87 at Page 35 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2016-0550068).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$33,000,000.

SECTION 14. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of December 20, 2016, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding

the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 15. SL Ontario has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council has previously approved the acceptance of such funds for the purpose of paying costs incurred in connection with the creation of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 16. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 17. 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 18. 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 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017-        duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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SHEILA MAUTZ, CITY CLERK

(SEAL)



## EXHIBIT A

### FACILITIES, SERVICES AND INCIDENTAL EXPENSES

#### Facilities

The types of facilities to be financed by the Community Facilities District are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, 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.

#### Facilities to be Purchased

The types of facilities to be purchased as completed facilities are street and bridge improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and parkway and landscaping related thereto, 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.

#### Services

The types of services to be financed by the Community Facilities District are 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 protection services and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City.

#### Incidental Expenses

The incidental expenses proposed to be incurred include the following:

- (a) the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities;
- (b) the costs associated with the creation of the Community Facilities District, issuance of bonds, determination of the amount of taxes, collection of taxes, payment of taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District; and
- (c) any other expenses incidental to the construction, completion, and inspection of the authorized work.

## EXHIBIT B

### CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT No. 25 (PARK PLACE FACILITIES PHASE II)

#### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) ("CFD No. 25") and collected each Fiscal Year, commencing in Fiscal Year 2017-18, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 25, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre" or "Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, condominium plan, or other recorded County map.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 25: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 25 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 25 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 25 of complying with City, CFD No. 25, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 25 related to the analysis and reduction, if any, of the Special Tax on Residential Property in accordance with Section C.1 herein; the costs of the City or CFD No. 25 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 25; and amounts estimated or advanced by the City or CFD No. 25 for any other administrative purposes

of the CFD, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by Assessor's Parcel Number.

**"Assessor's Parcel Number"** means, with respect to an Assessor's Parcel, that number assigned to such Assessor's Parcel by the County for purposes of identification.

**"Assigned Special Tax"** means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

**"Backup Special Tax"** means the Special Tax for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.3 below.

**"Bonds"** means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 25 under the Act and payable from Special Taxes.

**"Buildable Lot"** means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 25 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

**"CFD Administrator"** means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Taxes, and performing the other duties provided for herein.

**"CFD No. 25"** means City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II).

**"City"** means the City of Ontario, California.

**"City Council"** means the City Council of the City, acting as the legislative body of CFD No. 25.

**"County"** means the County of San Bernardino.

**"Designated Buildable Lot"** means a Buildable Lot for which a building permit has not been issued by the City as of the date of calculation of the Backup Special Tax.

**"Developed Property"** means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2016, and before May 1 of the prior Fiscal Year.

**“Expected Residential Lot Count”** means 253 Buildable Lots of Residential Property or, as determined by the CFD Administrator, the number of Buildable Lots of Residential Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

**“Facilities”** means the public facilities authorized to be financed, in whole or in part, by CFD No. 25.

**“Final Mapped Property”** means, for each Fiscal Year, all Taxable Property, exclusive of Developed Property, Taxable Property Owner Association Property, and Taxable Public Property, which as of January 1 of the previous Fiscal Year was located within a Final Subdivision Map. The term Final Mapped Property shall include any parcel map or Final Subdivision Map, or portion thereof, that creates individual lots for which a building permit may be issued, including Parcels that are designated as a remainder Parcel (i.e., one where the size, location, etc., precludes any further subdivision or taxable use).

**“Final Subdivision Map”** means a final tract map, parcel map, or lot line adjustment approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or a condominium plan recorded pursuant to California Civil Code 1352 that, in either case, creates individual lots for which building permits may be issued without further subdivision.

**“Fiscal Year”** means the period starting July 1 and ending on the following June 30.

**“Indenture”** means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds are issued, as modified, amended, and/or supplemented from time to time.

**“Land Use Class”** means any of the classes listed in Table 1 below.

**“Maximum Special Tax”** means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax determined in accordance with Section C.1 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

**“Minimum Sale Price”** means the minimum price at which Units of a given Land Use Class have sold or are expected to be sold in a normal marketing environment and shall not include prices for such Units that are sold at a discount to expected sales prices for the purpose of stimulating the initial sales activity with respect to such Land Use Class.

