

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
APRIL 5, 2016**

**Paul S. Leon**  
Mayor

**Debra Dorst-Porada**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Paul Vincent Avila**  
Council Member



**Al C. Boling**  
City Manager

**John E. Brown**  
City Attorney

**Sheila Mautz**  
City Clerk

**James R. Milhiser**  
Treasurer

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

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

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

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

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

**6:00 p.m.**

***ROLL CALL***

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

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

***CLOSED SESSION***

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case.*

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

***PLEDGE OF ALLEGIANCE***

Council Member Wapner

***INVOCATION***

Asst. Pastor Sean Thurin, Calvary Chapel Ontario

***REPORT ON CLOSED SESSION***

City Attorney

## **PUBLIC COMMENTS**

**6:30 p.m.**

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

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

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

## **CONSENT CALENDAR**

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

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

### **1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of March 1, 2016, approving same as on file in the Records Management Department.

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

**Bills** February 7, 2016 through February 20, 2016 and **Payroll** February 7, 2016 through February 20, 2016, when audited by the Finance Committee.

### **3. A RESOLUTION APPROVING OFFICIAL MAP NO. 1009 LOCATED ON THE SOUTH SIDE OF ONTARIO RANCH ROAD BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE**

That the City Council adopt a resolution approving Official Map No. 1009 located on the south side of Ontario Ranch Road between Archibald Avenue and Haven Avenue within the Grand Park Specific Plan Area.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OFFICIAL MAP NO. 1009 LOCATED ON THE SOUTH SIDE OF ONTARIO RANCH ROAD BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE.

**4. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY**

That the City Council designate Mayor pro Tem Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 5, 2016.

**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.

**5. AN ORDINANCE CREATING AND AUTHORIZING THE CREATION OF THE ONTARIO HOUSING AUTHORITY COMMISSION AND AMENDING ARTICLE 1 AND ADDING ARTICLE 11 OF CHAPTER 2 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE; AND ADOPTION OF RESOLUTIONS APPROVING AND ADOPTING BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION**

That the City Council and Housing Authority Board:

- (A) Introduce and waive further reading of an ordinance creating and authorizing the creation of the Ontario Housing Authority Commission and amending Article 1 and adding Article 11 to Chapter 2 of Title 2 of the Ontario Municipal Code; and
- (B) Adopt resolutions approving and adopting the bylaws for the Ontario Housing Authority Commission.

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND ADOPTING THE BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION.



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

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND ADOPTING THE BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION.

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

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.

**6. A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO UPHOLD THE ZONING ADMINISTRATOR'S DENIAL OF A CONDITIONAL USE PERMIT (FILE NO. PCUP15-016) FOR THE ESTABLISHMENT AND OPERATION OF AN ORGANIC MATERIALS FACILITY (COMPOSTING OF GREEN WASTE, MANURE, FOOD MATERIALS, FATS OILS AND GREASE) ON A 34.76-ACRE PORTION OF 37.4 ACRE PARCEL OF LAND WITHIN THE AG (AGRICULTURE) OVERLAY ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF SCHAEFER AVENUE AND CAMPUS AVENUE, AT 7435 EAST SCHAEFER AVENUE (APNS: 1053-101-01, 02, AND 1053-091-01)**

That the City Council consider the applicant's request to continue the appeal to the June 7, 2016, regular City Council meeting, and, if deemed appropriate by the City Council, keep the public hearing open and continue the public hearing to June 7, 2016.

## **ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

**7. A PUBLIC MEETING TO RECEIVE TESTIMONY REGARDING THE RENEWAL OF THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND ASSESSMENT OF AN ASSOCIATED LEVY**

That the City Council hold a public meeting to receive testimony on the proposed renewal of and levy for the Greater Ontario Tourism Marketing District (GOTMD).

## **STAFF MATTERS**

### ***CONFIRMATION OF FIRE CHIEF APPOINTMENT***

City Manager Boling

## **COUNCIL MATTERS**

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

## **ADJOURNMENT**

**CITY OF ONTARIO  
CLOSED SESSION REPORT**

City Council // Housing Authority // Other // (GC 54957.1)

**April 5, 2016**

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

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

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

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:  
*One (1) case*

**No Reportable Action**

**Continue**

**Approved**

/ /

/ /

/ /

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

Reported by: \_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

## Agenda Report

April 5, 2016

## SECTION: CONSENT CALENDAR

**SUBJECT:** A RESOLUTION APPROVING OFFICIAL MAP NO. 1009 LOCATED ON THE SOUTH SIDE OF ONTARIO RANCH ROAD BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE

**RECOMMENDATION:** That the City Council adopt a resolution approving Official Map No. 1009 located on the south side of Ontario Ranch Road between Archibald Avenue and Haven Avenue within the Grand Park Specific Plan Area.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
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 the New Model Colony

**FISCAL IMPACT:** None. No development or subdivision improvements are required for this map.

**BACKGROUND:** Official Map No. 1009 was submitted by Ontario Edison Holdings, LLC (Mr. Richard Cisakowski, Manager) to correct a discrepancy in existing survey documents describing the existing parcels between Ontario Ranch Road to the north, Haven Avenue to the east, Eucalyptus Avenue to the south and Archibald Avenue to the west (see Exhibit "1" of this report). There are two existing record of survey documents, recorded in the 1940's and 1950's that measure the parcel lines within this area differently. The County Surveyor has deemed both to be accurate and correctly done. Therefore, the purpose of this subject map is to reconcile the different dimensions and establish one single record of survey to describe the property boundaries.

