

**CITY OF ONTARIO
CITY COUNCIL/HOUSING AUTHORITY
AGENDA
NOVEMBER 3, 2020**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

Ruben Duran
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

SPECIAL AND URGENT NOTICE

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming meeting of the City of Ontario City Council and Housing Authority.

Members of the public may utilize alternative measures established by the City of Ontario to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as live streamed at: www.ontarioca.gov/Agendas/CityCouncil, [YouTube.com/CityofOntario](https://www.youtube.com/CityofOntario); or Zoom.

TO PROVIDE PUBLIC COMMENT: Those wishing to speak during the "Public Comment" portion for any Closed Session item must call 909-395-2900 between 5:45 p.m. and 6:00 p.m. the day of the meeting. Those wishing to speak during the "Public Comment" portion of the meeting or any item on "Consent Calendar" must call 909-395-2900 between 6:00 p.m. and 6:30 p.m. the day of the meeting.

TO COMMENT BY E-MAIL: Submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter.

TO COMMENT BY MAIL: To submit your comments by mail, provide your name, agenda item you are commenting on, and your comment by mailing to Records Management, Ontario City Hall, 303 East “B” Street, Ontario, CA 91764. Comments by mail must be received by the Records Management Department no later than 4:00 p.m. on the day of the meeting. Postmarks are not accepted. All comments received by the deadline will be provided to the City Council for consideration before action is taken on the matter.

We appreciate your understanding during this unprecedented time of social distancing under the Stay at Home Order. These procedures may be modified in the future as social and public gathering protocols change.

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 provide public comment or to address the Council have been provided alternative measures including U.S. mail, email, a website comment form, and the ability to dial in and record a 3 minute voicemail. All public comments received by the established deadline for this meeting will be included as part of the official meeting record.
- 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.

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.

CALL TO ORDER (OPEN SESSION)

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

PUBLIC COMMENTS

6:30 p.m.

Members of the Public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 6:00 - 6:30 p.m. or by emailing PublicComments@ontarioca.gov no later than 4:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

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

Approval of minutes for the regular meeting of the City Council and Housing Authority of October 6, 2020.

2. BILLS/PAYROLL

Bills October 8, 2020 through October 15, 2020 and **Payroll** September 27, 2020 through October 10, 2020 when audited by the Finance Committee.

3. A FUNDING AGREEMENT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND CITY OF CHINO FOR THE SAN ANTONIO AVENUE STORM DRAIN PROJECT

That the City Council approve a funding agreement totaling \$23,360,000 with the San Bernardino County Flood Control District (SBCFCD) and the City of Chino for funding of the design and construction of the San Antonio Avenue Storm Drain Project, from Sultana-Cypress Storm Drain to Phillips Street and easterly to Oakland Avenue; and authorize the City Manager to execute said Agreement and future administrative amendments to the Agreement.

4. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE) AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council consider and:

- A. Accept a written petition (on file with the Records Management Department) from Lennar Homes of California, located in Corona, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- B. Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 55 (Parklane) (the “CFD”), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, December 15, 2020; and
- C. Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 55 (Parklane).

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. 55 (PARKLANE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

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. 55 (PARKLANE).

5. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

That the City Council adopt a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the December 1, 2020 City Council Meeting, unless canceled sooner.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE

CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

6. ***A ZONE CHANGE (FILE NO. PZC19-003) TO CHANGE THE ZONING DESIGNATION ON 0.21-ACRE OF LAND, FROM AR-2 (AGRICULTURAL RESIDENTIAL - 0 TO 2.0 DU/AC) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1 TO 11.0 DU/AC), LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE - APN: 1050-061-16***

That City Council consider and adopt an ordinance approving a zone change (File No. PZC19-003) to create consistency between the zoning and the proposed General Plan land use designation of the subject property.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC19-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON .21 ACRES OF LAND FROM AR-2, AGRICULTURAL RESIDENTIAL (0-2 DU/AC), TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), FOR A LAND LOCKED PARCEL LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1050-061-16.

7. ***A RESOLUTION ESTABLISHING THE USE AND ACCEPTANCE OF ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS BY THE CITY OF ONTARIO WHEN CONDUCTING CITY BUSINESS***

That the City Council adopt a resolution allowing the use and acceptance of electronic and digital signatures by the City of Ontario ("City") when conducting City business and direct the City Manager, or designee, to implement guidelines for the use and acceptance of electronic and digital signatures by the City.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING THE USE AND ACCEPTANCE OF ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS BY THE CITY OF ONTARIO WHEN CONDUCTING CITY BUSINESS.

8. ***A RESOLUTION REQUESTING RECOGNITION OF SUB-REGIONS WITHIN SAN BERNARDINO COUNTY FOR THE PURPOSE OF DETERMINING TIER DESIGNATIONS UNDER THE STATE'S "BLUEPRINT FOR A SAFER ECONOMY"***

That the City Council adopt the resolution requesting recognition of sub-regions within San Bernardino County for the purpose of determining tier designations under the State's "Blueprint for a Safer Economy".

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING RECOGNITION FOR THE PURPOSE OF DETERMINING TIER DESIGNATIONS UNDER THAT STATE'S "BLUEPRINT FOR A SAFER ECONOMY"

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.

9. ***PUBLIC HEARING REGARDING ECONOMIC DEVELOPMENT SUBSIDY REPORT AND RETENTION AGREEMENT BETWEEN THE CITY OF ONTARIO AND KIENLE MOTOR SPORTS, LLC, PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE OPERATING COVENANT AGREEMENT AND MAKING RELATED FINDINGS.***

That the City Council take the following actions:

- A. Hold the public hearing;
- B. Adopt a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Retention Agreement (on file with the Records Management Department) by and between the City of Ontario and Kienle Motorsports, LLC. hereinafter referred to as "Porsche";
- C. Adopt a resolution approving the Retention Agreement for eight years, authorizing the City Manager to execute the Retention Agreement, and making related findings; and
- D. Direct City staff to file a Notice of Exemption based upon the City Council's finding that the impacts for this existing facility is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING THE DEVELOPMENT OF A PORSCHE FACILITY BY KIENLE MOTOR SPORTS, LLC, IN THE CITY OF ONTARIO AND APPROVING AN OPERATING COVENANT AGREEMENT.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

10. INTRODUCTION OF AN ORDINANCE REGARDING THE ADOPTION OF CAMPAIGN FINANCE LIMITS, PURSUANT TO ASSEMBLY BILL 571

That the City Council introduce and waive further reading of an ordinance regarding the adoption of campaign finance limits, pursuant to Assembly Bill 571.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS.

STAFF MATTERS

CITY MANAGER OCHOA

COUNCIL MATTERS

***MAYOR LEON
MAYOR PRO TEM DORST-PORADA
COUNCIL MEMBER WAPNER
COUNCIL MEMBER BOWMAN
COUNCIL MEMBER VALENCIA***

ADJOURNMENT

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
October 6, 2020
(Not Official Until Approved)**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, October 6, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

Mayor Leon called the City Council/Ontario Housing Authority meetings to order at 5:35 p.m.

SPECIAL AND URGENT ANNOUNCEMENT

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at meetings of the City of Ontario City Council and Housing Authority.

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3, as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chair	Debra Dorst-Porada
	Council/Authority Members:	Alan D. Wapner, Jim W. Bowman and Ruben Valencia (all participating via teleconference)

ABSENT: Council/Authority Members: None.

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and City Clerk/Secretary Sheila Mautz (all participating via teleconference).

CLOSED SESSION

City Attorney Duran announced the matter for discussion, as listed on the agenda. Mayor Leon inquired whether persons were present who wished to speak to the Closed Session item.

Assistant City Clerk Isbell reported that there were no written comments presented, however, there was one web submission as follows:

Luis Schmidt, representing AFSCME Local 3061, regarding successful labor negotiations.

Hearing no one else, the City Council recessed to Closed Session at 5:39 p.m. for discussion of the following:

- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Professional Firefighters Association, Local 1430; and Ontario Fire Management Group.
- GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Ontario Housing Authority meetings to order at 6:31 p.m.

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chair	Debra Dorst-Porada
	Council/Authority Members:	Alan D. Wapner, Jim W. Bowman and Ruben Valencia (all participating via teleconference)

ABSENT: Council/Authority Members: None

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and City Clerk/Secretary Sheila Mautz (all participating via teleconference).

The Pledge of Allegiance was led by Council Member Valencia.

Mayor Leon led a moment of silent reflection in lieu of the Invocation.

REPORT ON CLOSED SESSION

City Attorney Duran advised that there were no reportable actions from the Closed Session discussion.

PUBLIC COMMENTS

Assistant City Clerk Isbell reported that there were no written comments presented, however, there was one web submission as follows:

Claudia Jimenez, regarding homelessness by Vineyard Avenue and 4th Street.

Assistant City Clerk Isbell further reported that there were four callers wishing to address the City Council.

Jesse Allured, concerns of criminal activity in his neighborhood.

Aaron Matthiessen, concerns regarding local campaigning.

James Coolidge, concerns regarding management at the West Valley Mosquito and Vector Control District.

City Attorney Duran clarified that the Council meeting is for City business and encouraged the speaker to visit the West Valley Mosquito and Vector Control District.

Anthony Pace, regarding compliance of social distancing and the use of face masks.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa requested that Council matter regarding the appointment to the Library Board of Trustees be moved to the October 20th meeting.

CONSENT CALENDAR

PUBLIC COMMENTS

Assistant City Clerk Isbell reported that there were no written comments presented, however, there was one web submission as follows:

Luis Schmidt, representing AFSCME Local 3061, regarding Item No. 05, thanked essential employees for their service during the COVID-19 pandemic.

Assistant City Clerk Isbell further reported that there was one caller wishing to address the City Council.

Juan Roman, regarding Item No. 05, thanked the City for providing protective gear against COVID-19.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote of those present, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of September 1, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period August 28, 2020 through September 10, 2020 in the amount of \$13,352,008.80 and **Payroll** for the period August 16, 2020 through August 29, 2020 in the amount of 3,909,499.17, when audited by the Finance Committee.

3. A PROFESSIONAL SERVICES AGREEMENT WITH HARRIS AND ASSOCIATES FOR ON-CALL PLAN CHECKING SERVICES

The City Council approved and authorized the City Manager to execute a Three-Year Professional Services Agreement with Harris and Associates, of Irvine, California, to provide on-call Plan Checking Services for an estimated amount of \$720,000 per year; and authorized the City Manager to extend the agreement for one additional two-year period in the amount consistent with City Council approved budgets for each respective fiscal year.

4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20134 LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE

The City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20134 located at the northeast corner of Haven Avenue and Schaefer Avenue within the Rich Haven Specific Plan.

RESOLUTION NO. 2020-165 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20134, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE.

5. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

The City Council adopted a resolution continuing the Proclamation of a Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the November 3, 2020 City Council Meeting, unless canceled sooner.

RESOLUTION NO. 2020-166 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

6. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HINDERLITER DE LLAMAS & ASSOCIATES (HdL) FOR SALES TAX CONSULTING AND REVENUE RECOVERY TO ADD BUSINESS LICENSE/TRANSIENT OCCUPANCY TAX ADMINISTRATION, AUDITING AND ANALYSIS

The City Council authorized the City Manager to execute an amendment to the existing agreement for sales tax consulting and revenue recovery services with Hinderliter de Llamas & Associates (HdL), of Brea, California, to include a new two-year term, with the option to renew for an additional two-years, for business license/transient occupancy tax (TOT) administration, auditing and analysis services, adding \$560,000 to the existing contract and raising the not to exceed limit to \$619,326.

7. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE) AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

The City Council accepted a written petition from LS-ONTARIO II LLC, located in Irvine, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 57 (Neuhouse) (the “CFD”), authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, November 17, 2020; and adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 57 (Neuhouse).

RESOLUTION NO. 2020-167 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. 57 (NEUHOUSE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2020-168 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. 57 (NEUHOUSE).

8. FACILITIES MASTER PLAN FOR THE ONTARIO LIBRARY SYSTEM

The City Council approved the Facilities Master Plan for the Ontario Library System.