**“Non-Residential Property”** means all Assessor’s Parcels of Developed Property for which a building permit was issued by the City permitting the construction of one or more non-residential structures or facilities that are not public school facilities.

**“Outstanding Bonds”** means all Bonds which are outstanding under and in accordance with the provisions of the Indenture.

**“Price Point Consultant”** means any consultant or firm of such consultants selected by CFD No. 25 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 25 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 25, (ii) the City, (iii) any owner of real property in CFD No. 25, or (iv) any real property in CFD No. 25, and (e) is not connected with CFD No. 25 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 25 or the City.

**“Price Point Study”** means a price point study or a letter updating a previous price point study prepared by the Price Point Consultant pursuant to Section C herein.

**“Property Owner Association Property”** means, for each Fiscal Year, any property within the boundaries of CFD No. 25 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**“Proportionately”** means (a) for Developed Property in the first step of Section D below, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D below, Proportionately means that the amount of the increase above the Assigned Special Tax, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) for Final Mapped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Final Mapped Property; (c) for Undeveloped Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property; (d) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property Owner Association Property; and (e) for Taxable Public Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

**“Public Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 25 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

**“Rate and Method of Apportionment”** means this Rate and Method of Apportionment of Special Tax.

**“Residential Floor Area”** means all of the Square Footage of living area within the perimeter of a residential Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 25. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

**“Residential Property”** means all Assessor’s Parcels of Taxable Property for which a building permit may be issued for purposes of constructing one or more Units.

**“Services”** means the services authorized to be financed, in whole or in part, by CFD No. 25.

**“Special Tax”** means the special tax authorized by the qualified electors of CFD No. 25 to be levied within the boundaries of CFD No. 25.

**“Special Tax Requirement”** means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 25 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

**“Square Footage”** or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 25, issued for construction of Residential Property or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

**“State”** means the State of California.

**“Taxable Property”** means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 25 that are not exempt from the Special Tax pursuant to law or Section E below.

**“Taxable Property Owner Association Property”** means, for each Fiscal Year, all Assessor’s Parcels of Property Owner Association Property that are not exempt from the Special Tax pursuant to Section E below.

**“Taxable Public Property”** means, for each Fiscal Year, all Assessor’s Parcels of Public Property that are not exempt from the Special Tax pursuant to law or Section E below.

**“Tentative Tract Map”** means a map: (i) showing a proposed subdivision of an Assessor’s Parcel(s) and the conditions pertaining thereto; (ii) that may or may not be based on a detailed survey; and (iii) that is not recorded by the County to create legal lots.

**“Total Tax Burden”** means for any Unit, the annual Special Tax, together with *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities district, and any other taxes, fees, and charges which are levied and imposed on such Unit and the real property on which it is located and collected by the County on *ad valorem* tax bills and which are secured by such Unit and the real property on which it is located, assuming such Unit had been completed, sold, and subject to such levies and impositions, excluding service charges such as those related to sewer and trash.

**“Trustee”** means the trustee or fiscal agent under the Indenture.

**“TTM 18266”** means Tentative Tract Map No. 18266, the area of which is located within CFD No. 25 and is commonly referred to as a portion of planning area 2A (or PA 2A).

**“TTM 18267”** means Tentative Tract Map No. 18267, the area of which is located within CFD No. 25 and is commonly referred to as a portion of planning area 2A (or PA 2A).

**“TTM 18977-78”** means Tentative Tract Map No. 18977-78, the area of which is located within CFD No. 25 and is commonly referred to as planning area 2B (or PA 2B).

**“Undeveloped Property”** means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Final Mapped Property, Taxable Public Property, or Taxable Property Owner Association Property.

**“Unit”** means an individual single-family detached or attached home, townhome, condominium, apartment, or other residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure.

## **B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, beginning with Fiscal Year 2017-18, all Taxable Property within CFD No. 25 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of

Residential Property shall be assigned to Land Use Classes 1 through 17 as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor's Parcels. Non-Residential Property shall be assigned to Land Use Classes 18 through 20.

**C. MAXIMUM SPECIAL TAX**

**1. Special Tax**

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 25 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Residential Property to be constructed within CFD No. 25 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 25 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Residential Property, but not to Non-Residential Property.

