ORDINANCE NO. 3047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CREATING AND AUTHORIZING THE ONTARIO HOUSING AUTHORITY COMMISSION AND AMENDING ARTICLE 1 AND ADDING ARTICLE 11 OF CHAPTER 2 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE.

WHEREAS, the City Council of the City of Ontario ("City") declared the need for and established the Ontario Housing Authority ("Authority") to transact business and exercise power inferred on the Authority under Housing Authorities Law (Health & Safety Code, § 34200 et seq.); and

WHEREAS, the Authority is engaged in activities to execute and implement affordable housing pursuant to the provisions of the Housing Authorities Law; and

WHEREAS, pursuant to Health and Safety Code section 34290, the City Council can create a housing commission by ordinance pursuant to Health and Safety Code Section 34291 to review and make recommendations to the Authority and appoint tenant commissioners to serve on the housing commission; and

WHEREAS, the City Council desires to establish and authorize the Ontario Housing Authority Commission ("Commission") to, pursuant to Health and Safety Code Section 34291, review, advise and make recommendations to the Authority, as specified in the Commission bylaws; and

WHEREAS, the Commission shall have seven (7) housing commissioners ("Commissioners"), the qualifications, method of appointment and removal of which are set forth herein and in the Commission bylaws, to serve in a purely advisory role; and

WHEREAS, the City Council desires to have each of the five (5) City Council members submit to the Mayor the name of one (1) person proposed for appointment as a Commissioner to the Commission. The City Council-appointed Commissioners will serve as five (5) of the seven (7) Commissioners. Additionally, if the Authority has tenants, the City Council as a whole, by majority vote, shall appoint two (2) tenants of the Authority, one (1) of which shall be over sixty-two (62) years of age, if the Authority has tenants over that age, ("Tenant Commissioners") as at-large Commissioners to complete the Commission; and

WHEREAS, the Tenant Commissioners shall have all the powers, duties, privileges and immunities of any other Commissioner; and

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

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

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. Municipal Code Amendment.

Section 2-2.101 of Article 1 of Chapter 2 of Title 2 of the Ontario Municipal Code is hereby amended, with added text shown underlined, to read in its entirety as follows:

"Sec. 2-2.101. Appointment, number, removal, terms and vacancies of regular and at-large members of commissions, committees and boards.

(a) All members of the City's committees, commissions and boards shall be appointed and removed and shall serve subject to the terms set forth in this section, unless specifically otherwise provided. This section shall not apply to ad hoc committees, commissions or boards which are established from time to time by the City Council other than by means of adoption of an ordinance. This section shall, however, apply to the following committees, commissions and boards which have been created within the City and which are provided for in the Code as indicated below:

(1) Planning Commission (Title 2, Chapter 2, Article 3).

(2) Recreation and Parks Commission (Title 2, Chapter 2, Article 4).

(3) Ontario Public Library Board of Trustees (Title 2, Chapter 5).

(4) Ontario Museum of History and Art Board of Trustees (Title 2, Chapter 9).

(5) Ontario Housing Authority Commission (Title 2, Chapter 2, Article 1).

(b) All committees, commissions and boards shall consist of not more than five (5) members, except:

(1) The Recreation and Parks Commission shall consist of seven (7) regular members and one (1) non-voting student member. The seven (7) regular members shall include two (2) school representatives, one from the high school level and one from the elementary school level, and these two (2) shall be at-large members appointed under the process described in subsection (d)(4). The application process, selection, term and duties of the student member shall be consistent with the Recreation and Parks Commission's administrative policy, as amended from time to time.

(2) The Planning Commission shall consist of seven (7) members, two (2) of which shall be at- large members appointed under the process described in subsection (d)(4).

(3) The Ontario Housing Authority Commission shall consist of seven (7) members. The seven (7) members shall include five (5) regular members appointed by each of the five (5) City Council members and, if the Housing Authority has tenants, two (2) tenant members, who are tenants of the Housing Authority, one (1) of which shall be over sixty-two (62) years of age, if the Housing Authority has tenants over that age, and these two (2) shall be at-large members appointed under the process described in subsection (d)(4).