9. AN ORDINANCE APPROVING A SPECIFIC PLAN (FILE NO. PSP18-002 - ONTARIO RANCH BUSINESS PARK) TO ESTABLISH THE LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,905,027 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 85.6 ACRES OF LAND. THE PROJECT SITE IS BORDERED BY EUCALYPTUS AVENUE ON THE NORTH, MERRILL AVENUE ON THE SOUTH, SULTANA AVENUE ON THE EAST, AND EUCLID AVENUE ON THE WEST (APNS: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03

The City Council considered and adopted an ordinance approving the Ontario Ranch Business Park Specific Plan (File No. PSP18-002). First introduced at a regular meeting on September 15, 2020.

ORDINANCE NO. 3168 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSP18-002, The ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN, TO ESTABLISH LAND USE DISTRICTS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,905,027 SQUARE FEET OF GENERAL INDUSTRIAL AND BUSINESS PARK LAND USES ON 85.6 ACRES OF LAND. THE PROJECT SITE IS GENERALLY BORDERED BY EUCALYPTUS AVENUE ON THE NORTH, MERRILL AVENUE ON THE SOUTH, SULTANA AVENUE ON THE EAST, AND EUCLID AVENUE ON THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1054-011-01, 1054-011-02, 1054-011-04; 1054-021-01, 1054-021-02; 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02, and 1054-281-03.

10. AWARD A DESIGN-BUILD AGREEMENT FOR THE CONSTRUCTION OF THE C BLOCK PARKING STRUCTURE/MCCARTHY BUILDING COMPANIES, INC.

The City Council authorized the City Manager to execute a Design-Build Agreement with McCarthy Building Companies, Inc. of Newport Beach, California, to provide Design-Build construction services for the C Block Parking Structure in the amount of \$9,669,383; authorized a 15% project contingency of \$1,450,407; and authorized the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, lot line adjustments, reduction of retention accounts, contracts and contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

11. AN AMENDMENT TO THE LETTER OF AGREEMENT FOR THE EMERGENCY SENIOR MEALS PROGRAM

The City Council authorized the City Manager, or his designee, to execute an amendment to the Letter of Agreement with the Ontario-Montclair School District of Ontario, California, for the emergency senior meals program in the not-to-exceed amount of \$169,844 through December 30, 2020.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

12. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 AND RELATED MATTERS

The City Council considered and adopted a resolution authorizing the issuance of City of Ontario Community Facilities District No. 45 (Northpark and Countryside Facilities) Special Tax Bonds, Series 2020. Authorized the issuance of special tax bonds for public improvements required to facilitate the development of the Northpark and Countryside project and the Ontario Ranch development; approved the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement; authorized a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the “Underwriter”) in accordance with the terms of the Bond Purchase Agreement; and authorized the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

RESOLUTION NO. 2020-169 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote of those present to adopt Resolution No. 2020-169.

STAFF MATTERS

City Manager Ochoa made no announcements.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada thanked residents for their cooperation of COVID-19 state mandated guidelines and encouraged social distancing and the use of masks.

Council Member Bowman made no comments.

Council Member Wapner made no comments.

Council Member Valencia made no comments.

Mayor Leon thanked staff for their unrecognized work and encouraged residents to use the myOntario app.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:03 p.m. to the next regular meetings to be held on Tuesday, October 20, 2020.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY


APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO

Agenda Report
November 3, 2020

SECTION: CONSENT CALENDAR

Department: Engineering
Prepared By: Tricia Espinoza
Staff Member Presenting:
Scott Murphy, AICP, Executive Community
Development Director
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 3

SUBJECT: A FUNDING AGREEMENT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND CITY OF CHINO FOR THE SAN ANTONIO AVENUE STORM DRAIN PROJECT

RECOMMENDATION:

That the City Council approve a funding agreement totaling \$23,360,000 with the San Bernardino County Flood Control District (SBCFCD) and the City of Chino for funding of the design and construction of the San Antonio Avenue Storm Drain Project, from Sultana-Cypress Storm Drain to Phillips Street and easterly to Oakland Avenue; and authorize the City Manager to execute said Agreement and future administrative amendments to the Agreement.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:

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 funding agreement with SBCFCD and the City of Chino will utilize Zone 1 Storm Drain Funds on a reimbursement basis for the San Antonio Avenue Storm Drain Project. SBCFCD's share includes 75% of project costs with the City of Ontario and the City of Chino sharing the remaining 25% of the project costs - Ontario will contribute 22.5% and the City of Chino will contribute 2.5%. In that the project costs will be handled on a reimbursement basis, the City will need to front the costs of the project.

Funding for the project will be phased over several years. The initial appropriation request is for \$3,000,000, covering the design phase of the project. Original Model Colony Storm Drain Development Impact Fees will be used to fund the improvements. If the agreement is approved by the City Council, a budget change will be included in the first Quarterly Budget Update Report to the City Council. Reimbursement for the design phase (77.5% of the design costs) is anticipated during FY23-24 in accordance with the funding agreement.

The remaining funding and corresponding reimbursement (77.5%) for subsequent phases of the project will be appropriated in future years' annual budget process.

BACKGROUND & ANALYSIS: The San Antonio Avenue Storm Drain Project is a regional Master Plan facility that has a tributary drainage area of 1,226 acres. The project is located along San Antonio

Avenue from the Sultana-Cypress Storm Drain in the City of Chino to Phillips Street, then easterly to Oakland Avenue in the City of Ontario. The project also includes major laterals on Philadelphia Street and Francis Street; a project location map has been provided for reference (see attached exhibit). The storm drain project consists of installation of reinforced concrete pipes of various sizes ranging from 24-inch to 102-inch diameter, reinforced concrete boxes ranging from 9 feet by 7.5 feet to 9.5 feet by 8 feet, construction of concrete channel connection and improvements, catch basins, and other drainage appurtenances.

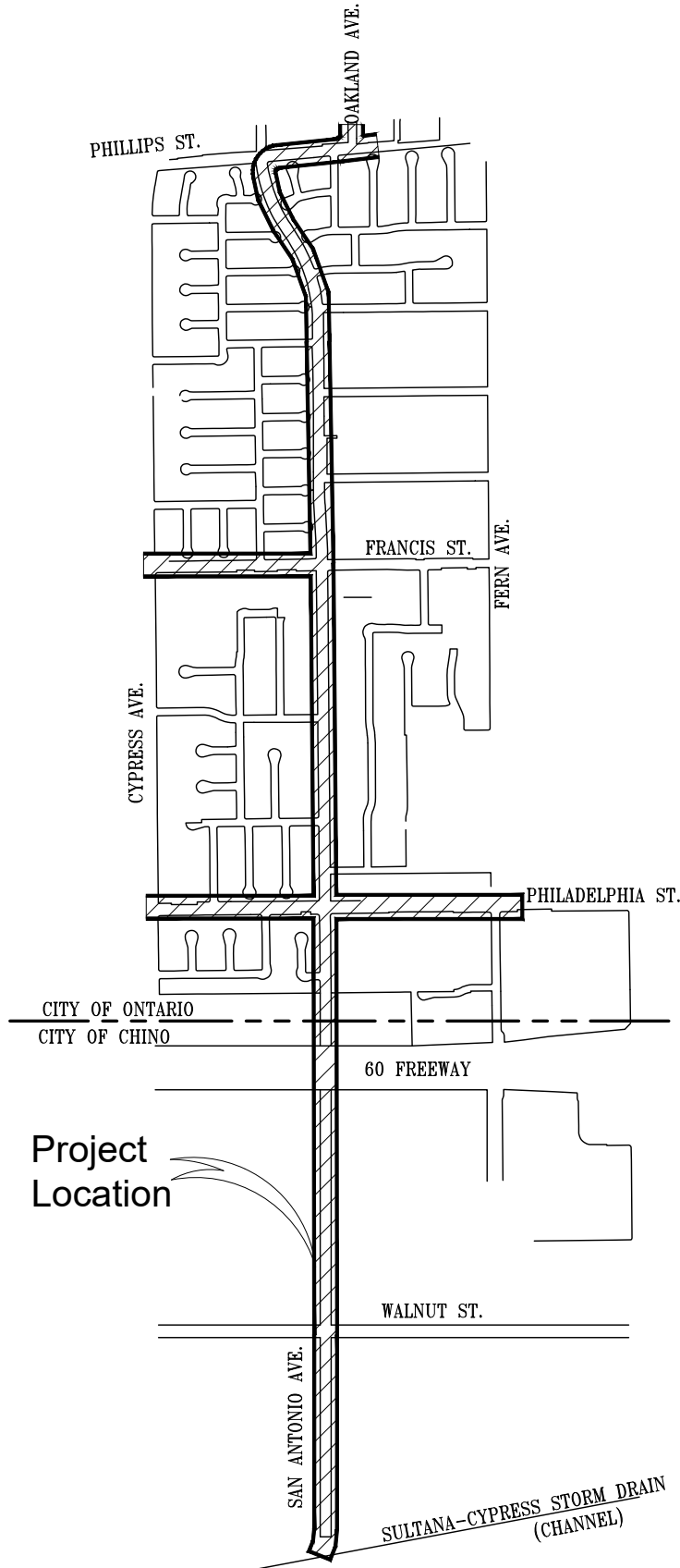
This project has been recognized as a significant Secondary Flood Protection Facility with regional impacts and the funding was recommended as part of SBCFCD's Zone 1 Priority Project List and the Ten-Year Construction Funding Program.

The funding agreement with SBCFCD and the City of Chino will utilize Zone 1 Storm Drain Funds on a reimbursement basis for the design and construction of the San Antonio Avenue Storm Drain Project. The total project cost is estimated at \$23,360,000. SBCFCD's share includes 75% of the storm drain project costs, including engineering design, inspection, materials testing, construction management, environmental permitting, utility relocation, actual construction, and other related costs up to a not to exceed amount of \$17,520,000. The City of Ontario and the City of Chino will share the remaining 25% of the project costs in the amount of \$5,840,000 with Ontario contributing 22.5% and the City of Chino contributing 2.5%. Ontario's total share of \$5,256,000 will come from Original Model Colony Storm Drain Development Impact Fees.

As part of the agreement, the City will serve as the lead agency, preparing the construction plans, specifications, and environmental documents, administering and managing construction, and advancing the total funding of this project, with reimbursement from the SBCFCD's Zone 1 Storm Drain Fund construction budget forthcoming in FY 2023-24 and 2024-25.

It is anticipated that construction will begin in Summer 2023.

SAN ANTONIO AVENUE STORM DRAIN IMPROVEMENT Project No. SMXX CHANNEL TO PHILLIPS ST.



CITY OF ONTARIO

Agenda Report
November 3, 2020

SECTION: CONSENT CALENDAR

Department: Investments & Revenue Resources
Prepared By: Jason M Jacobsen
Staff Member Presenting:
Armen Harkalyan, Executive Director of Finance
Reviewed By: Jason M Jacobsen
Approved By:



Submitted To: Council/OHA

Approved: _____

Continued To: _____

Denied: _____

Item No: 4

SUBJECT: ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE) AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council consider and:

- A. Accept a written petition (on file with the Records Management Department) from Lennar Homes of California, located in Corona, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- B. Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 55 (Parklane) (the "CFD"), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, December 15, 2020; and
- C. Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 55 (Parklane).

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: In accordance with the City Council's long standing direction that development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City; the use of Mello-Roos financing in the Parklane project is projected to generate approximately \$381,158 per year, at build-out, to fund City services; and \$8.7 million in bond proceeds to fund a portion of the public infrastructure improvements that will serve the project. The use of Mello-Roos financing is critical in achieving the City Council's goal of "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch". 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; therefore, there is no General Fund impact from the issuance of Mello-Roos bonds. City Council approval will be required in future years to process annual special tax levies.

BACKGROUND & ANALYSIS:

The Mello-Roos Community Facilities Act of 1982 provides 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. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance City services and public improvements are adopting resolutions declaring the City's intention to establish a community facilities district, authorizing the levy of special taxes, and to issue bonds.

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. Lennar Homes of California has provided a written petition to the City requesting formation of a community facilities district for the Parklane project in the Ontario Ranch. The Parklane project addresses the development of approximately 52 gross acres located generally west of Haven Avenue, generally east of Monarch Place, south of Parkview Avenue and north of Merrill Avenue. At build out, the project is projected to include 226 detached residential units.

Included, as part of the resolution of intention for the proposed district, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 55 (Parklane). 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, Resolution No. 2006-021, in all aspects.

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. The amount of bonds authorized (\$33 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$8.7 million) in order to allow future City Councils the option to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services without increasing the amount of the annual special taxes. The term and structure of the Rate and Method of Apportionment of Special Tax for the Parklane project are consistent with those of the previously adopted Rate and Method of Apportionments for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in 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 community facilities districts will be required to disclose the maximum annual special tax amounts to each homeowner before entering into a sales contract.