**a. *Developed Property***

1) *Maximum Special Tax*

The Maximum Special Tax that may be levied in any Fiscal Year for each Assessor's Parcel classified as Developed Property shall be the greater of (i) the amount derived by application of the Assigned Special Tax or (ii) the amount derived by application of the Backup Special Tax. The Maximum Special Tax shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) *Assigned Special Tax*

The Assigned Special Tax that may be levied in any Fiscal Year for each Land Use Class is shown below in Table 1.



**TABLE 1**  
**ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Residential Property	< 1,701	\$1,691 per Unit
2	Residential Property	1,701 – 1,800	\$1,806 per Unit
3	Residential Property	1,801 – 1,900	\$1,911 per Unit
4	Residential Property	1,901 – 2,000	\$1,999 per Unit
5	Residential Property	2,001 – 2,100	\$2,078 per Unit
6	Residential Property	2,101 – 2,200	\$2,297 per Unit
7	Residential Property	2,201 – 2,300	\$2,332 per Unit
8	Residential Property	2,301 – 2,400	\$2,442 per Unit
9	Residential Property	2,401 – 2,500	\$2,525 per Unit
10	Residential Property	2,501 – 2,600	\$2,586 per Unit
11	Residential Property	2,601 – 2,700	\$2,714 per Unit
12	Residential Property	2,701 – 2,800	\$2,732 per Unit
13	Residential Property	2,801 – 2,900	\$2,883 per Unit
14	Residential Property	2,901 – 3,000	\$2,885 per Unit
15	Residential Property	3,001 – 3,100	\$2,966 per Unit
16	Residential Property	3,101 – 3,200	\$2,999 per Unit
17	Residential Property	> 3,200	\$3,113 per Unit
18	Non-Residential Property TTM 18266		\$30,188 per Acre
19	TTM 18267		\$28,339 per Acre
20	TTM 18977-78		\$31,412 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,890 per Unit for Residential Property in TTM 18266, \$2,581 per Unit for Residential Property in TTM 18267, and \$2,451 per Unit for Residential Property in TTM 18977-78. However, if the Expected Residential Lot Count does not equal 88 for TTM 18266, 68 for TTM 18267, or 97 for TTM 18977-78, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Residential Property shall be calculated separately for each Tentative Tract Map area according to the following formula:

$$\begin{aligned}
 \text{Backup Special Tax} &= \$32,771 \text{ for TTM 18266 or} \\
 &\quad \$31,193 \text{ for TTM 18267 or} \\
 &\quad \$24,756 \text{ for TTM 18977-78} \\
 &\times \text{ Acreage of Designated Buildable Lots} \\
 &\quad \text{of Residential Property within the} \\
 &\quad \text{applicable Tentative Tract Map} \\
 &\div \text{ Expected Residential Lot Count for} \\
 &\quad \text{Residential Property within the} \\
 &\quad \text{applicable Tentative Tract Map}
 \end{aligned}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 25 to become Final Mapped Property, such as the area within TTM 18266, TTM 18267, TTM 18977-78, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Residential Property subject to the change shall be calculated according to the following steps:

**Step 1:** Determine the total Backup Special Taxes that could have been collected from Designated Buildable Lots, separately for each Tentative Tract Map, prior to the Final Subdivision Map or expected Final Mapped Property change.

**Step 2:** Divide the amount(s) determined in Step 1 by the number of Designated Buildable Lots, separately for each Tentative Tract Map, that exists after the Final Subdivision Map or expected Final Mapped Property change.

**Step 3:** Apply the amount(s) determined in Step 2 as the Backup Special Tax per Unit for Residential Property for each Tentative Tract Map.

***The Backup Special Tax for an Assessor's Parcel shall not change once an Assessor's Parcel is classified as Developed Property.***

**b. *Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property***

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$30,188 per Acre for such property in TTM 18266, \$28,339 per Acre for such property in TTM 18267, and

\$31,412 per Acre for such property in TTM 18977-78, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

**2. Multiple Land Use Classes on an Assessor's Parcel**

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Acres of Non-Residential Property (based on the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel.