This map was previously submitted as Parcel Map 19560 and approved by the City Council on March 3, 2015. However, the San Bernardino County Recorder's Office requires tax bonds to be submitted prior to recordation of the map. Because the applicant does not have the bonding capacity to satisfy this requirement, an official map is submitted in lieu of the parcel map to correct the boundary discrepancies without being subject to the tax bonding requirements.

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

Prepared by: Bryan Lirley, P.E.  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/05/2016

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

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

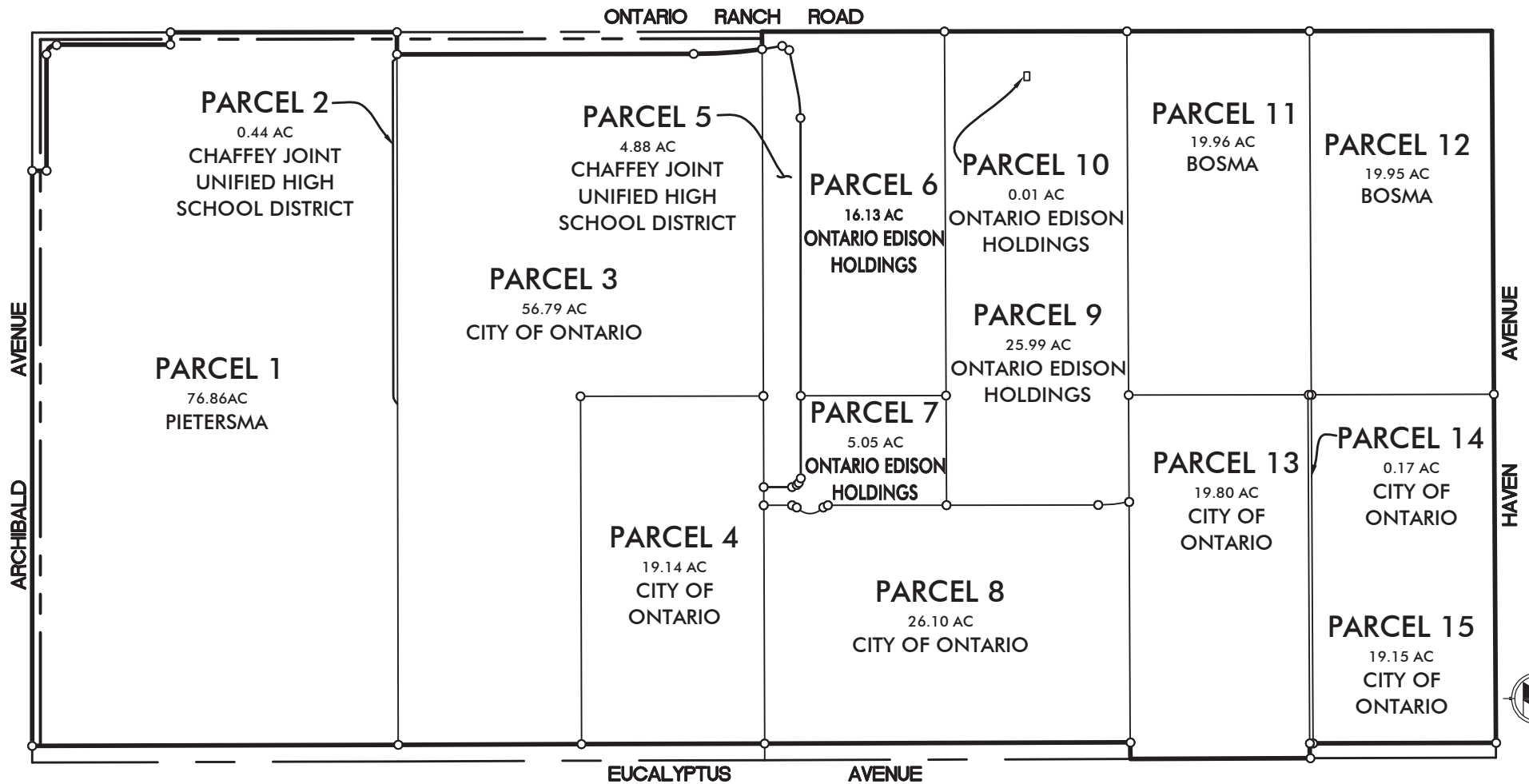
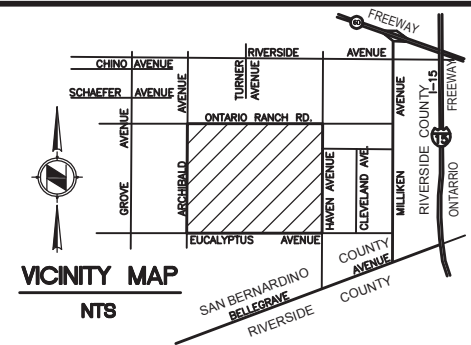
Denied: \_\_\_\_\_

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This Official Map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

# EXHIBIT "1"

## OFFICIAL MAP NO. 1009



PREPARED BY:



DATE: March 2, 2016

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OFFICIAL MAP NO. 1009 LOCATED ON THE SOUTH SIDE OF ONTARIO RANCH ROAD BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE.