List of infrastructure to be financed:

- Water and Recycled Water System
- Street, Bridges, and Circulation
- Fiber Optic

City staff has discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the community facilities district for the regularly

scheduled City Council meeting on Tuesday, December 15, 2020, to consider the matter.

RESOLUTION NO. _____

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. 55 (PARKLANE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

WHEREAS, Section 53318 of the Mello-Roos Community Facilities Act of 1982 (the "Act") provides that proceedings for the establishment of a Community Facilities District shall be instituted by a legislative body of a local agency when a petition requesting the institution of the proceedings signed by the owners of not less than 10% of the area of land proposed to be included in the community facilities district and not proposed to be exempt from the special tax, describing the boundaries of the territory that is proposed for inclusion in the community facilities district and specifying the types of facilities and services to be financed by the community facilities district is filed with the clerk of the legislative body; and

WHEREAS, Section 53318 of the Act further provides that such a petition is not required to be acted upon until the payment of a fee in an amount that the legislative body determines, within 45 days of receiving such petition, is sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district pursuant to the Act; and

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Lennar Homes of California, Inc., a California corporation (the "Landowner"), requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of facilities and services to be financed by the Community Facilities District; and

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax; 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 53321 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 the Landowner have entered into a Deposit and Reimbursement Agreement, dated as of November 1, 2020 (the "Deposit Agreement"), relating to the Community Facilities District, that provides for the advancement of funds by the Landowner 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 the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

WHEREAS, the City desires to include in this Resolution, in accordance with Section 53314.9 of the Act, the proposal to repay funds pursuant to the Deposit Agreement.

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, and the City Council so finds and determines.

SECTION 2. The City Council hereby finds that the Petition is signed by the owner of the requisite amount of land proposed to be included in the Community Facilities District.

SECTION 3. The City Council proposes to establish a community facilities district under the terms of the Act. The boundaries of the territory proposed for inclusion in the Community Facilities District are described in the map showing the proposed Community Facilities District (the "Boundary Map") on file with the City Clerk of the City (the "City Clerk"), which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to sign the original Boundary Map and record, or cause to be recorded, the Boundary Map with all proper endorsements thereon in the office of the San Bernardino County Recorder within 15 days of the date of adoption of this Resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 4. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 55 (Parklane)."

SECTION 5. 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 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 City Council hereby fixes Tuesday, December 15, 2020, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District; provided, that, in the event the December 15, 2020 City Council meeting is held via teleconference and/or videoconference only, the means by which the public may observe such public hearing and offer public comment shall be prescribed in the notice and agenda for such City Council meeting.

SECTION 11. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 12. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 13. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Facilities or Services is hereby 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 Facilities and Services by type which 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 the Facilities and Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the Facilities proposed to be purchased as completed public facilities and of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

SECTION 14. The Landowner 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 establishment 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 15. 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 16. 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 3rd day of November 2020.

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 Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES 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

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 55 (Parklane) ("CFD No. 55") and collected each Fiscal Year, commencing in Fiscal Year 2021-22, 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. 55, 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 of Part 1 of 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. 55: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 55 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. 55 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 55 of complying with City, CFD No. 55, 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. 55 related to the analysis and reduction, if any, of the Special Tax A on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 55 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. 55; and amounts estimated or advanced by the City or CFD No. 55 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 A" means the Special Tax A for each Land Use Class of Developed Property, as determined in accordance with Section C.1.a.2 below.

"Backup Special Tax A" means the Special Tax A 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. 55 under the Act and payable from Special Tax A.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 55 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 A Requirement and Special Tax B Requirement, providing for the levy and collection of the Special Taxes, and performing the other duties provided for herein.

"CFD No. 55" means City of Ontario Community Facilities District No. 55 (Parklane).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 55.

"Contractual Impositions" means (a) a voluntary contractual assessment established and levied on an Assessor's Parcel pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (commencing with Section 5898.10 *et seq.*), as amended from time to time, (b) a special tax established and levied on an Assessor's Parcel pursuant to Section 53328.1 of the California Government Code and related provisions of the Act, as amended from time to time, and (c) any other fee, charge, tax, or assessment established and levied on an individual Assessor's Parcel pursuant to a contractual agreement or other voluntary consent by the owner thereof (e.g., property owner association assessments).

“**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 A.

“**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, 2020, and before May 1 of the prior Fiscal Year.

“**Expected Residential Lot Count**” means 226 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family 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. 55.

“**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.

“**Gated Community Attached Dwelling Unit**” means, with respect to Special Tax B, a Unit within any residential building containing two or more dwelling units (including attached condominiums, townhouses, duplexes, triplexes, and apartments) within a gated community that, within such community, is primarily served by private interior streets.

“**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 and Table 2 below.

“**Lower Income Household Welfare Exemption Property**” means, for each Fiscal Year, an Assessor’s Parcel within the boundaries of CFD No. 55 that is subject to a

welfare exemption under subdivision (g) of Section 214 of the California Revenue and Taxation Code (or any successor statute), as indicated in the most recent County assessor's roll finalized prior to such Fiscal Year.

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

“Maximum Special Tax B” means, with respect to an Assessor's Parcel of Taxable Property, the Maximum Special Tax B determined in accordance with Section C.2 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.

“Multiple Family Dwelling Unit” means, with respect to Special Tax B, a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Community Attached Dwelling Units.

“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.

“Other Residential Property” means, with respect to Special Tax A, all Assessor's Parcels of Developed Property for which a building permit was issued by the City for purposes of constructing Units, excluding Single Family Attached Property and Single Family Detached Property.

“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. 55 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. 55 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 55, (ii) the City, (iii) any owner of real property in CFD No. 55, or (iv) any real property in CFD No. 55, and (e) is not connected with CFD No. 55 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 55 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. 55 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.1 below, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D.1 below, Proportionately means that the amount of the increase above the Assigned Special Tax A, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax A 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) with respect to Special Tax B, that the ratio of the actual Special Tax B levy to the Maximum Special Tax B is equal for all Assessor’s Parcels of Developed Property; (c) for Final Mapped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Final Mapped Property; (d) for Undeveloped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Undeveloped Property; (e) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Taxable Property Owner Association Property; and (f) for Taxable Public Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A 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. 55 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 or utility 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 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. 55. 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, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2020, and before May 1 of the prior Fiscal Year.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 55.

“Single Family Attached Property” means all Assessor’s Parcels of Developed Property for which a building permit or use permit was issued for construction of a residential structure consisting of two or more Units that share common walls, have separate Assessor’s Parcel Numbers assigned to them (except for a duplex unit, which may share an Assessor’s Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Units are purchased and subsequently offered for rent by the owner of the Unit), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Property” means all Assessor’s Parcels of Developed Property for which a building permit was issued for construction of a Unit, on one legal lot, that does not share a common wall with another Unit.

“Single Family Property” means all Assessor’s Parcels of Single Family Attached Property and Single Family Detached Property.

“Special Taxes” means, collectively, Special Tax A and Special Tax B.

“Special Tax A” means the special tax authorized by the qualified electors of CFD No. 55 to be levied within the boundaries of CFD No. 55 to pay for Facilities and Services.

“Special Tax A 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. 55 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 a pro rata share of 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 A levy on Final Mapped Property or Undeveloped Property; and (vi) provide an amount equal to Special Tax A delinquencies based on the historical delinquency rate for Special Tax A as determined by the CFD Administrator.

“Special Tax B” means the special tax authorized by the qualified electors of CFD No. 55 to be levied within the boundaries of CFD No. 55 to pay for Services.

“Special Tax B Requirement” means for any Fiscal Year that amount required, after taking into account available amounts in any funds and accounts established to pay for Services, to pay the cost of Services, a pro rata share of Administrative Expenses, and an

amount equal to Special Tax B delinquencies based on the historical delinquency rate for Special Tax B 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. 55, 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. 55 that are not exempt from the Special Taxes 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 Taxes 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 Taxes 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 a Unit within a Land Use Class, for the Fiscal Year in which Total Tax Burden is being calculated, the sum of (a) the Assigned Special Tax A for such Land Use Class for such Fiscal Year, plus (b) the Special Tax B for such Land Use Class for such Fiscal Year, plus (c) the *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities districts, and any other governmental fees, charges (other than fees or charges for services such as sewer and trash), taxes, and assessments (which do not include Contractual Impositions) collected by the County on *ad valorem* tax bills and that the CFD Administrator estimates would be levied or imposed on such Unit in such Fiscal Year if the residential dwelling unit thereon or therein had been completed and sold, and was subject to such fees, charges, taxes, and assessments in such Fiscal Year.

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

“TTM 19907” means Tentative Tract Map No. 19907, the area of which is located within CFD No. 55.

“TTM 19909” means Tentative Tract Map No. 19909, the area of which is located within CFD No. 55.

“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 2021-22, all Taxable Property within CFD No. 55 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 Developed Property shall be further classified as Single Family Property, Other Residential Property (for Special Tax A), Multiple Family Dwelling Unit or Gated Community Attached Dwelling Unit (for Special Tax B), or Non-Residential Property. For Special Tax A, Assessor’s Parcels of Single Family Property shall be assigned to Land Use Classes 1 through 8, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Also for Special Tax A, Other Residential Property shall be assigned to Land Use Class 9, and Non-Residential Property shall be assigned to Land Use Class 10.

C. MAXIMUM SPECIAL TAX

1. Special Tax A

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax A 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. 55 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 Single Family Property to be constructed within CFD No. 55 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax A 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 A 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 A, the Backup Special Tax A shall also be reduced by the CFD Administrator based on the percentage reduction in

Maximum Special Tax A revenues within the Tentative Tract Map area(s) where the Assigned Special Tax A reductions occurred. Upon determining the reductions, if any, in the Assigned Special Tax A and Backup Special Tax A required pursuant to this Section C, the CFD Administrator shall complete the Certificate of Modification of Special Tax substantially in the form attached hereto as Exhibit A (the “Certificate of Modification”), shall execute such completed Certificate of Modification, and shall deliver such executed Certificate of Modification to CFD No. 55. Upon receipt thereof, if in satisfactory form, CFD No. 55 shall execute such Certificate of Modification. The reduced Assigned Special Tax A and Backup Special Tax A specified in such Certificate of Modification shall become effective upon the execution of such Certificate of Modification by CFD No. 55.

The Special Tax A reductions required pursuant to this section shall be reflected in an amended notice of Special Tax lien, which CFD No. 55 shall cause to be recorded with the County Recorder as soon as practicable after execution of the Certificate of Modification by CFD No. 55. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) *Maximum Special Tax A*

The Maximum Special Tax A 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 A or (ii) the amount derived by application of the Backup Special Tax A. The Maximum Special Tax A shall not increase in future years, other than as calculated pursuant to Section C.1.a.3 below.

2) *Assigned Special Tax A*

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

TABLE 1
ASSIGNED SPECIAL TAX A – DEVELOPED PROPERTY

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Property	< 2,301	\$2,784 per Unit
2	Single Family Property	2,301 – 2,500	\$2,936 per Unit
3	Single Family Property	2,501 – 2,700	\$3,078 per Unit
4	Single Family Property	2,701 – 2,900	\$3,300 per Unit
5	Single Family Property	2,901 – 3,100	\$3,478 per Unit
6	Single Family Property	3,101 – 3,300	\$3,696 per Unit
7	Single Family Property	3,301 – 3,500	\$3,880 per Unit
8	Single Family Property	> 3,500	\$4,000 per Unit
9	Other Residential Property		\$30,531 per Acre
10	Non-Residential Property		\$30,531 per Acre

3) *Backup Special Tax A*

The Backup Special Tax A shall be \$3,294 per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 226 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax A} = \$744,372 \div \text{Expected Residential Lot Count for Single Family Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 55 to become Final Mapped Property, such as the area within TTM 19907, TTM 19909, 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 A for all Designated Buildable Lots of Single Family Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Tax A that could have been collected from Designated Buildable Lots of Single Family Property, prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount determined in Step 1 by the number of Designated Buildable Lots of Single Family Property that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount determined in Step 2 as the Backup Special Tax A per Unit for Single Family Property.

The Backup Special Tax A 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 A for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$30,531 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Special Tax B

The Maximum Special Tax B for each Assessor’s Parcel classified as Developed Property shall be determined by reference to Table 2 below.