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Each Fiscal Year, beginning with Fiscal Year 2017-18, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

**First:** If needed to satisfy the Special Tax Requirement, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Assigned Special Tax;

**Second:** If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Final Mapped Property up to 100% of the Maximum Special Tax for Final Mapped Property;

**Third:** If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property;

**Fourth:** If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the levy of the Special Tax on each Assessor's Parcel of Developed Property whose Maximum Special Tax is determined through the application of the Backup Special Tax shall be increased Proportionately from the Assigned Special Tax up to the Maximum Special Tax for each such Assessor's Parcel;

**Fifth:** If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax for Taxable Property Owner Association Property;

**Sixth:** If additional monies are needed to satisfy the Special Tax Requirement after the first five steps have been completed, then the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax for Taxable Public Property.

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 25 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

**E. EXEMPTIONS**

No Special Tax shall be levied on up to 11.64 Acres of Public Property and up to 1.71 Acres of Property Owner Association Property, not including Assessor's Parcel Numbers 0218-022-10 and 0218-022-11, as described further in this paragraph. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property. In addition, the site designated as PA 18 within TTM 18913-2 (Assessor's Parcel Number 0218-022-10) shall be exempt from the Special Tax unless and until the site becomes Residential Property or Non-Residential Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax under this section shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax obligation pursuant to the formula set forth in Section H.

**F. APPEALS**

Any property owner may file a written appeal of the Special Tax with CFD No. 25 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

**G. MANNER OF COLLECTION**

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

**H. PREPAYMENT OF SPECIAL TAX**

The following definitions apply to this Section H:

**“CFD Public Facilities”** means \$8,600,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 25.

**“Expenditures Fund”** means funds or accounts, regardless of their names, that are established to hold moneys that are available to acquire or construct Facilities and to fund Services.

**“Future Facilities Costs”** means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

**“Prepayment Period”** means one of three periods of time during which a Special Tax prepayment may be made.

**“Prepayment Period 1”** means July 1, 2017, through June 30, 2051.

**“Prepayment Period 2”** means July 1, 2051, through June 30, 2084.

**“Prepayment Period 3”** means July 1, 2084, through June 30, 2118.

**1. Prepayment in Full**

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2016, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD

Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

The Special Tax Prepayment Amount (defined below) shall be calculated as summarized below (capitalized terms as defined below):

Bond Redemption Amount	
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fees and Expenses
<u>less</u>	<u>Reserve Fund Credit</u>
Total	Prepayment Amount

As of the proposed date of prepayment, the Special Tax Prepayment Amount (defined below) shall be calculated by the CFD Administrator as follows:

**Paragraph No.**

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 25 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 25, excluding any Assessor's Parcels which have been prepaid, and  
  
(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 25, excluding any Assessor's Parcels which have been prepaid.

4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the current Future Facilities Costs.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".
11. Verify the administrative fees and expenses of CFD No. 25, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 25.

The Special Tax Prepayment Amount may be sufficient to redeem other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000, or integral multiple thereof, will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of Bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year's Special Tax levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year's Special Tax levy for such Assessor's Parcel from the County tax rolls. With respect to any Assessor's Parcel that is prepaid during Prepayment Period 3, the CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been prepaid and that the obligation of such Assessor's Parcel to pay the Special Tax shall cease.

With respect to the Special Tax for any Assessor's Parcel that is prepaid during Prepayment Period 1 or Prepayment Period 2, the obligation of such Assessor's Parcel to pay the Special Tax shall be tolled, or suspended, through the end of such Prepayment Period, but shall resume in the first Fiscal Year of the subsequent Prepayment Period. The CFD Administrator shall cause a suitable notice to be recorded in compliance with the Act to indicate that the Special Tax has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay the Special Tax will resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 25 (after excluding 11.64 Acres of Public Property and 1.71 acres of Property Owner Association Property, not including Assessor's Parcel Number 0218-022-10, as set forth in Section E) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

## **2. Prepayment in Part**

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2016, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

$$PP = PF \times \%$$

The terms above have the following meaning:

PP = the partial prepayment

PF = the Prepayment Amount (full prepayment) for the Special Tax calculated according to Section H.1

% = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax



The Special Tax partial prepayment amount must be sufficient to redeem at least a \$5,000 increment of Bonds.