WHEREAS, there are two existing records of survey documents recorded in the 1940s and 1950s that measure the parcel lines within this area differently, and

WHEREAS, the County Surveyor has deemed both to be accurate and correct, and

WHEREAS, the City of Ontario has caused Official Map 1009 to be prepared to reconcile the different dimensions and establish one single record of survey to describe the property boundaries.

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

SECTION 1. It is hereby ordered that the said map consisting of five sheets, be and the same is hereby approved and adopted in accordance with the provisions of Division 3 of the Government Code, Sections 66499.50 through 66499.58 inclusive, for the uses and purposes named therein.

SECTION 2. The City Clerk of the City of Ontario is hereby directed to endorse on the face of said map, a copy of this Resolution attested by the official seal of the City of Ontario and is also directed to cause the said endorsed map to be recorded in the Office of the County Recorder for the San Bernardino County.

SECTION 3. The City Engineer is directed to certify that this map complies with the provisions of the Government Code, Provision 3, Sections 66499.50 through 66499.58.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of April 2016.

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PAUL S. LEON, MAYOR



ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2016-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 5, 2016 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. 2016-       duly passed and adopted by the Ontario City Council at their regular meeting held April 5, 2016.

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

(SEAL)

# **CITY OF ONTARIO**

## *Agenda Report*

April 5, 2016

## **SECTION: CONSENT CALENDAR**

**SUBJECT: DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY**

**RECOMMENDATION:** That the City Council designate Mayor pro Tem Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 5, 2016.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** There is no direct fiscal impact by taking this action; however, representation and participation in the SCAG General Assembly will help establish policy on matter which may affect the City's finances.

**BACKGROUND:** SCAG has scheduled their General Assembly for May 5, 2016, during the 2016 Regional Conference in La Quinta, California. At the General Assembly, members consider and take actions on resolutions that determine policy matters for SCAG.

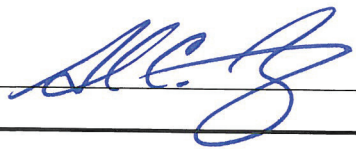
Consistent with the SCAG bylaws, a City's voting delegate must be designated by the City Council.

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

Prepared by: David Sheasby

Department: Citywide Administration

City Manager

Approval: 

Submitted to Council/O.H.A. 04/05/2016

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

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

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

# CITY OF ONTARIO

## Agenda Report

April 5, 2016

## SECTION: PUBLIC HEARINGS

**SUBJECT:** AN ORDINANCE CREATING AND AUTHORIZING THE CREATION OF THE ONTARIO HOUSING AUTHORITY COMMISSION AND AMENDING ARTICLE 1 AND ADDING ARTICLE 11 OF CHAPTER 2 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE; AND ADOPTION OF RESOLUTIONS APPROVING AND ADOPTING BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION

**RECOMMENDATION:** That the City Council and Housing Authority Board:

- (A) Introduce and waive further reading of an ordinance creating and authorizing the creation of the Ontario Housing Authority Commission and amending Article 1 and adding Article 11 to Chapter 2 of Title 2 of the Ontario Municipal Code; and
- (B) Adopt resolutions approving and adopting the bylaws for the Ontario Housing Authority Commission.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** Each voting member of the Ontario Housing Authority Commission shall be paid the sum of fifty dollars (\$50) for attendance at each publicly noticed meeting of the Commission, including publicly noticed workshops and briefings. The cost of these meetings will be paid by the Ontario Housing Authority and there will be no impact to the General Fund.

**BACKGROUND:** On December 2, 1997, by Resolution No. 97-098, the City Council of the City of Ontario ("City Council") declared a need for and established the Ontario Housing Authority ("Authority") and made appropriate findings under the Housing Authorities Law ("Health & Safety Code, § 34200 et seq.") in order to activate the Authority. In addition, the City Council declared itself as the Authority's Board ("Authority Board").

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

Prepared by: Julie Bjork  
Department: Housing/Municipal Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/05/2016

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

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

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

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Pursuant to Health and Safety Code section 34290, if the City Council declares itself to be the Authority Board, the City Council must also appoint two of the Authority's tenants to serve as members of the Authority Board. Alternatively, the City Council can create a housing commission pursuant to Health and Safety Code section 34291.

City staff recommends adoption of an ordinance amending Article 1 and adding Article 11 to Chapter 2 of Title 2 of the Ontario Municipal Code to create the Ontario Housing Authority Commission ("Housing Commission"). Under the proposed ordinance, the Housing Commission will be made up of seven (7) members, of which two (2) members will be required to be tenants of the Authority, if the Authority has tenants. Each of the five (5) City Council members shall submit to the Mayor the name of one (1) person proposed for appointment to the Commission. Additionally, with the assistance of staff, the City Council Nomination Committee will review applications for the two (2) members who are tenants of the Authority, and bring forward nominations to the City Council as a whole for appointment by a majority vote.