(c) Members of each committee, commission and board shall be residents of the City, but shall not otherwise be employees of the City while serving on such committee, commission or board.

(d) With the exception of the non-voting student member of the Recreation and Parks Commission, members of each of the City's committees, commissions and boards shall be appointed in accordance with the following procedures:

(1) Any resident desiring appointment to a committee, commission or board must complete a formal application to be filed with the City Clerk.

(2) Immediately after the regular municipal election, the City Clerk shall solicit applications for at-large seats. The City Clerk shall also solicit applications for individual City Council-nominated seats, should any City Council member so request. Said solicitations shall be published at least once in a local newspaper of general circulation.

(3) Each of the five (5) City Council members shall submit to the Mayor the name of one (1) person proposed for appointment to a committee, commission or board; said nominees shall be eligible for appointment only if a formal application is on file with the City Clerk, and upon approval of such appointment by the Mayor and concurrence of the City Council, the name of the appointee shall be recorded in the minutes of the City Council meeting. If the City Council member responsible for the original nomination fails to make a successful nomination within sixty days following the beginning of that City Council member's term, the City Council may itself appoint an individual to fill that position.

(4) The City Council, by a majority vote, shall appoint two (2) of its members to serve as a Nominations Committee to bring forward nominees from the applicant pool to serve as the at-large members on committees, commissions or boards. These nominees must be approved by the Mayor and the concurrence of the City Council.

(5) In the case of a vacancy on committees, commissions or boards, the City Council member who made the original nomination shall have the right to nominate a person to fill the vacancy subject to the approval of the Mayor and the concurrence of the City Council in accordance with subsection (d)(3). If the City Council member who made the original nomination fails to make a successful nomination following the vacancy, the City Council may itself appoint an individual to fill that position. If the vacancy occurs by an at-large member appointed through the process in subsection (d)(4), then the nomination of a replacement shall be made in accordance with that subsection.

(e) A City Council member may submit to the Mayor the name of an appointee proposed for removal by a commission, committee or board, and upon approval of such name by the Mayor and concurrence of the City Council, such appointee's removal shall be recorded in the minutes of the City Council meeting.

(f) Any member of any committee, commission or board may be removed by a majority vote of the City Council."

Article 11 of Chapter 2 of Title 2 of the Ontario Municipal Code is hereby added, to read in its entirety as follows:

Sec. 2-2.1101. Established.

Pursuant to the provisions of Cal. Health & Safety Code § 34291, there is created a housing commission for the City of Ontario, which shall be known as the "Ontario Housing Authority Commission.

Sec. 2-2.1102. Powers and duties.

The Ontario Housing Authority Commission shall serve in an advisory capacity to the Ontario Housing Authority and shall review and make recommendations on all matters to come before the Ontario Housing Authority prior to authority action, except emergency matters and matters which, by resolution, are excluded from its review.

Sec. 2-2.1103. Organization.

The Ontario Housing Authority Commission, as appropriate, may on or after the date of final adoption of the ordinance codified in this article, approve by resolution all other items necessary or beneficial for the Ontario Housing

Authority Commission to transact business and conduct its affairs.

SECTION 3. Creation and Authorization. The Ontario Housing Authority Commission is hereby created and authorized to review, advise and make recommendations to the Ontario Housing Authority Commission.

SECTION 4. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs City staff to file a Notice of Exemption with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity 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 City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

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

SECTION 8. Certification. 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 19th day of April 2016.

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. 3047 was duly introduced at a regular meeting of the City Council of the City of Ontario held April 5, 2016 and adopted at the regular meeting held April 19, 2016 by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, DORST-PORADA, WAPNER, BOWMAN AND AVILA
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE

Sheila Mautz
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3047 duly passed and adopted by the Ontario City Council at their regular meeting held April 19, 2016 and that Summaries of the Ordinance were published on April 12, 2016 and April 26, 2016 in the Inland Valley Daily Bulletin newspaper.

Sheila Mautz
SHEILA MAUTZ, CITY CLERK

(SEAL)