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 25 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

For partial prepayments made during Prepayment Period 1 or Prepayment Period 2, the full amount of the Special Tax shall resume in the first Fiscal Year of the Prepayment Period following the Prepayment Period in which the partial prepayment was made. Once the obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

**I. TERM OF SPECIAL TAX**

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2117-2118, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

**EXHIBIT A**

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX  
(PAGE 1 OF 3)**

**CFD No. 25 CERTIFICATE**

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (“CFD No. 25”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 25 has been modified.
  - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 25, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

**TABLE 1  
ASSIGNED SPECIAL TAX – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Residential Property	< 1,701	\$[ ] per Unit
2	Residential Property	1,701 – 1,800	\$[ ] per Unit
3	Residential Property	1,801 – 1,900	\$[ ] per Unit
4	Residential Property	1,901 – 2,000	\$[ ] per Unit
5	Residential Property	2,001 – 2,100	\$[ ] per Unit
6	Residential Property	2,101 – 2,200	\$[ ] per Unit
7	Residential Property	2,201 – 2,300	\$[ ] per Unit
8	Residential Property	2,301 – 2,400	\$[ ] per Unit
9	Residential Property	2,401 – 2,500	\$[ ] per Unit
10	Residential Property	2,501 – 2,600	\$[ ] per Unit
11	Residential Property	2,601 – 2,700	\$[ ] per Unit
12	Residential Property	2,701 – 2,800	\$[ ] per Unit
13	Residential Property	2,801 – 2,900	\$[ ] per Unit
14	Residential Property	2,901 – 3,000	\$[ ] per Unit
15	Residential Property	3,001 – 3,100	\$[ ] per Unit
16	Residential Property	3,101 – 3,200	\$[ ] per Unit
17	Residential Property	> 3,200	\$[ ] per Unit

**EXHIBIT A**

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX  
(PAGE 2 OF 3)**

18	Non-Residential Property TTM 18266		\$[     ] per Acre
19	TTM 18267		\$[     ] per Acre
20	TTM 18977-78		\$[     ] per Acre

- b. The Backup Special Tax for Developed Property, as stated in Section C.1.a.3, shall be modified as follows:

The Backup Special Tax shall be \$[\_\_\_\_\_] per Unit for Residential Property in TTM 18266, \$[\_\_\_\_\_] per Unit for Residential Property in TTM 18267, and \$[\_\_\_\_\_] per Unit for Residential Property in TTM 18977-78. However, if the Expected Residential Lot Count does not equal 88 for TTM 18266, 68 for TTM 18267, or 97 for TTM 18977-78, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Residential Property shall be calculated according to the following formula:

$$\text{Backup Special Tax} = \begin{matrix} \$[_____] \text{ for TTM 18266 or} \\ \$[_____] \text{ for TTM 18267 or} \\ \$[_____] \text{ for TTM 18977-78} \end{matrix}$$

× Acreage of Designated Buildable Lots of Residential Property within the applicable Tentative Tract Map

÷ Expected Residential Lot Count for Residential Property within the applicable Tentative Tract Map

**EXHIBIT A**

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX  
(PAGE 3 OF 3)**

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 25 Bonds.
3. Upon execution of this Certificate by CFD No. 25, CFD No. 25 shall cause an amended notice of Special Tax lien for CFD No. 25 to be recorded reflecting the modifications set forth herein.

The undersigned acknowledges receipt of this certificate and of the modification of the Assigned Special Tax and the Backup Special Tax for Developed Property as set forth in this Certificate. Capitalized undefined terms used herein have the meanings ascribed thereto in the Rate and Method.

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II)

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

Date: \_\_\_\_\_

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II).

WHEREAS, on December 6, 2016, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on December 6, 2016, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

WHEREAS, pursuant to the Resolution to Incur Bonded Indebtedness, notice of said public hearing was published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation published in the area of the Community Facilities District, in accordance with the Act; and

WHEREAS, on this date, the City Council opened, conducted and closed said public hearing; and

WHEREAS, at said public hearing, any person interested, including persons owning property within the area and desiring to appear and present any matters material to the questions set forth in the Resolution to Incur Bonded Indebtedness appeared and presented such matters; and

WHEREAS, oral or written protests against the proposed debt issue were not made or filed at or before said public hearing by 50% or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the Community Facilities District, or the owners of one-half or more of the area of land in the territory proposed to be included in the Community Facilities District and not exempt from the special tax; and

WHEREAS, on this date, the City Council adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of

Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Resolution of Formation”); and

WHEREAS, the City Clerk of the City (the “City Clerk”) is the election official that will conduct the special election on the proposition to incur bonded indebtedness for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of December 20, 2016, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on January 17, 2017, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on January 17, 2017.