**TABLE 2
MAXIMUM SPECIAL TAX B – DEVELOPED PROPERTY**

Land Use Class	Maximum Special Tax B Fiscal Year 2021-22
Residential Property	
Single Family Property	\$1,825 per Unit
Multiple Family Dwelling Unit	\$1,582 per Unit
Gated Community Attached Dwelling Unit	\$1,326 per Unit
Non-Residential Property	\$0.34 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2022, the Maximum Special Tax B to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

3. 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 A levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax A for all Units of Single Family Property and Acres of Other Residential Property and Non-Residential Property (based on the pro rata share of Square Footage between Other Residential Property and Non-Residential Property, according to the applicable building permits, Final Subdivision Map, parcel map, condominium plan, or other recorded County map) located on that Assessor's Parcel. The Maximum Special Tax B levied on such Assessor's Parcel shall be the sum of the Maximum Special Tax B for all Units of Residential Property and all Square Footage 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

1. Special Tax A

Each Fiscal Year, beginning with Fiscal Year 2021-22, the CFD Administrator shall determine the Special Tax A Requirement for such Fiscal Year. The Special Tax A shall then be levied as follows:

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

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

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

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

Fifth: If additional monies are needed to satisfy the Special Tax A Requirement after the first four steps have been completed, then Special Tax A shall be levied Proportionately

on each Assessor's Parcel of Taxable Property Owner Association Property up to the Maximum Special Tax A for Taxable Property Owner Association Property;

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

Notwithstanding the above, under no circumstances shall Special Tax A levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other 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. 55 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.

2. Special Tax B

Each Fiscal Year, beginning with Fiscal Year 2021-22, the CFD Administrator shall determine the Special Tax B Requirement. The Special Tax B shall then be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax B for such Assessor's Parcel, until the Special Tax B Requirement is satisfied. However, the Special Tax B levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax B levied in the prior Fiscal Year.

E. EXEMPTIONS

No Special Tax shall be levied on up to 17.94 Acres of Public Property and up to 7.19 Acres of Property Owner Association Property. 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.

Property Owner Association Property or Public Property that is not exempt from the Special Tax A under this section shall be subject to the levy of Special Tax A 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 A for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax A shall be levied in any Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax A obligation pursuant to the formula set forth in Section H.

No Special Tax shall be levied on Lower Income Household Welfare Exemption Property; provided, however, that if, in any Fiscal Year, applicable law does not require that Lower Income Household Welfare Exemption Property be exempt from some portion, or all, of the Special Tax, such portion, or all, of the Special Tax shall be levied on such property in accordance with this Rate and Method of Apportionment based on the Land Use Class to which the Assessor's Parcel is assigned.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 55 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 Taxes 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 A

The following definitions apply to this Section H:

“CFD Public Facilities” means \$9,670,000 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. 55.

“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, 2021, through June 30, 2055.

“Prepayment Period 2” means July 1, 2055, through June 30, 2088.

“Prepayment Period 3” means July 1, 2088, through June 30, 2122.

Only Special Tax A may be prepaid; Special Tax B shall continue to be levied on an annual basis on all Developed Property in CFD No. 55.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax A 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, 2020, 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 A 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 A 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 A 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 A and Backup Special Tax A for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax A 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 A and Backup Special Tax A 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 A computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax A for CFD No. 55 based on the Developed Property Special Tax A which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 55, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax A computed pursuant to Paragraph 2 by the estimated total Backup Special Tax A at buildout of CFD No. 55, 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 Future Facilities Costs for the applicable Prepayment Period.
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 A 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. 55, 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 A 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. 55.

The Special Tax A 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 A levy as determined under Paragraph 9 (above), the CFD Administrator shall remove the current Fiscal Year’s Special Tax A 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 Special Tax A has been prepaid and that the obligation of such Assessor's Parcel to pay Special Tax A shall cease.

With respect to Special Tax A 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 Special Tax A 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 Special Tax A has been satisfied for the remainder of the applicable Prepayment Period but has not been permanently satisfied and the obligation to pay Special Tax A 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 Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax A prepayment shall be allowed unless the amount of Maximum Special Tax A that may be levied on Taxable Property within CFD No. 55 (after excluding 17.94 Acres of Public Property and 7.19 acres of Property Owner Association Property) 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 A on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2020, 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:

$$PP = (PF - AE) \times \% + AE.$$

The terms above have the following meaning:

PP = the partial prepayment

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

AE = the Administrative Fees and Expenses determined pursuant to paragraph 11 above

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

The Special Tax A 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 Special Tax A and the percentage by which Special Tax A shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of Special Tax A 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. 55 that there has been a partial prepayment of Special Tax A and that a portion of Special Tax A with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax A, 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 Special Tax A 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 Special Tax A resumes, Special Tax A for the then applicable Prepayment Period may be prepaid.

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax A shall be levied or collected is Fiscal Year 2121-2122, except that Special Tax A that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years. Special Tax B shall continue to be levied indefinitely on an annual basis on all Developed Property in CFD No. 55.

EXHIBIT A

**CERTIFICATE OF MODIFICATION OF SPECIAL TAX A
(PAGE 1 OF 2)**

CITY OF ONTARIO AND CFD No. 55 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. 55 (Parklane) (“CFD No. 55”), the Assigned Special Tax A and the Backup Special Tax A for Developed Property within CFD No. 55 has been modified.
 - a. The information in Table 1 relating to Assigned Special Tax A for Developed Property within CFD No. 55, 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 A – DEVELOPED PROPERTY**

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Property	< 2,301	\$[] per Unit
2	Single Family Property	2,301 – 2,500	\$[] per Unit
3	Single Family Property	2,501 – 2,700	\$[] per Unit
4	Single Family Property	2,701 – 2,900	\$[] per Unit
5	Single Family Property	2,901 – 3,100	\$[] per Unit
6	Single Family Property	3,101 – 3,300	\$[] per Unit
7	Single Family Property	3,301 – 3,500	\$[] per Unit
8	Single Family Property	> 3,500	\$[] per Unit
9	Other Residential Property		\$[] per Acre
10	Non-Residential Property		\$[] per Acre

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

EXHIBIT A

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

The Backup Special Tax A shall be \$[_____] per Unit for Single Family Property. However, if the Expected Residential Lot Count does not equal 226 for Single Family Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Property shall be calculated according to the following formula:

$$\text{Backup Special Tax A} = \$[\text{_____}] \div \text{Expected Residential Lot Count for Single Family Property}$$

2. The Special Tax A for Developed Property may only be modified prior to the first issuance of CFD No. 55 Bonds.
3. Upon execution of this certificate by CFD No. 55, CFD No. 55 shall cause an amended notice of Special Tax lien for CFD No. 55 to be recorded reflecting the modifications set forth herein.

Capitalized undefined terms used herein have the meanings ascribed thereto in the Rate and Method. The modifications set forth in this Certificate have been calculated by the CFD Administrator in accordance with the Rate and Method.

GOODWIN CONSULTING GROUP, INC.
CFD ADMINISTRATOR

By: _____

Date: _____

The undersigned acknowledges receipt of this Certificate and of the modification of the Assigned Special Tax A and Backup Special Tax A for Developed Property as set forth in this Certificate.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 55
(PARKLANE)

By: _____

Date: _____

RESOLUTION NO. _____

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. 55 (PARKLANE).

WHEREAS, 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"), has this date adopted its 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. 55 (Parklane), and to Authorize the Levy of Special Taxes," stating its intention to establish City of Ontario Community Facilities District No. 55 (Parklane) (the "Community Facilities District") for the purpose of financing certain public facilities (the "Facilities") and services, as further provided in said Resolution; and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness in the amount of up to \$33,000,000;

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, and the City Council so finds and determines.

SECTION 2. The City Council hereby declares that in order to finance the Facilities, it is necessary to incur bonded indebtedness.

SECTION 3. The purpose for which the proposed debt is to be incurred is to provide the funds necessary to pay the costs of the Facilities, including all costs and estimated costs incidental to, or connected with, the accomplishment of said purpose and of the financing thereof, as permitted by Section 53345.3 of the Act.

SECTION 4. THE maximum amount of the proposed debt is \$33,000,000.

SECTION 5. The City Council hereby fixes Tuesday, December 15, 2020, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the proposed debt authorization; provided, that, in the event the December 15, 2020 City Council meeting is held via teleconference and/or videoconference only, the means by which the public may observe such public hearing and offer public comment shall be prescribed in the notice and agenda for such City Council meeting.

SECTION 6. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of

said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53346 of the Act.

SECTION 7. 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 8. 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 3rd day of November 2020.

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 Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2020.


SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 3, 2020

**SECTION:
CONSENT CALENDAR**

Department: Fire Department
Prepared By: Jordan T Villwock
Staff Member Presenting:
Ray Gayk, Fire Chief
Reviewed By: Nubia Roman
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 5

SUBJECT: A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

RECOMMENDATION: That the City Council adopt a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the December 1, 2020 City Council Meeting, unless canceled sooner.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety

FISCAL IMPACT: This resolution maintains the City's compliance with State and Federal requirements for emergency response and promotes the City's eligibility to receive State and Federal emergency assistance funds.

BACKGROUND & ANALYSIS: Governments worldwide are responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which as now been detected in nearly 100 countries, including the United States. The virus has been named "SARS-CoV-2"; and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").

COVID-19 is a serious disease that as of October 20, 2020 has killed over 1,100,000 people worldwide with over 8.1 million confirmed cases and over 219,000 deaths in the United States, as well as infecting more than 865,000 and killing over 16,000 in California. On March 4, 2020, the Governor of the State of California declared a State of Emergency. On March 10, 2020, the San Bernardino County Health Department proclaimed a Public Health Emergency; and the Board of Supervisors issued a Proclamation of Local Emergency due to COVID-19. On March 11, 2020, the World Health Organization declared the disease a global pandemic. On March 13, 2020, the President of the United States declared a National Emergency.

On June 18, 2020, California Governor Newsom issued a statewide order mandating the wearing of face masks or coverings for the public in which the City of Ontario followed by requiring face masks or coverings for city employees. On June 28, 2020, California Governor Newsom issued an order closing bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino. On July 13, 2020, California Governor Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls. On August 28, 2020, California Governor Newsom released the next evolution of the response called the Blueprint

for a Safer Economy. This plan replaces the State Watchlist and allows for more businesses to safely open with restrictions.

Beginning in July 2020, the City of Ontario began issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes while waiving fees and expediting the process. Additionally, in July 2020, the City of Ontario drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increase infections in the County and the potential for employee spread.

The City of Ontario regularly participates in disaster drills to maintain its preparedness. The City's first and second response agencies are prepared for the impact of COVID-19; however, the declaration of a local emergency further unlocks resources and legal authority to quickly respond to changing conditions.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, proclaimed a Local Emergency on July 14, 2020 with additional details and originally proclaimed on March 17, 2020, to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments.

Per California Government Code § 8630, a proclamation of local emergency must be ratified by the governing body within 7 days of issuance and reviewed and continued every 30 days thereafter until termination of the local emergency as conditions warrant.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

WHEREAS, City of Ontario Ordinance No. 2990 empowers the City Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely affected by a public calamity and the City Council is not in session, and:

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property have re-risen due to increased levels of positive cases of COVID-19 and accompanying higher hospitalizations and death rates; and

WHEREAS COVID-19 has spread to every country in the world, infecting more than 12 million persons and killing more than 550,000 individuals worldwide, and exists in every state in the United States, infecting more than 3 million persons and killing over 130,000 in the country, as well as infecting more than 300,000 and killing over 6,700 in California, and

WHEREAS, on June 18, 2020, California Governor Gavin Newsom issued a statewide order mandating the wearing of face masks or coverings for the public which the City of Ontario followed by requiring face masks or coverings for city employees; and

WHEREAS, on June 28, 2020, California Governor Gavin Newsom issued an order closing bars and restricting indoor restaurant operations for seven counties including the County of San Bernardino; and

WHEREAS, on July 13, 2020, California Governor Gavin Newsom issued an order closing additional businesses including gyms, worship services, personal care services, hair salons, and malls; and

WHEREAS, the City is issuing Temporary Use Permits allowing restaurants to use outdoor spaces for dining purposes to maintain a safe environment for restaurant employees and patrons while waiving fees and expediting the process; and

WHEREAS, the City has drafted an operational transition plan for City facilities to reclose and some work functions to return to a telecommuting basis due to the increased infections in the County and the potential for employee-spread; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to the continued battle against COVID-19; and

WHEREAS, these conditions warrant and necessitate that the City of Ontario declare the existence of a local emergency.