Matters to be heard by the Commission:

- Ontario Housing Authority Annual Report (submitted annually to the State by October 1<sup>st</sup>); and
- Make recommendations on annual budget for consideration

City staff also recommends adoption of resolutions approving and adopting bylaws for the Housing Commission, setting forth the Commissioners' terms of office, their qualifications, and method of appointment, and the Housing Commission's procedures and powers.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, APPROVING AND ADOPTING THE BYLAWS FOR THE  
ONTARIO HOUSING AUTHORITY COMMISSION.

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, pursuant to Health and Safety Code Sections 34290 and 34291, the City Council created the Ontario Housing Authority Commission ("Commission") to review and make recommendations to the Authority on \_\_\_\_\_, 2016; and

WHEREAS, pursuant to Health and Safety Code Section 34292, the City Council may provide for procedures for review and recommendation, and for further functions of the Commission, by resolution; and

WHEREAS, the City Council desires to adopt Bylaws for the Commission, as set forth in Exhibit A, attached hereto, memorializing Commission procedures and powers.

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

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

SECTION 2. Adoption of Bylaws. Based on the Recitals set forth above, the City Council hereby approves and adopts the Bylaws of the Ontario Housing Authority Commission, attached to this Resolution as Exhibit A and incorporated herein, together with any non-substantive changes and amendments as may be approved by both the City Manager and City Attorney.

SECTION 3. Implementation. The City Council hereby authorizes and directs the City Manager, or his or her designee, to take any action and execute any documents necessary to carry out the purposes of this Resolution.

SECTION 4. 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, such determination does not constitute a project subject to the requirements of the California Environmental Quality Act ("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. Severability. 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 6. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED on the 5<sup>th</sup> day of April 2016.

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

ATTEST:

\_\_\_\_\_  
SHELIA 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. 2016-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 5, 2016 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. 2016-     duly passed and adopted by the Ontario City Council at their regular meeting held April 5, 2016.

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

(SEAL)

EXHIBIT A

Bylaws of the Ontario Housing Authority Commission

[See attached behind this page]

# **BYLAWS OF THE CITY OF ONTARIO HOUSING COMMISSION**

## **ARTICLE I THE COMMISSION; OFFICE; SEAL**

**Section 1. NAME OF COMMISSION.** The name of the organization shall be the Ontario Housing Authority Commission ("Commission"). The members of the Commission shall be referred to as "Housing Commissioners" or "Commissioners."

**Section 2. SEAL AUTHORITY.** The official seal of the Commission shall be in the form of a circle and shall bear the name of the Commission and the year of its organization.

**Section 3. PRINCIPAL OFFICE.** The principal office of the Commission shall be 303 East "B" Street, Ontario, California, or such other location in the City of Ontario as the Commission may from time to time designate.

## **ARTICLE II OFFICERS AND PERSONNEL**

**Section 1. OFFICERS.** The officers of the Commission shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer. The Commission shall, during its regular meeting, select a Chairperson and Vice Chairperson from the members of the Commission. Their duties shall be such as are described herein and usually carried by such officers, respectively. Each such officer shall hold office for a term of one (1) year, or until his or her successor is selected.

**Section 2. CHAIRPERSON.** The Chairperson of the Commission shall be selected by vote of the Commission members at the regular meeting. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall sign all instruments made by the Commission, in the name of the Commission, as required by the Department of Housing and Urban Development, the Housing Authorities Law as set forth in Section 34200 et seq. of the California Health and Safety Code, or other applicable federal or state laws.

**Section 3. VICE CHAIRPERSON.** The Vice Chairperson shall be selected by vote of the Commission members at the regular meeting. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Commission shall select a successor Chairperson.

**Section 4. SECRETARY.** The City Manager of the City of Ontario, or his or her designee, shall be the Secretary. The Secretary shall attend all meetings of the Commission, record all votes, and maintain a full and thorough record of all proceedings of the Commission, including all resolutions of the Commission, in a journal of proceedings to be kept for such purposes. The Secretary shall keep all official records of the Commission, maintain custody of the seal of the Commission and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Commission, and perform all other duties incident to the Office of Secretary.

**Section 5. TREASURER.** The Finance Director of the City of Ontario, or his or her designee, shall be the Treasurer. The Treasurer shall have the care and custody of all funds of the Commission, if any, and shall deposit the same in the name of the Commission in such bank or banks as the Commission may select. The Treasurer may sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Commission. Except as otherwise authorized by resolution of the Commission, all such orders and checks shall be countersigned by the Deputy Executive Director or other designated staff during the absence of the Deputy Executive Director. The Treasurer shall keep regular books of accounts showing receipts and expenditures, if any, and shall render to the Commission, annually, an account of transactions and of the financial condition of the Commission. The Treasurer shall give such bond for the faithful performance of the Treasurer's duties as the Commission may determine.

**Section 6. EXECUTIVE DIRECTOR.** The Executive Director of the Commission shall be the City Manager of the City of Ontario, or his or her designee, shall serve at the pleasure of the Commission and shall be responsible, subject to the policies and directions of the Commission, for the general supervision over the administration of the business and affairs of the Commission and the execution of the Commission policies. The Executive Director shall sign, on behalf of the Commission, all documents approved by the Commission unless federal or state regulations require otherwise; appoint, remove, discipline, and supervise the Commission's personnel; supply the Commission with such information and recommendations as necessary or as may be requested by the Commission; authorize and certify payrolls, requisitions, and other documents relating to the financial affairs of the Commission; and perform such other duties as may from time to time be prescribed for the Executive Director by the Commission. The Executive Director may delegate such administrative duties and authority as are consistent with these Bylaws and such other rules and regulations as may from time to time be approved by the Commission.