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. The City Council deems it necessary to incur the bonded indebtedness.
- SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose.
- SECTION 4. In accordance with the previous determination of the City Council, the whole of the Community Facilities District will pay for the bonded indebtedness.
- SECTION 5. The maximum aggregate amount of debt to be incurred is \$33,000,000.

SECTION 6. The maximum term the bonds to be issued shall run before maturity is 40 years.

SECTION 7. The maximum annual rate of interest to be paid shall not exceed the maximum interest rate permitted by applicable law at the time of sale of the bonds, payable semiannually or at such times as the City Council or its designee shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council or its designee at the time or times of sale of the bonds.

SECTION 8. The proposition to incur the bonded indebtedness will be submitted to the voters.

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of December 20, 2016, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on January 17, 2017. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on January 17, 2017.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is January 17, 2017.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on January 17, 2017; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 13. 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 14. 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 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017-        duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$33,000,000; and

WHEREAS, pursuant to the provisions of said resolutions, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Act; and

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of December 20, 2016, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on January 17, 2017 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on January 17, 2017.

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

SECTION 1. Pursuant to Sections 53351, 53326 and 53325.7 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be submitted to the qualified electors of the Community Facilities District at an election called therefor as provided below.

SECTION 2. The City Clerk is hereby designated as the official to conduct said election.

SECTION 3. As authorized by Section 53353.5 of the Act, the propositions to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be combined into one ballot proposition.

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of December 20, 2016, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on January 17, 2017, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on January 17, 2017.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election

shall be held at 303 East B Street, Ontario, California, on January 17, 2017. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on January 17, 2017; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53326 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 *et. seq.* of the California Elections Code. Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election.

SECTION 8. The form of the ballot for said election is attached hereto as Exhibit A and by this reference incorporated herein, and such form of ballot is hereby approved. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the return postage prepaid, and shall contain: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot proposition are hereby waived, as provided in Section 53327 of the Act.

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on January 17, 2017, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

SECTION 10. The City Council hereby determines that the facilities and services financed by the Community Facilities District are necessary to meet increased demands placed upon local agencies as a result of development occurring in the Community Facilities District.

SECTION 11. The specific purposes of the bonded indebtedness proposed to be incurred is the financing of the Facilities (as defined in the Resolution of Formation), including all costs and estimated costs incidental to, or connected with, the accomplishment of such purpose, and the proceeds of such bonded indebtedness shall be applied only to such specific purposes.

Upon approval of the proposition to incur bonded indebtedness, and the sale of any bonds evidencing such indebtedness, the City Council shall take such action as may be necessary to cause to be established an account for deposit of the proceeds of sale of the bonds. For so long as any proceeds of the bonds remain unexpended, the Management Analyst, Management Services of the City shall cause to be filed with the City Council, no later than January 1 of each year, a report stating (a) the amount of bond proceeds received and expended during the preceding year, and (b) the status of any project funded or to be funded from bond proceeds. Said report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Management Analyst, Management Services of the City shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the City Council.

SECTION 12. 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 13. 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 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017-        duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO

January 17, 2017

SPECIAL ELECTION

This ballot is for a special, landowner election. The number of votes to be voted pursuant to this ballot is \_\_\_\_.

INSTRUCTIONS TO VOTERS:

To vote on the measure, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Ontario and obtain another.

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 25  
(PARK PLACE FACILITIES PHASE II)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$33,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$33,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)," each adopted by the City Council of the City of Ontario on January 17, 2017?

Yes:

No:



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND  
DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

WHEREAS, on January 17, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on January 17, 2017; and

WHEREAS, the City Clerk of the City (the "City Clerk") has certified the canvass of the returns of the election and has filed a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A;

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

SECTION 1. The City Council has received, reviewed and hereby accepts the Canvass.

SECTION 2. The City Council hereby finds and declares that the ballot proposition submitted to the qualified electors of the Community Facilities District pursuant to the Resolution Calling Election has been passed and approved by such electors in accordance with Section 53328, Section 53355 and Section 53325.7 of the Act.