WHEREAS, on July 21, 2020 the Ontario City Council ratified Resolution No. 2020-124 proclaiming the existence of a local emergency.

WHEREAS, on August 18, 2020, the Ontario City Council ratified Resolution No. 2020-146 proclaiming the continued existence of a local emergency.

WHEREAS, on September 15, 2020, the Ontario City Council ratified Resolution No. 2020-155 proclaiming the continued existence of a local emergency.

WHEREAS, on October 6, 2020, the Ontario City Council ratified Resolution No. 2020-166 proclaiming the continued existence of a local emergency.

NOW THEREFORE, BE IT RESOLVED, by the City Council does hereby proclaim the existence of a local emergency and directs the Emergency Organization of the City of Ontario to take the necessary steps for the protection of life, health and safety in the City of Ontario.

IT IS FURTHER RESOLVED, that during the existence of said local emergency the powers, functions, and duties of the Emergency Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

THE CITY COUNCIL DIRECTS, that all City Departments shall review and revise their department emergency and contingency plans to address the risks COVID-19 poses to their critical functions in coordination with the Office of Emergency Management (OEM); and

THE CITY COUNCIL FURTHER DIRECTS, that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the Financial Services Agency; and

THE CITY COUNCIL FURTHER DIRECTS, that OEM shall coordinate Citywide planning, preparedness and response efforts regarding COVID-19 with the San Bernardino County Department of Public Health and the San Bernardino County Office of Emergency Services (OES).

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council, that the Resolution to Proclamation of a Local Emergency shall continue the previous proclamation while including additional requirements, guidelines, and procedures.

IT IS FURTHER RESOLVED AND ORDERED, by the City Council that a copy of this Resolution be forwarded to the San Bernardino County Office of Emergency Services to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a proclamation

declaring an emergency in San Bernardino County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

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

PASSED, APPROVED, AND ADOPTED this 3rd day of November 2020.

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 Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2020.


SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 3, 2020

SECTION: CONSENT CALENDAR

Department: Planning
Prepared By: Rudy Zeledon
Staff Member Presenting:
Scott Murphy, AICP, Executive Community
Development Director
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 6

SUBJECT: A ZONE CHANGE (FILE NO. PZC19-003) TO CHANGE THE ZONING DESIGNATION ON 0.21-ACRE OF LAND, FROM AR-2 (AGRICULTURAL RESIDENTIAL - 0 TO 2.0 DU/AC) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1 TO 11.0 DU/AC), LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE - APN: 1050-061-16

RECOMMENDATION: That City Council consider and adopt an ordinance approving a zone change (File No. PZC19-003) to create consistency between the zoning and the proposed General Plan land use designation of the subject property.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: No fiscal impacts are anticipated with the proposed Zone Change, as the zoning designation change from AR-2 (Agricultural Residential – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac) will provide for similar residential land uses within the neighborhood. The proposed change to the zoning designation would result in a nominal long-term fiscal impact to the City. The potential of up to 2 additional residential units would marginally increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development; however, any potential long-term fiscal impact and anticipated expenditures to the City would be offset by development impact fees and property tax revenues from the future development.

BACKGROUND & ANALYSIS: On October 20, 2020, the City Council introduced and waived further reading of an ordinance approving the Zone Change. The Applicant, Blaise D'Angelo, has requested a Zone Change (File No. PZC19-003) on a 0.21-acre land locked lot located west of 1524 and 1526 South Euclid Avenue, from AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) to MDR-11 (Medium Density Residential – 5.1 to 11.0 du/ac), as shown in Exhibit A (Proposed Zone Change) of this report, to accommodate a lot consolidation with adjacent parcels to facilitate future residential development and establish consistency with the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac) zoned properties to the east. The application was filed in conjunction with a General Plan Amendment (File No. PGPA19-009) to change the General Plan land use designation on the subject site from Rural Residential (0 - 2.0 du/ac) to Low-Medium Density Residential (5.1 - 11.0 du/ac).

The Zone Change as currently proposed is designed to coordinate the land use designations with the properties to the east that front Euclid Avenue. The project site is a land locked parcel, that currently cannot be developed without access; however, the Applicant owns the properties located to the east of project site at 1524 and 1526 South Euclid Avenue. These two properties have a General Plan land use designation of Low-Medium Density Residential and a zoning designation of MDR-11 (Medium Density Residential – 5.1 to 11.0 du/ac). In order to provide the opportunity for the project site to be developed and have access, the General Plan Amendment and Zone Change are required to accomplish lot consolidation and land use designation consistency. The Applicant plans to consolidate all three lots, for a total of 0.65-acre of land, for future residential development. The Zone Change is proposed in order for the zoning to be consistent with the proposed land use designation changes per the accompanying General Plan Amendment, changing the land use designation on the subject site to Low-Medium Density Residential.

































The Planning Commission reviewed the proposed Zone Change on September 22, 2020 including the written and oral remarks presented at the public hearing. The Planning Commission voted 6 to 0, recommending that City Council approve the project as presented.

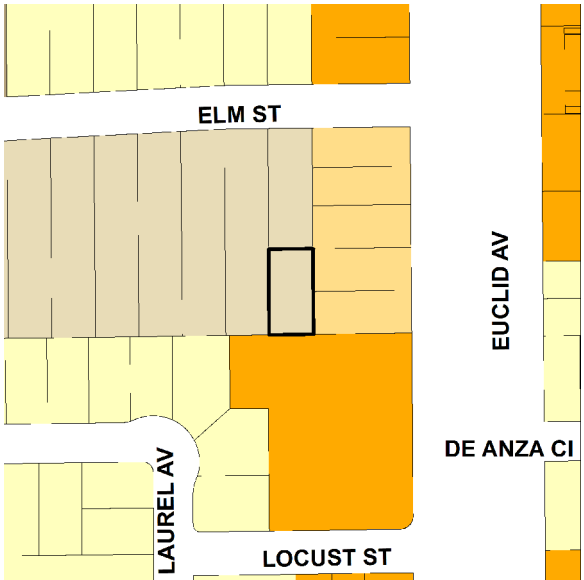
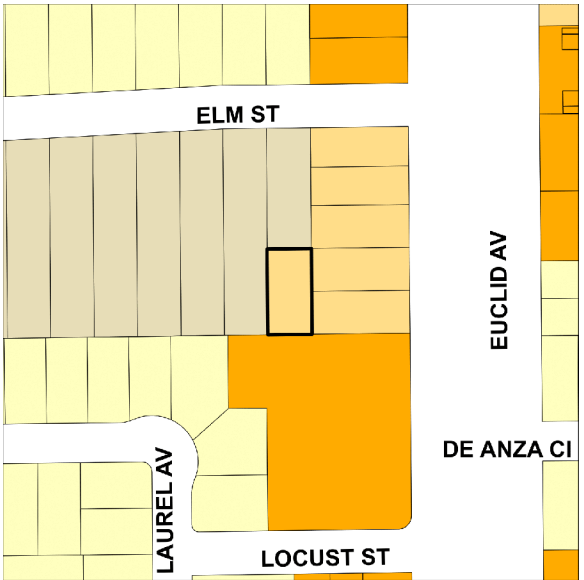
AIRPORT LAND USE COMPATIBILITY: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed Project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

EXHIBIT A — PROPOSED ZONE CHANGE

Legend:

	AR-2, Residential-Agricultural		PUD, Planned Unit Development		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

EXISTING		PROPOSED	
			
TOP:	Rural Residential	Low-Medium Density Residential	
Zoning:	AR-2, Agricultural Residential (0-2 du/ac)	MDR-11, Low-Medium Density Residential (5.1 – 11 du/ac)	
Parcels:	1050-061-16		



PLANNING COMMISSION STAFF REPORT

September 22, 2020

FILE NOS.: PGPA19-009 & PZC19-003

SUBJECT: An Amendment to the Policy Plan (General Plan) component of The Ontario Plan to: [1] modify the Land Use Map (Exhibit LU-01), changing the land use designation from Rural Residential to Low-Medium Density Residential for a land locked parcel totaling 0.21 acres of land generally located west of 1524 and 1526 South Euclid Avenue; and [2] modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and a Zone Change from AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) to MDR-11 (Medium Density Residential – 5.1 to 11.0 du/ac). (APN: 1050-061-16); **submitted by Blaise D’Angelo. This item was continued from the August 25, 2020 meeting. City Council action is required.**

PROPERTY OWNER: OP3, LLC

RECOMMENDED ACTION: That the Planning Commission consider and recommend City Council adoption of an Addendum to The Ontario Plan (TOP) Environmental Impact Report (SCH#2008101140) for File No. PGPA06-001 certified by City Council on January 27, 2010 and recommend City Council approval of File Nos. PGPA19-009 and PZC18-003, pursuant to the facts and reasons contained in the staff report and attached resolutions.

PROJECT SETTING: The project site is comprised of 0.21 acres of land located west of 1524 and 1526 South Euclid Avenue, currently within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district and is depicted in *Figure 1: Project Location*, below. The land locked site is surrounded by existing urban uses. The properties to the north, west and south are developed with single-family and multi-family residences, the property to the northeast is developed with an

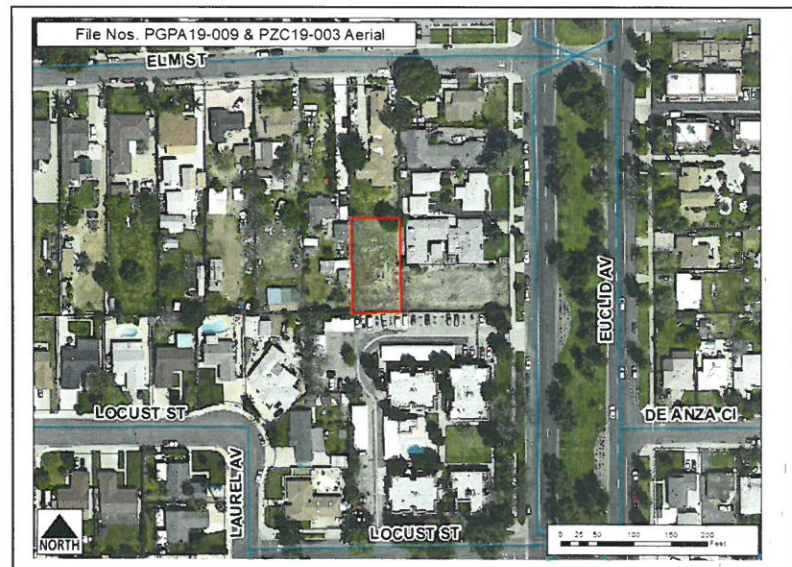


Figure 1: Project Location

Case Planner:	Elly Antuna
Planning Director Approval:	
Submittal Date:	11/18/19

Hearing Body	Date	Decision	Action
DAB	NA		
PC	9/22/20	APPROVAL	Recommend
CC			Final

property to the southeast is undeveloped. The existing surrounding land uses, zoning, and general plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

[1] Background — The Applicant, Blaise D’Angelo, has requested a General Plan Amendment (File No. PGPA19-009) and Zone Change (File No. PZC19-003) for the 0.21-acre land locked parcel as shown in Figure 1. The request is to change the General Plan land use designation from Rural Residential to Low-Medium Density Residential and to change the zoning district from AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) to MDR-11 (Medium Density Residential – 5.1 to 11.0 du/ac) for this single parcel in order for the property owner to facilitate lot consolidation with adjacent parcels located east of the site for the future development of multi-family residential.

[2] Analysis — The project site is a land locked parcel, that currently cannot be developed without access. However, the applicant owns properties located to the east of project site at 1524 and 1526 South Euclid Avenue. These two properties have a General Plan land use designation of Low-Medium Density Residential and a zoning designation of MDR-11 (Medium Density Residential – 5.1 to 11.0 du/ac). The project site has a General Plan land use designation of Rural Residential and a zoning of AR-2 (Residential-Agricultural – 0 to 2.0 du/ac). In order to provide the opportunity for the project site to be developed and have access, the GPA and PZC are required for the lot consolidation and land use designation consistency. Therefore, the Applicant proposes to consolidate all three lots for a total of 0.65 acres of land for a future residential development. The proposed GPA and PZC will be consistent with the Low-Medium Residential along the frontage of Euclid Avenue. Properties to the north, south and east of the project site are developed with single and multi-family dwellings ranging in densities from 4 to 16 units per acre. The property to the northeast of the project is developed with an Assisted Care Facility, and to the southeast by a vacant property, and both are designated as MDR-11 (Low-Medium Density Residential-5.1-11 du/ac). The project site abuts the rear yard of a single-family property to the west and north. Future development of the site would most likely orient dwellings towards Euclid Avenue, with the rear yard abutting the rear yards of properties to the west and north.