**Section 7. DEPUTY EXECUTIVE DIRECTOR.** The Housing and Municipal Services Director of the City of Ontario shall serve as the Deputy Executive Director of the Commission. During the absence of the Executive Director and at other appropriate times, the Deputy Executive Director shall have the same duties and responsibilities as the Executive Director and is authorized to perform in that capacity.

**Section 8. COMMISSION COUNSEL.** The City Attorney of the City of Ontario shall serve as the Commission Counsel.

**Section 9. ADDITIONAL DUTIES.** The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission or the Bylaws.

**Section 10. NUMBER AND APPOINTMENT OF COMMISSIONERS; TERM; VACANCIES.**

(a) Number and Appointment. The Commission shall consist of seven (7)

Housing Commissioners appointed by the City Council of the City of Ontario. The seven (7) members shall include five (5) regular Commissioners appointed by each of the five (5) City Council members under the process described in Ontario Municipal Code section 2-2.101(d)(3) and, two (2) tenant members, if the Housing Authority has tenants, who are tenants of the Housing Authority (“Authority”), one (1) of which shall be over sixty-two (62) years of age, if the Authority has tenants over that age, (“Tenant Commissioners”) and these two (2) Tenant Commissioners shall be at-large members appointed under the process described in Ontario Municipal Code section 2-2.101(d)(4). Vacancies to the Commission occurring otherwise than by expiration of term shall be filled by the City Council under the process described in Ontario Municipal Code section 2-2.101(d)(5). The person appointed to fill a vacancy shall serve for the unexpired term of office of the member whose vacancy was filled. All Commissioners shall be residents of the City of Ontario. Tenant Commissioners shall be residents of the City and the Authority. Commissioner appointments shall be made on the basis of interest and qualification of applicants. A Tenant Commissioner shall have the same powers, duties, privileges, and immunities as any other Commissioner. If a Tenant Commissioner ceases to be a tenant of the Authority, he or she shall be disqualified as Commissioner and another tenant shall be appointed by the City Council to fill the unexpired term.

(b) Term. The terms for all Commissioners shall be for two (2) years from the date of their appointments. Each Housing Commissioner shall serve until his or her successor is appointed by the City Council. A certificate of appointment or reappointment of any Commissioner shall be filed with the City Clerk and the certificate is conclusive evidence of the due and proper appointment of the Commissioner, as prescribed under the Laws of the State of California. A copy of said certificate shall be filed with the Secretary of the Authority.

(c) Vacancies. Members of the Commission shall be removed from office or their office declared vacant in the following manner and for any of the following reasons: (1) by a majority vote of the City Council; (2) if a member is no longer a permanent resident (if the member serves as regular Commissioner) or a tenant of the Authority (if the member serves as a Tenant Commissioner), his or her removal shall be automatic and no action by the City Council is necessary; (3) if a member is absent from three (3) consecutive meetings of the Commission, except for good cause as determined by members of the Commission, his or her removal shall be automatic and no action by the City Council is necessary; or (4) if a member is absent from four (4) meetings of the Commission in any period of twelve (12) months, except for good cause as determined by members of the Commission, in which event his or her removal shall be automatic and no action by the City Council is necessary.

**Section 11. CONFLICTS OF INTEREST; CODE OF CONDUCT.** Commissioners and staff are honored with the public’s trust, and shall conduct all Commission business in an impartial, objective manner not tainted by financial conflicts of interest. Commissioners and staff shall abide by the disclosure and disqualification requirements of the Political Reform Act, the implementing regulations of the Fair Political Practices Commission, the provisions of California Government Code section 1090 and all other applicable rules regarding conflicts of interest. In addition, Commissioners shall abide by all rules of conduct duly adopted by the Commission. Commissioners and employees shall not acquire any direct or indirect interest in a housing project

or in any property included or planned to be included in any project, nor shall he or she have any direct or indirect interest in a contract or proposed contract for materials or services to be furnished or used in connection with the housing project, in accordance with California Health and Safety Code section 34281. If a Commissioner or employee owns or controls a direct or indirect interest in any such property, he or she shall immediately make a written disclosure of it to the Commission and the disclosure shall be entered into the minutes. This Section 11 shall not be construed as precluding a Tenant Commissioner from serving, provided the fact of such tenancy is disclosed to the Commission in writing and entered into the minutes immediately upon a Tenant Commissioner assuming office.

### **ARTICLE III MEETINGS**

**Section 1. PLACE FOR MEETINGS.** Meetings of the Commission shall be held at least once a year at the principal office of the Commission, unless another place is stated in the notice of the meeting.

**Section 2. REGULAR MEETING.** The regular meeting shall be held with notice for the purpose of electing officers and transacting such other business as may properly be brought before the Commission on the first Thursday in September of each year, at 6:00 p.m., unless the regular meeting is adjourned for lack of a quorum. If a regular meeting time shall be a legal holiday, that regular meeting shall be held on the next succeeding business day.