SECTION 3. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of San Bernardino a notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

SECTION 4. 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 5. 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.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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

(SEAL)

EXHIBIT A

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 25  
(PARK PLACE FACILITIES PHASE II)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on January 17, 2017, I canvassed the returns of the special election held on January 17, 2017, for the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) Special Election, January 17, 2017	49	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$33,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$33,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)," each adopted by the City Council of the City of Ontario on January 17, 2017?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 17<sup>th</sup> day of January, 2017.

By: \_\_\_\_\_  
Sheila Mautz, City Clerk

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

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II).

WHEREAS, on December 6, 2016, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on January 17, 2017, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on January 17, 2017, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The

special taxes are hereby levied commencing in fiscal year 2017-18 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. 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 the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. 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 fifteen (15) days of 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.

The City Clerk of the City of Ontario shall certify as to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

---

PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

BEST BEST & KRIEGER 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 January 17, 2017 and adopted at the regular meeting held \_\_\_\_\_, 2017 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)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH SL ONTARIO DEVELOPMENT COMPANY, LLC.

WHEREAS, certain real property within the boundaries of the City located generally south of State Route 60 is commonly known as the New Model Colony; and

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony (the "General Plan Amendment") and has certified an Environmental Impact Report in connection with the General Plan Amendment (the "Environmental Impact Report"); and

WHEREAS, the City has specified in the General Plan Amendment and the Environmental Impact Report the major backbone transportation, water, sewer, storm drainage, parks, public safety infrastructure and fiber optic systems required to serve the New Model Colony; and

WHEREAS, the New Model Colony is now commonly referred to as the Ontario Ranch; and

WHEREAS, SL Ontario Development Company, LLC, a limited liability company ("SL Ontario") is developing certain of the property within the Ontario Ranch (the "Property"); and

WHEREAS, certain of such major backbone infrastructure is required to serve the Property; and

WHEREAS, in order to provide a mechanism to fund, in a timely manner, the costs of certain of such major backbone infrastructure required to serve the Ontario Ranch (the "Facilities") so that such development may occur, the City and SL Ontario entered into the Acquisition Agreement, dated as of November 1, 2014 (the "Original Acquisition Agreement"), pursuant to which, in accordance with the terms set forth therein, SL Ontario is to construct or cause to be constructed certain of the Facilities, which, upon satisfaction of the conditions specified therein, the City is to acquire and take title thereto; and

WHEREAS, pursuant to the Original Acquisition Agreement, such acquisitions are to be funded by three community facilities districts (each, a "Community Facilities District"), the boundaries of each of which are to include a portion of the Property, anticipated to be established by the City Council of the City, subject to the provisions of the City of Ontario Mello-Roos Community Facilities Act of 1982 Local Goals and Policies, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act");

WHEREAS, one of such Community Facilities Districts, City of Ontario Community Facilities District No. 24 (Park Place Facilities Phase I), has previously been established; and

WHEREAS, SL Ontario has determined that funding the Facilities through four, rather than three, Community Facilities Districts would better coordinate such funding with SL Ontario's development plan and has requested that the Original Acquisition Agreement be amended in order to so provide; and

WHEREAS, the City and SL Ontario desire to amend and restate the Original Acquisition Agreement in order to reflect that it is anticipated that four Community Facilities Districts will be established to fund the acquisition costs of the Facilities; and

WHEREAS, there has been presented to this meeting a form of Amended and Restated Acquisition Agreement that so amends and restates the Original Acquisition Agreement (such Amended and Restated Acquisition and Funding 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 "Amended and Restated Acquisition Agreement"); and

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

SECTION 1. The Amended and Restated Acquisition Agreement, 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 and the Administrative Services/Finance Director 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 City, to execute and deliver the Amended and Restated Acquisition Agreement 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 Amended and Restated Acquisition Agreement by such Authorized Officer.

SECTION 2. 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 3. 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 17<sup>th</sup> day of January 2017.

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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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BEST BEST & KRIEGER 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. 2017-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held January 17, 2017 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. 2017-        duly passed and adopted by the Ontario City Council at their regular meeting held January 17, 2017.

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SHEILA MAUTZ, CITY CLERK

(SEAL)