Policy Plan Land Use Plan (Exhibit LU-01) Revision

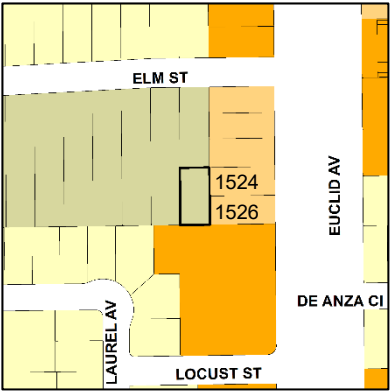
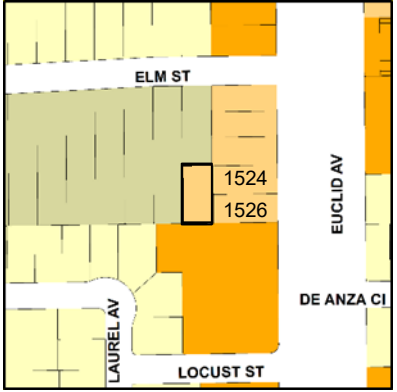
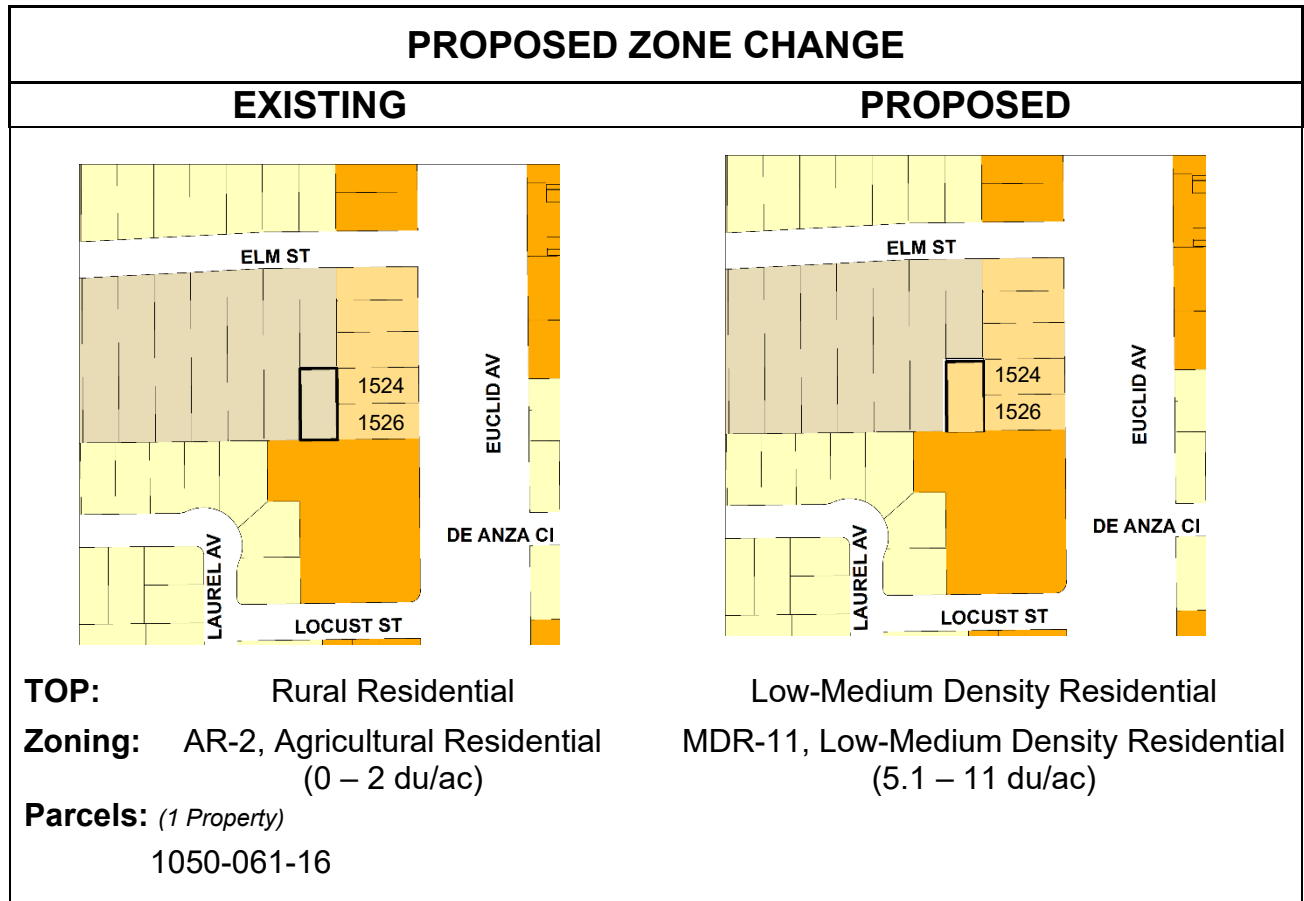
Existing Policy Plan Land Use	Assessor Parcel Number(s) Involved	Proposed Policy Plan Land Use
 <p>Rural Residential</p>	<p>1050-061-16 <i>(1 Property)</i></p> <p>0.21 acres of land generally located west of 1524 and 1526 South Euclid Avenue</p>	 <p>Low-Medium Density Residential</p>



Figure 2: General Plan Amendment



<p>AR-2, Agricultural Residential</p> <p>RE-2, Rural Estate</p> <p>RE-4, Residential Estate</p> <p>LDR-5, Low Density Residential</p> <p>MDR-11, Low-Medium Density Residential</p> <p>MDR-18, Medium Density Residential</p> <p>MDR-25, Medium-High Density Residential</p> <p>HDR-45, High Density Residential</p>	<p>PUD, Planned Unit Development</p> <p>MU, Mixed Use 1 – Downtown, 2-East Holt, 11-Francis&Euclid</p> <p>CS, Corner Store</p> <p>CN, Neighborhood Commercial</p> <p>CC, Community Commercial</p> <p>CCS, Convention Center Support</p> <p>OL, Low Intensity Office</p> <p>OH, High Intensity Office</p>	<p>BP, Business Park</p> <p>IP, Industrial Park</p> <p>IL, Light Industrial</p> <p>IG, General Industrial</p> <p>IH, Heavy Industrial</p> <p>ONT, Ontario Int'l Airport</p> <p>CIV, Civic</p> <p>RC, Rail Corridor</p> <p>OS-R, Open Space - Recreation</p> <p>OS-C, Open Space-Cemetery</p> <p>UC, Utilities Corridor</p> <p>SP, Specific Plan</p> <p>SP(AG), Specific Plan with Agricultural Overlay</p> <p>ES, Emergency Shelter Overlay</p> <p>MTC, Multimodal Transit Center Overlay</p> <p>ICC, Interim Community Commercial Overlay</p>
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COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Policy Plan (General Plan)

Land Use Element:

▪ Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

➤ LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and provides opportunities for choice in living and working environments.

▪ Goal LU2: Compatibility between a wide range of uses.

➤ LU2-1: Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and will not create adverse impacts on adjacent properties.

▪ Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

➤ LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element – Noise Hazards:

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential land use designation is compatible with the Noise Impact area.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by the City Council on January 27, 2010, in conjunction with File NO. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provides for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts. All

previously adopted mitigation measures are a condition of project approval and are incorporated herein by this reference.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Undeveloped Land	Rural Residential – proposed to change to Low-Medium Density Residential	AR-2, Agricultural Residential (0 – 2.0 du/ac) – proposed to change to MDR-11, Low-Medium Density Residential (5.1 – 11 du/ac)
<i>North</i>	Single-Family Residence	Rural Residential	AR-2, Agricultural Residential (0 – 2.0 du/ac)
<i>South</i>	Multi-Family Residences	Medium Density Residential	MDR-18, Medium Density Residential (11.1 – 18 du/ac)
<i>East</i>	Assisted Care Facility/Undeveloped Land	Low-Medium Density Residential	MDR-11, Low-Medium Density Residential (5.1 – 11 du/ac)
<i>West</i>	Single-Family Residence	Rural Residential	AR-2, Agricultural Residential (0 – 2.0 du/ac)

RESOLUTION NO. PC20-063

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PZC19-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 0.21 ACRES OF LAND FROM AR-2, AGRICULTURAL RESIDENTIAL (0-2 DU/AC) TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1050-061-16

WHEREAS, Blaise D'Angelo (hereinafter referred to as "Applicant") has filed an Application for the approval of a Zone Change, File No. PZC19-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to one 0.21-acre parcel of land generally located west of 1524 and 1526 South Euclid Avenue at the south west corner of Elm Street and Euclid Avenue, within the AR-2, Agricultural Residential (0 – 2 du/ac) zoning district of which is proposed to change to MDR-11, Low Medium Density Residential (5.1-11 du/ac). The parcel is undeveloped; and

WHEREAS, the properties to the north and west of the Project site are within the AR-2, Agricultural Residential (0 – 2 du/ac) zoning district and are developed with single-family residences. The properties to the west are within the MDR-11, Low-Medium Density Residential (5.1-11 du/ac) zoning district, on lot is developed with an assisted care facility and one lot is undeveloped. The property to the south is within the MDR-18, Medium Density Residential (11.1-18 du/ac) zoning district and is developed with Multi-family Residential units; and

WHEREAS, a related General Plan Amendment (File No. PGPA19-009) is being processed concurrently with this application to change the General Plan land use designation on 0.21 acres of land from Rural Residential to Low-Medium Density Residential; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies

and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

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

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

WHEREAS, on September 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on September 22, 2020, the Planning Commission recommended City Council approval of a resolution adopting an Addendum to a previous Environmental Impact Report prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of less than significance; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission recommends City Council find as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report, certified by the

City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

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

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

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

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

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

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

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

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

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

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

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

(1) ***The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan as follows:***

Land Use Element:

- **Goal LU1:** A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- **LU1-6: Complete Community.** We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and provides opportunities for choice in living environments.

- **Goal LU2:** Compatibility between a wide range of uses.

- **LU2-1: Land Use Decisions.** We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and will not create adverse impacts on adjacent properties.

- **Goal LU5:** Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- **LU5-7: ALUCP Consistency with Land Use Regulations.** We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

▪ **Goal S4:** An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ **S4-6: Airport Noise Compatibility.** We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential land use designation is compatible with the Noise Impact area.

(2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed zoning designation is compatible with the zoning and land uses in the surrounding area.

(3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The surrounding properties to the east and south have the same land use designation and the properties to the west and north have coordinating land use designations. The allowed uses of the properties will be similar to other properties in the area.

(4) ***The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the request and anticipated development.*** The zoning change from AR-2, Agricultural Residential to MDR-11, Low-Medium Density Residential allows for lot consolidation with adjacent parcels, making the subject site physically suitable for the anticipated future development with allowable uses.

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, as detailed in "Exhibit A" attached hereto and incorporated herein by this reference.