**Section 3. SPECIAL MEETINGS.** The Chairperson or a majority of the Commissioners may call a special meeting of the Commission for the purpose of transacting business of the Commission. The notice for a special meeting shall (a) be personally delivered to each member of the Commission or mailed, by postal service or electronically, to the business or home address of each member of the Commission, at least forty-eight (48) hours prior to the date of such special meeting, and (b) set forth the business to be transacted at the special meeting. At such special meeting, no business shall be considered other than the business designated in the notice.

**Section 4. QUORUM.** The powers of the Commission shall be vested in the Commissioners in office. A majority of the Commissioners empowered to vote shall constitute a quorum for the purpose of conducting the business and exercising the powers of the Commission, and for all other purposes, but a smaller number may recess or adjourn from time to time until a quorum is obtained.

**Section 5. CONDUCT OF MEETINGS.** Notwithstanding any other provision in these Bylaws, all meetings of the Commission shall be held in compliance with the requirements of the Housing Authorities Law, the Ralph M. Brown Act as set forth in Section 54950 et seq. of the California Government Code, and acceptable business meeting practices. The Commission shall consider all appropriate business matters to come before the Commission. The Commission shall adopt rules and regulations to govern procedures. Additional adjourned or special meetings

may be held from time to time as needed, provided that said meetings are properly called and noticed according to California law.

**Section 6. MANNER OF VOTING.** The voting on all matters coming before the Commission shall be by voice vote or roll call, and the ayes and nays shall be entered upon the minutes of such meeting.

**Section 7. MINUTES.** The City Manager, or his or her designee, shall act as Secretary to the Commission, and shall keep a record of its proceedings and transactions. Minutes of the Commission shall be filed with the City Clerk for transmittal to the City Council.

**Section 8. ATTENDANCE AT MEETINGS.** Commissioners shall attend all meetings of the Commission unless there is good cause for the Commissioner's absence. In the event a Commissioner ceases to discharge the duties of his or her office for the period of three (3) consecutive months, except when prevented from discharging such duties for good cause, the remaining Commissioners may request that the City Council terminate the term of the absent Commissioner for inefficiency, neglect, and/or abandonment of duty, in accordance with California Health and Safety Code section 34282.

**Section 9. PUBLIC MEETINGS; NOTICES.** All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission, except as otherwise provided in the Ralph M. Brown Act and other applicable laws. The Commission shall comply with all public noticing required by the Ralph M. Brown Act and other applicable law.

**Section 10. PUBLIC COMMENT; REASONABLE LIMITATIONS.** The Commission encourages and welcomes public comment on all items on the Commission's agenda and, during the public comment period, on any matters not on the Commission's agenda but within the subject matter jurisdiction of the Commission. For reasons of efficiency, speakers will be limited to three (3) minutes each. No action shall be taken on any item not appearing on the agenda unless otherwise authorized by law.

**Section 11. USE OF TELECONFERENCING FOR MEETINGS.**

(a) As authorized by Government Code section 54953(b), as may be amended from time to time, the Commission may use teleconferencing in connection with any meeting or proceeding authorized by law and within the subject matter jurisdiction of the Commission. Any and all costs associated with facilitating teleconferencing for any meeting or proceeding of the Commission authorized by law shall be borne by the Commission. As defined by Government Code section 54953(b)(4), "teleconference" means "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both."

(b) In accordance with any provision of applicable Federal or State law or regulation to the contrary, as such may be amended from time to time, teleconferencing is available



to all members of the Commission so long as a quorum of the members of the Commission participate in the Commission meeting from the same or different locations within the geographic boundaries of the Commission. As set forth in Government Code Section 54953(b), as may be amended from time to time, each teleconference location must meet all of the following requirements:

- (1) Be open and accessible to the public.
  - (2) Be identified in the Commission meeting notice and agenda.
  - (3) Be posted with the Commission meeting agenda.
  - (4) Allow members of the public, including but not limited to, residents of the District, to address the Commission.
  - (5) Take all Commission votes by roll call.
- (c) The Commission shall conduct teleconference meetings in accordance with the Ralph M. Brown Act and any other applicable provisions of law.

#### **ARTICLE IV AMENDMENTS**

**Section 1. AMENDMENTS TO BYLAWS.** The Bylaws of the Commission shall be amended only with the approval of a majority of the members of the City Council.

#### **ARTICLE V POWERS**

**Section 1. MATTERS TO BE CONSIDERED BY COMMISSION.** The Commission shall serve in an advisory capacity to the Authority. The Commission shall review and make recommendations on the annual budget of the Authority, and the annual report of the Authority, prior to Authority action on the foregoing. The Commission shall also implement the grievance panel requirements for tenants as set forth in Health and Safety Code section 34331. The Executive Director, or his or her designee, shall serve as the grievance panel, unless the Executive Director elects to refer a tenant matter to the Commission, or an ad hoc committee comprising less than a quorum of the Commission, for consideration. The Deputy Executive Director shall prepare, for approval by the Executive Director, grievance panel procedures in compliance with Section 34331. Emergency matters, as determined by staff in their reasonable discretion, and all other matters not expressly set forth in this section, are excluded from Commission review. The Commission shall have such other powers or duties as may hereafter be granted it by law or ordinance or by the request of the City Council or other proper city official.

## **ARTICLE VI MISCELLANEOUS**

**Section 1. INDEMNIFICATION.** To the fullest extent permitted by law, the Commission may authorize indemnification by the Commission of any person who is or was a member of the Commission, officer, employee or other agent of the Commission, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a member of the Commission, officer, employee or other agent of the Commission, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Commission and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Commission, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

**Section 2. STIPEND.** Each member of the Commission shall receive a stipend of Fifty Dollars (\$50.00) for each regular meeting attended, not to exceed One Hundred Dollars (\$100.00) per month.

**BYLAWS  
OF THE  
CITY OF ONTARIO  
HOUSING COMMISSION**

**CERTIFICATE OF SECRETARY**

I, the undersigned, do hereby certify:

1. That I am the duly elected and acting Secretary of the City of Ontario Housing Commission ("Commission"), a public body corporate and politic; and

2. That the foregoing Bylaws, consisting of six (6) pages, are the Bylaws of the Commission, as duly approved by the City Council of the City of Ontario, at a meeting duly held on \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City this \_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

\_\_\_\_\_  
Secretary

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

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE  
CITY OF ONTARIO, CALIFORNIA, APPROVING AND ADOPTING THE  
BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION.

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 conferred on the Authority under Housing Authorities Law (Health & Safety Code, § 34200 et seq.); and

WHEREAS, pursuant to Health and Safety Code Sections 34290 and 34291, the City Council created the Ontario Housing Authority Commission ("Commission") to review and make recommendations to the Authority on \_\_\_\_\_, 2016; and

WHEREAS, pursuant to Health and Safety Code Section 34292, the Authority may provide for procedures for review and recommendation, and for further functions of the Commission, by resolution.

WHEREAS, the Authority desires to adopt Bylaws for the Commission, in the form attached to the City Council resolution concerning the same matter, memorializing Commission procedures and powers.

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

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

SECTION 2. Adoption of Bylaws. Based on the Recitals set forth above, the Authority hereby approves and adopts the Bylaws of the Commission, in the form attached to the City Council resolution concerning the same matter, together with any non-substantive changes and amendments as may be approved by both the Executive Director of the Authority and the General Counsel of the Authority.

SECTION 3. Implementation. The Authority hereby authorizes and directs the Executive Director of the Authority, or his or her designee, to take any action and execute any documents necessary to carry out the purposes of this Resolution.

SECTION 4. CEQA. The determination given in this Resolution does not commit the Authority to any action that may have a significant effect on the environment. As a result, such determination does not constitute a project subject to the requirements of the California Environmental Quality Act ("CEQA"). The Authority, therefore, directs Authority staff to file a Notice of Exemption with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

SECTION 5. Severability. 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 Authority hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 6. Certification. The Authority Secretary shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of April 2016

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PAUL S. LEON, CHAIRMAN

ATTEST:

---

SHEILA MAUTZ, AUTHORITY SECRETARY

APPROVED AS TO FORM:

---

AUTHORITY COUNSEL

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

I, SHEILA MAUTZ, Secretary of the Ontario Housing Authority, DO HEREBY CERTIFY that the foregoing Resolution No. OHA-     was duly passed and adopted by the Board Members of the Ontario Housing Authority at their regular meeting held April 5, 2016, by the following roll call vote, to wit:

AYES:           BOARD MEMBERS:

NOES:           BOARD MEMBERS:

ABSENT:        BOARD MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. OHA     duly passed and adopted by the Ontario Housing Authority at their regular meeting held April 5, 2016.

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

(SEAL)

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

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 \_\_\_\_\_ day of \_\_\_\_\_ 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. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held \_\_\_\_\_ and adopted at the regular meeting held \_\_\_\_\_, 2016 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

(SEAL)

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

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

(SEAL)

# CITY OF ONTARIO

*Agenda Report*  
April 5, 2016

SECTION:  
PUBLIC HEARINGS

**SUBJECT:** A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO UPHOLD THE ZONING ADMINISTRATOR'S DENIAL OF A CONDITIONAL USE PERMIT (FILE NO. PCUP15-016) FOR THE ESTABLISHMENT AND OPERATION OF AN ORGANIC MATERIALS FACILITY (COMPOSTING OF GREEN WASTE, MANURE, FOOD MATERIALS, FATS OILS AND GREASE) ON A 34.76-ACRE PORTION OF 37.4 ACRE PARCEL OF LAND WITHIN THE AG (AGRICULTURE) OVERLAY ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF SCHAEFER AVENUE AND CAMPUS AVENUE, AT 7435 EAST SCHAEFER AVENUE (APNS: 1053-101-01, 02, AND 1053-091-01)

**RECOMMENDATION:** That the City Council consider the applicant's request to continue the appeal to the June 7, 2016, regular City Council meeting, and, if deemed appropriate by the City Council, keep the public hearing open and continue the public hearing to June 7, 2016.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** None.

**BACKGROUND:** On March 1, 2016, the City Council conducted a public hearing to consider an appeal of the Planning Commission's decision to deny a Conditional Use Permit application to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on the site of a former dairy farm, located at the southeast corner of Schaefer Avenue and Campus Avenue. After receiving public testimony on the appeal, the City Council continued the public hearing to the regular City Council meeting of April 5, 2016, to allow the applicant to meet with members of the public to discuss the application in more detail and to have project reports reviewed by a third party.