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

applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

SECTION 9: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of September 2020, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Jim Willoughby
Planning Commission Chairman

ATTEST:



Cathy Wahlstrom
Planning Director and
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC20-063, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 22, 2020, by the following roll call vote, to wit:

AYES: DeDiemar, Gage, Gregorek, Reyes, Ricci, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None

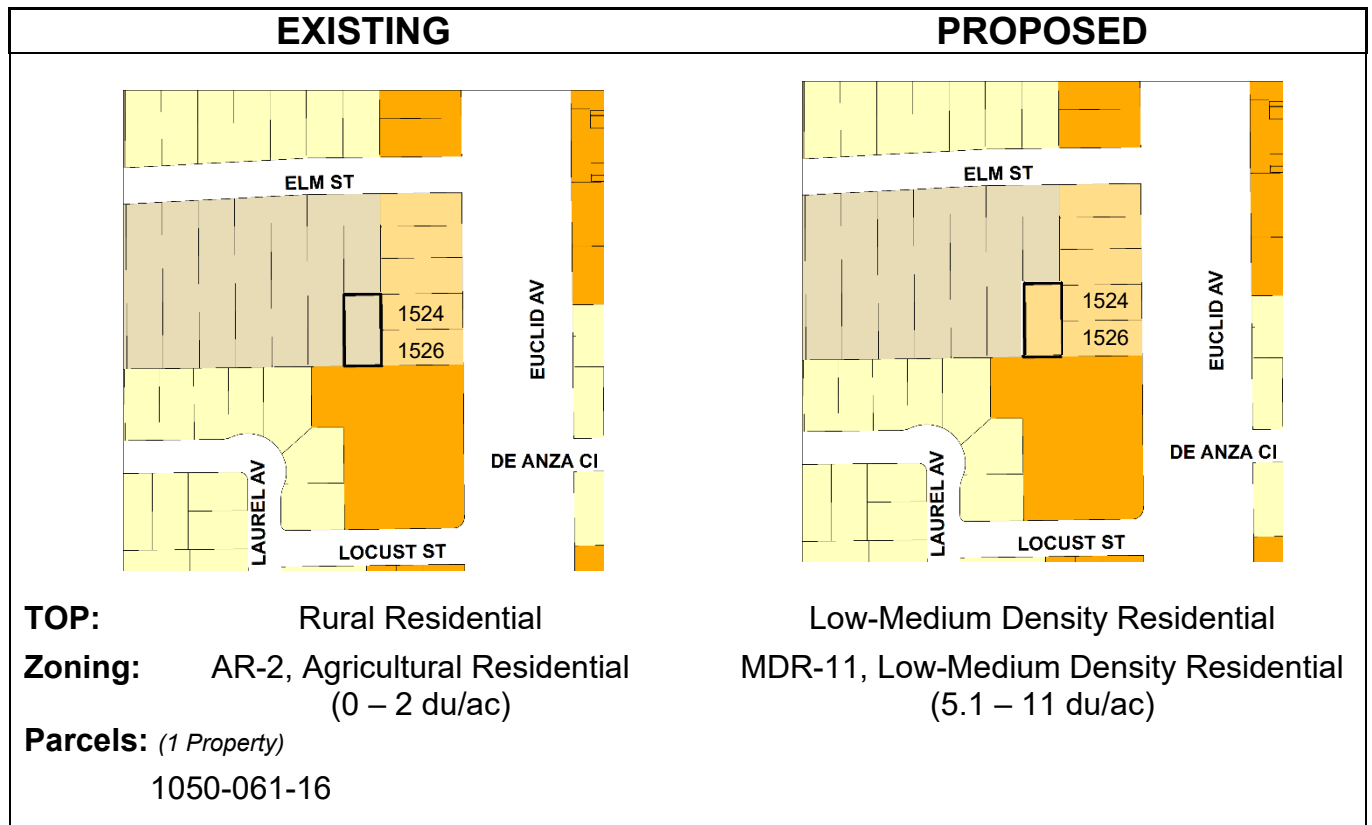


Gwen Berendsen
Secretary Pro Tempore

Exhibit A: File No. PZC19-003 Proposed Zone Change

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC19-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 0.21 ACRES OF LAND FROM AR-2, AGRICULTURAL RESIDENTIAL (0-2 DU/AC), TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), FOR A LAND LOCKED PARCEL LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1050-061-16.

WHEREAS, Blaise D’Angelo ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC19-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to a single undeveloped lot of record totaling 0.21 acres of land generally located west of 1524 and 1526 South Euclid Avenue, within the AR-2 (Agricultural Residential – 0 to 2.0 du/ac) zoning district, which is proposed for change to MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac); and

WHEREAS, the properties to the north and west of the Project site are within the AR-2 (Agricultural Residential – 0 to 2.0 du/ac) zoning district and are developed with single-family dwellings. The properties to the east are within the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac) zoning district and includes a vacant property and a property developed with a residential care facility. The property to the south is within the MDR-18 (Medium Density Residential - 11.1 to 18.0 du/ac) zoning district and is developed with multiple-family residential units; and

WHEREAS, a related General Plan Amendment (File No. PGPA19-009) is being processed concurrently with the subject Zone Change, changing the General Plan land use designation on the subject property, from Rural Residential (0-2.0 du/ac) to Low-Medium Density Residential (5.1-11.0 du/ac). Approval of the subject Zone Change is contingent upon the approval of the proposed General Plan Amendment; and

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

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

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

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act ("CEQA") — Public Resources Code Section 21000 et seq; and

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

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

WHEREAS, on September 22, 2020, the Planning Commission conducted a public hearing and approved Resolution No. PC20-061, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, on September 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-063, recommending the City Council approve the Application; and

WHEREAS, on October 20, 2020, the City Council of the City of Ontario conducted a hearing to consider the Addendum and the Project and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on October 20, 2020, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

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

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to TOP Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

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

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

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

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

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

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

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

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

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

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

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

(1) The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan as follows:

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU1-6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and provides opportunities for choice in living environments.

- Goal LU2: Compatibility between a wide range of uses.

- LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

- S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential land use designation is compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed zoning designations are compatible with the zoning and land uses in the surrounding area.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the south, and east have the same land use designations and the properties to the north and west have coordinating land use designation. The allowed uses of the properties will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested zoning change from AR-2 (Agricultural Residential – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) and to the anticipated future development with allowable uses.

SECTION 6. ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Zone Change, as shown in “Exhibit A,” attached hereto and incorporated herein by this reference.

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 3rd day of November 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST AND 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. 3169 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 20, 2020 and adopted at the regular meeting held November 3, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

































I hereby certify that the foregoing is the original of Ordinance No. 3169 duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2020 and that Summaries of the Ordinance were published on October 27, 2020 and November 10, 2020, in the Inland Valley Daily Bulletin newspaper.

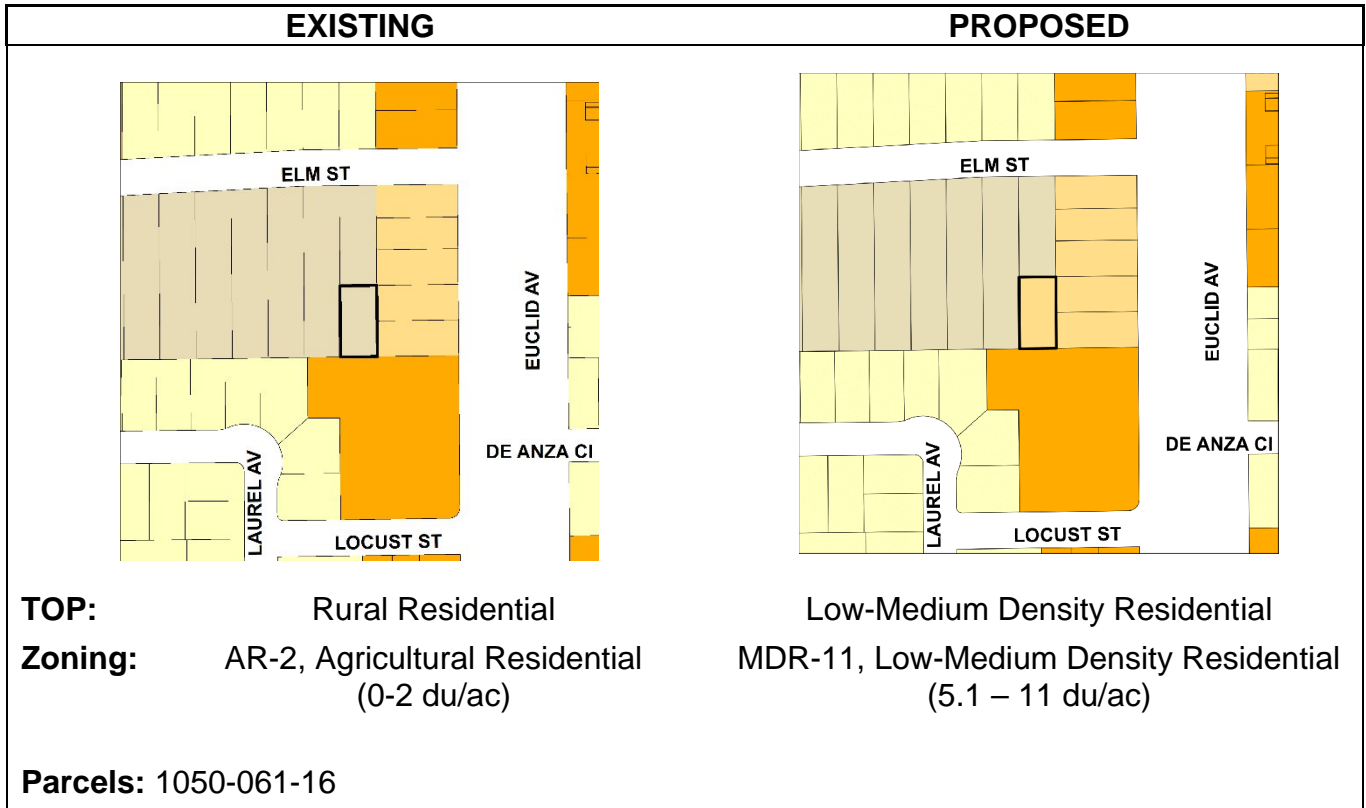
SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment 1: Proposed Zone Change

Legend:


	AR-2, Residential-Agricultural		PUD, Planned Unit Development		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay



CITY OF ONTARIO

Agenda Report
November 3, 2020

SECTION: CONSENT CALENDAR

Department: Records Management
Prepared By: Claudia Y Isbell
Staff Member Presenting:
Darlene M. Sanchez, Assistant City Manager
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 7

SUBJECT: A RESOLUTION ESTABLISHING THE USE AND ACCEPTANCE OF ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS BY THE CITY OF ONTARIO WHEN CONDUCTING CITY BUSINESS

RECOMMENDATION: That the City Council adopt a resolution allowing the use and acceptance of electronic and digital signatures by the City of Ontario (“City”) when conducting City business and direct the City Manager, or designee, to implement guidelines for the use and acceptance of electronic and digital signatures by the City.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: Staff anticipates nominal administrative costs to implement the use of digital and electronic signatures. Costs will be absorbed in the City Clerk's FY 2020-21 adopted budget.

BACKGROUND & ANALYSIS: In December 2019, an outbreak first identified in Wuhan City, Hebei Province, China, of novel COVID-19, resulted in respiratory illness. Soon after, the World Health Organization characterized COVID-19 as a “pandemic.” On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency, issuing a statewide stay at home order in response to the pandemic. The stay at home order resulted in in the City conducting business electronically and remotely, including video conference, telephone conference, and electronic transmission of documents. Therefore, City staff has strategically focused on developing practices that will allow the City to continue to work efficiently, such as implementing electronic and digital signatures for when conducting City business.

The general legal framework for the use of electronic signatures on electronic records has been in place for over a decade. In 1999, the State of California adopted a version of the Uniform Electronic Transactions Act (UETA), guaranteeing that electronic signatures would have the same legal effect as a “wet” or manual signature. (Civ. Code §§ 1633.1-1633.17.) An “electronic signature” is “an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.” (Civ. Code, § 1633.2(h). In 2000, Congress passed the Electronic Signatures in Global and National Commerce Act (E-SIGN Act), which mandated the same treatment of electronic signatures in interstate or foreign commerce. (15 U.S.C. 7001.)

Additionally, in 1995, five years before the UETA and E-SIGN Act were adopted, the California Legislature authorized public entities to accept “digital signatures” on the condition that they comply

with stringent verification procedures established by the Secretary of State (Gov. Code § 16.5). A “digital signature” is an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. (Gov. Code, § 16.5(d).) A digital signature is a subset of an electronic signature, and is more secure and reliable than other forms of electronic signatures. Staff has begun security and fraud preventative measures by only accepting digital and electronic signatures from industry approved vendors with establish security regulations. Authorization of this resolution will allow for further implementation of specific guidelines that will ensure electronic signature authentication.

The Secretary of State adopted regulations in 1998 approving the use of digital signatures, only if they could be verified using Public Key Infrastructure (PKI) or Signature Dynamics technologies. (2 C.C.R. § 22003.) Those regulations are temporarily superseded by emergency regulations effective through October 20, 2020, or until that date is extended or the emergency regulations are made permanent by regulatory action. Although Government Code section 16.5 and the California Secretary of State’s regulations set forth requirements for the use of “digital signatures,” they do not limit the manner in which the City may use or accept electronic signatures.