**STAFF MEMBER PRESENTING:** Scott Murphy, Planning Director

Prepared by: Scott Murphy  
Department: Planning

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/05/2016

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

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

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

6

Following the City Council meeting of March 1, 2016, the applicant, Harvest Power, met with the City of Chino to review their concerns about the project. The applicant is reviewing the information provided by the City of Chino and determining how best to address the concerns raised – the applicant has not yet completed their evaluation. Additionally, the applicant is requesting time to complete the third-party review of project reports and meet with community members to review the project in more detail. As a result, the applicant is requesting the public hearing be continued to the meeting of June 7, 2016 (see attached letter).

At this time, there are several options available to the City Council:

- (1) Continue the public hearing to the meeting of June 7, 2016;
- (2) Uphold the Planning Commission's action and deny the appeal;
- (3) Deny the appeal "without prejudice", allowing the applicant to refile the application at any time;  
or
- (4) Adopt the Mitigated Negative Declaration, including the Mitigated Monitoring and Reporting Program, and approve the Conditional Use Permit application, overturning the Planning Commission's action, subject to the conditions of approval as contained in the Planning Commission packet, which includes conditions that all green waste composting shall be conducted at least ½-mile from sensitive land uses and that no digestate, fats, oils and grease be composted on-site.

Based on information received to date, staff recommends the City Council keep the public hearing open and continue the matter to the regular meeting of June 7, 2016.



March 28, 2016

VIA FIRST-CLASS MAIL

City of Ontario City Council  
City Hall  
303 East "B" Street  
Ontario, California 91764

Re: Harvest Power – Request for Continuance

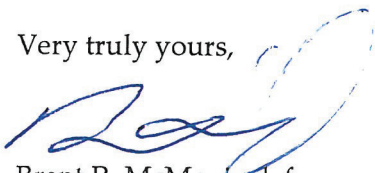
Dear Honorable Mayor and Members of the City Council:

Our firm represents Harvest Power California, LLC ("Harvest Power"), in its appeal of the Planning Commission's decision to deny its application for a Conditional Use Permit ("Appeal") to operate an organics composting facility to be located at 7435, 7345 and 7365 East Schaefer Avenue, in the City of Ontario (PCUP 15-016). The City Council, at its meeting on March 1, 2016, continued the public hearing on the Appeal directing Harvest Power to allow for a third party to review the project documents and to hold a community meeting.

Harvest Power requests the public hearing be continued until the June 7, 2016, City Council hearing to allow additional time to complete this work.

I am available to address any questions that Council or City staff may have.

Very truly yours,



Brent R. McManigal, for  
GRESHAM SAVAGE  
NOLAN & TILDEN,  
A Professional Corporation

BRM: djb

*The information contained in this memorandum is intended for the internal and confidential use of our client and is subject to the attorney-client privilege.*

550 East Hospitality Lane, Suite 300 • San Bernardino, California 92408  
550 West C Street, Suite 1810 • San Diego, California 92101  
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GreshamSavage.com

# CITY OF ONTARIO

## Agenda Report

April 5, 2016

### SECTION: ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

**SUBJECT: A PUBLIC MEETING TO RECEIVE TESTIMONY REGARDING THE RENEWAL OF THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND ASSESSMENT OF AN ASSOCIATED LEVY**

**RECOMMENDATION:** That the City Council hold a public meeting to receive testimony on the proposed renewal of and levy for the Greater Ontario Tourism Marketing District (GOTMD).

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport  
Operate in a Businesslike Manner**

**FISCAL IMPACT:** The GOTMD does not obligate any funds from the City. The GOTMD is managed by the Greater Ontario Convention and Visitor's Bureau, and is funded by assessments on short-term room rentals at lodging businesses with fifty rooms or more. The total GOTMD budget for the first year of the renewed term is anticipated to be approximately \$2,200,000, based on a 2% assessment. In year six, the assessment rate increases to 3% and, accordingly, the budget will be approximately \$3,825,000.

**BACKGROUND:** The GOTMD is a Property and Business Improvement District, created under the authority of California Streets and Highways Code Section 36600, *et seq.* Under that statute, cities and counties are authorized to renew a district for a term of up to ten years, upon petition of a weighted majority of lodging business owners located within the district's boundaries. On March 10, 2016, the City received signed petitions from lodging business owners representing 83% of the total annual assessment of the district, and all were counted in favor of renewing the district. The petitions, submitted through the Greater Ontario Convention and Visitors Bureau, ask for the GOTMD to be renewed for a period of ten years (a period covering July 1, 2018, through June 30, 2028).

On March 15, 2016, the City Council adopted a resolution stating an intent to renew the GOTMD, as well as a resolution seeking consent to renew from Rancho Cucamonga, as a participating jurisdiction in the district. On April 20, 2016, the Rancho Cucamonga City Council is expected to consider a resolution to grant said consent.

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

Prepared by: David Sheasby  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 04/05/2016

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

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

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

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As part of the process of renewing the GOTMD, a public meeting must be held to allow effected businesses the opportunity to comment on the proposed renewal. This is that meeting. Written notices of this meeting were mailed to all lodging businesses with fifty rooms or more within the boundaries of the GOTMD.

After comment is taken at this meeting, the next step is a required public hearing (tentatively scheduled for May 3, 2016) at which time the City Council will consider adoption of a resolution to renew the district.