Permitting the use of electronic signatures is anticipated to provide City staff, vendors, and others the flexibility to expeditiously review and sign documents at any time and location, as well as reducing the need to print or send documents via mail or commercial delivery services. This will improve efficiency, save time, and improved tracking of documents. However, electronic signatures cannot replace traditional “wet” signatures associated with real estate transactions, or substitute for signatures that must be notarized.

This Resolution would allow the use and acceptance of electronic and digital signatures by the City when conducting City business and direct the City Manager, or designee, to implement guidelines for the use and acceptance of electronic and digital signatures by the City when conducting City business.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING THE USE AND ACCEPTANCE OF ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS BY THE CITY OF ONTARIO WHEN CONDUCTING CITY BUSINESS.

WHEREAS, as a consequence of Covid-19 “pandemic” and a stay at home order issued by Governor Gavin Newsom, city governments are having to conduct business electronically and remotely, including by the use of video conferencing, telephone conferencing, and electronic transmission of records and signatures; and

WHEREAS, it is the intent of the City of Ontario (“City”) to improve city processes to become more efficient and cost effective by allowing for the use and acceptance of electronic signatures when conducting City business; and

WHEREAS, benefits of allowing electronic signatures include, but are not limited to, reduction of printed paper, time, and costs associated with the transmitting and approving of physical documents; and

WHEREAS, the City desires to improve its processes and become more efficient without compromising security; and

WHEREAS, electronic signatures have been incorporated into federal law by the Electronic Signatures in Global and National Commerce Act and into California law by the Uniform Electronic Transactions Act (“UETA”) (Civil Code section 1633.1 et seq.) and Government Code section 16.5; and

WHEREAS, pursuant to Civil Code section 1633.2, “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. A “digital signature” as defined in subdivision (d) of Section 16.5 of the Government Code is a type of electronic signature.; and

WHEREAS, pursuant to California Govt. Code 16.5 (d), “digital signature” means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature; and

WHEREAS, pursuant to California Govt. Code 16.5 (a), “If a public entity elects to use a digital signature, that digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

- (1) It is unique to the person using it.
- (2) It is capable of verification.
- (3) It is under the sole control of the person using it.
- (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
- (5) It conforms to regulations adopted by the Secretary of State.

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

SECTION 1. The City Council does hereby find and declare that the above recitals are true and correct.

SECTION 2. The City Council hereby approves and adopts this Resolution establishing and authorizing use and acceptance of electronic and digital signatures when conducting City business, where permissible by law, including, but not limited to, Civil Code section 1633.1 et seq. and Government Code section 16.5 and their implementing regulations.

SECTION 3. The City Manager, or designee, is directed to implement guidelines for the use and acceptance of electronic signatures by the City to achieve the following objectives: (1) to create and maintain documentation of the systems used to create electronically signed records and the electronic signatures they contain; (2) to ensure that records that include electronic signatures are created and maintained in a secure environment that protects the records from unauthorized alteration or destruction; (3) to ensure that electronic signature authentication follows the City's identity management protocols (i.e., secure network login/password procedures) so that unless an employee is active and in good standing they may not sign an electronic document; (4) to implement standard operating procedures for the creation, use, and management of electronic signatures and electronically signed records, and to maintain adequate written documentation of those procedures; (5) to create and maintain electronic signatures and electronically signed records according to the documented standard operating procedures; and (6) to inform City staff as to the standard operating procedures for electronic signatures and electronically signed records.

SECTION 4. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA"). The determination given in this Resolution does not commit the City of Ontario to any action that may have a significant effect on the environment. As a result, pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, such determination does not constitute a project subject to the requirements of CEQA.

SECTION 6. 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 3rd day of November 2020.

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 Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 3, 2020

**SECTION:
CONSENT CALENDAR**

Department: Fire Department
Prepared By: Jordan T Villwock
Staff Member Presenting:
Darlene M. Sanchez, Assistant City Manager
Reviewed By: Nubia Roman
Approved By:



Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 8

SUBJECT: A RESOLUTION REQUESTING RECOGNITION OF SUB-REGIONS WITHIN SAN BERNARDINO COUNTY FOR THE PURPOSE OF DETERMINING TIER DESIGNATIONS UNDER THE STATE'S "BLUEPRINT FOR A SAFER ECONOMY"

RECOMMENDATION: That the City Council adopt the resolution requesting recognition of sub-regions within San Bernardino County for the purpose of determining tier designations under the State's "Blueprint for a Safer Economy".

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:

Invest in the Growth and Evolution of the City's Economy

Operate in a Businesslike Manner

FISCAL IMPACT: There is no fiscal impact associated with this resolution.

BACKGROUND & ANALYSIS: The County of San Bernardino is expected to remain in the "Purple Tier" for several more weeks with significant restrictions on our businesses remaining in effect.

The attached resolution formally requests that the State of California recognize the unique geography of San Bernardino County, and the varying COVID-19 testing capabilities, which are greater in communities with higher populations, and designate sub-regions of San Bernardino County for the purpose of determining tier designations under the State's "Blueprint for a Safer Economy".

The County of San Bernardino County is the largest county in the United States in terms of land area, it is nearly twice the size of the second largest county in California (Inyo County), and is many times larger than every other county in California. Additionally, San Bernardino County is a geographically diverse county, with large suburban communities in the Los Angeles metro area, smaller mountain communities at high elevation and considerable distance from other populated areas, and isolated desert communities located several hours from other more densely populated communities in the county.

The City of Ontario is currently experiencing an average positivity rate of 7% however, because the County as a whole is not testing enough, our rate gets adjusted by the State and is averaging 10% thus preventing the City of Ontario to enter into the "Red", less restrictive phase, of the State's Blueprint for a Safer Economy Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING RECOGNITION FOR THE PURPOSE OF DETERMINING TIER DESIGNATIONS UNDER THAT STATE'S "BLUEPRINT FOR A SAFER ECONOMY".

WHEREAS, the State of California has established its "Blueprint for a Safer Economy" that assigns all California counties to one of four business reopening tiers based on its actual COVID-19 experience with regard to new cases, test results, and health equity; and

WHEREAS, San Bernardino County is the largest in the United States, and is nearly the size of the State of West Virginia; and

WHEREAS, San Bernardino County is nearly twice as large as Inyo County, the second largest county in California; and

WHEREAS, San Bernardino County is a geographically diverse county, with large suburban communities in the Los Angeles metro area, smaller mountain communities, and isolated desert communities located several hours from other more populated communities in the county; and

WHEREAS, other cities located within San Bernardino County are not conducting sufficient testing under the "Blueprint for a Safer Economy" thus preventing the City of Ontario from advancing to less restrictive tiers, thereby causing economic harm in these communities; and

WHEREAS, in October 2020, the City of Ontario experienced an average of 7% positivity rate however, due to the other cities and the County of San Bernardino not testing enough, the City of Ontario's rate gets adjusted to an average of 10%, thus preventing the City of Ontario from progressing into the "Red", less restrictive tier; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario that it hereby requests that the State of California recognize the unique geography of San Bernardino County, the varying COVID-19 experiences in the communities within the County of San Bernardino, and designate sub-regions of San Bernardino County for the purpose of determining tier designations under the State's "Blueprint for a Safer Economy".

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

PASSED, APPROVED, AND ADOPTED this 3rd day of November 2020.

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 Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 3, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held November 3, 2020.


SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 3, 2020

**SECTION:
ADMINISTRATIVE
REPORTS/DISCUSSION/ACTION**

Department: Records Management
Prepared By: Darlene M Sanchez
Staff Member Presenting:
Darlene M. Sanchez, Assistant City Manager
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 10

SUBJECT: INTRODUCTION OF AN ORDINANCE REGARDING THE ADOPTION OF CAMPAIGN FINANCE LIMITS, PURSUANT TO ASSEMBLY BILL 571

RECOMMENDATION:

That the City Council introduce and waive further reading of an ordinance regarding the adoption of campaign finance limits, pursuant to Assembly Bill 571.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: Staff anticipates a minimal fiscal impact associated with the enforcement of this proposed Ordinance.

BACKGROUND & ANALYSIS: In October of 2019, the State of California adopted AB 571 relating to campaign finance limits for all elective offices in the state, including city councils. The statute requires that cities must either adopt their own limits by December 31, 2020 or default to the state's limits. Of note, the statute does not speak to the limits that cities may adopt if they pass a local ordinance; but only that they have a stated amount. The state's default limits range from \$31,000 from an individual person for statewide offices down to \$4,700 from an individual person for local elections. The proposed Ordinance contemplates a \$4,700 annual limit from individual persons.

If a municipality adopts its own limits then it becomes responsible for enforcement, as opposed to the Fair Political Practices Commission. The proposed Ordinance establishes and defines violations as noncriminal infractions, punishable by administrative fines pursuant to the City's adopted administrative fine schedule. This schedule exists today in the City's Municipal Code to enforce penalties on civil code enforcement violations. The schedule features a fine structure that increases with the frequency of violations. The proposed Ordinance allows for a notice and cure procedure, prior to the assessment of a fine. Staff will present enforcement options to the Council in the coming month to determine the most effective means of assessing fines (for example, through the City Attorney's office, the City Manager, office of the City Clerk, a contracted third party outside of the City, etc.).

Lastly, given other changes to state law in the area of campaign finance disclosures that take effect on January 1, 2021 (for example, filing disclosure forms, mandated posting with 72 hours, etc.), staff believes that the cost to administer this proposed Ordinance will be minimal as violations will be self-evident and matters of public record.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 2 OF THE ONTARIO
MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS.

WHEREAS, Assembly Bill (AB) 571, which will go into effect statewide beginning on January 1, 2021, authorizes the City to set its own local campaign contribution limits; and

WHEREAS, if the City does not set its own limits as authorized by AB 571, the Statewide default contribution limits for elective county and city offices will automatically go into effect in the City, and those limits would align with the contribution limits set for elected officers of the State Assembly and Senate (currently no more than \$4,700 from an individual person per election); and

WHEREAS, under AB 571, the Fair Political Practices Commission (FPPC) will have administration and enforcement authority regarding the default contribution limits for cities and counties without their own local contribution limits, and makes violations of default contribution limits within the FPPC's purview punishable as a misdemeanor; however, if the City adopts its own local limits, enforcement authority rests with the City; and

WHEREAS, the City Council of the City of Ontario wishes to preserve local control and set limits that are more precisely tailored to the needs of the Ontario community.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES
ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the recitals set forth above are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Chapter 10, of Title 2 the Municipal Code is hereby amended to add new Sections 2-10.06, 2-10.07 and 2-10.08, to read in their entirety as follows:

"Sec. 2-10.06 Local Campaign Contribution Limits.

A person shall not make to a candidate for elective city office, and a candidate for elective city office shall not accept from a person, a contribution totaling more than four thousand, seven hundred dollars (\$4,700) per calendar year, as that amount is increased by the Deputy City Clerk in January of every year to reflect any increase in the Consumer Price Index. The increase shall be rounded to the nearest one hundred dollars (\$100).

“Sec. 2-10.07. Duties of the Office of the City Clerk.

The Office of the City Clerk shall administer the provisions of this Chapter. In addition to other duties required of the Office of the City Clerk under the terms of this Chapter, the Office of the City Clerk shall:

- (a) Supply appropriate forms and manuals to all candidates and committees, and to other persons required to file reports.
- (b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this Chapter and state law.
- (c) Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by this Chapter, and promptly notify a person, candidate, campaign treasurer, political committee or broad-based political committee of any violations of this Chapter. The Office of the City Clerk shall inform the person, candidate, campaign treasurer, political committee or broad-based political committee that they shall have two (2) weeks to correct the violation.
- (d) Compile and maintain a current list of all statements or parts of statements filed with the City Clerk’s office pertaining to each candidate.
- (e) Monitor reports and statements filed by candidates and committees supporting or opposing candidates for city council, mayor, city clerk and city treasurer as required by this Chapter.

Sec. 2-10.08 Violation - Penalty.

- (a) Upon notification to the City Prosecutor by the Office of the City Clerk of a violation that has not been corrected pursuant to Section 2-10.07(c), the City Prosecutor shall issue a citation for the violation. Any person violating any of the provisions of this Chapter relating to campaign contributions and disclosure is guilty of an infraction, punishable in accordance with Chapter 5 of Title I of this Code”

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. 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 _____ 2020.

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. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held November 3, 2020 and adopted at the regular meeting held _____, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)