

**CITY OF ONTARIO  
COUNCIL AGENDA MARCH 18, 2014**

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**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**MARCH 18, 2014**

**Paul S. Leon**  
Mayor

**Alan D. Wapner**  
Mayor pro Tem

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Paul Vincent Avila**  
Council Member



**Al C. Boling**  
City Manager

**John E. Brown**  
City Attorney

**Mary E. Wirtes, MMC**  
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***

Wapner, Bowman, Dorst-Porada, 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.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.*

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

***PLEDGE OF ALLEGIANCE***

Mayor pro Tem Wapner

***INVOCATION***

Pastor Mike Urciuoli, 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 February 18, 2014, and approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** February 9, 2014 through February 22, 2014 and **Payroll** February 9, 2014 through February 22, 2014, when audited by the Finance Committee.

**3. AN ORDINANCE TO MODIFY SALARY COMPENSATION FOR CITY COUNCIL MEMBERS**

That the City Council consider and adopt an ordinance to modify salary compensation for City Council Members subject to California Government Code Section 36516; Ontario Municipal Code Title 2, Chapter 1, Article 2.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO COUNCIL MEMBER SALARIES.

**4. RESOLUTIONS AUTHORIZING THE FILING OF SECTION 190 APPLICATIONS FOR THE SOUTH MILLIKEN AVENUE AND NORTH VINEYARD AVENUE GRADE SEPARATION PROJECTS**

That the City Council adopt resolutions authorizing the filing of applications to obtain \$10 million of California Public Utilities Commission (CPUC) Section 190 funds for the South Milliken Avenue (\$5 million) and North Vineyard Avenue Grade Separation Projects (\$5 million).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING FILING OF A SECTION 190 APPLICATION, VERIFYING THAT ALL MATTERS PREREQUISITE TO THE AWARDED OF THE CONSTRUCTION CONTRACT CAN BE ACCOMPLISHED WITHIN TWO YEARS AFTER ALLOCATION OF THE FUNDS FOR THE PROJECT BY THE CALIFORNIA TRANSPORTATION COMMISSION, AND VERIFYING THAT SUFFICIENT LOCAL FUNDS WILL BE MADE AVAILABLE AS THE WORK OF THE PROJECT PROGRESSES FOR THE SOUTH MILLIKEN AVENUE GRADE SEPARATION AT THE UNION PACIFIC RAILROAD LOS ANGELES SUBDIVISION P.U.C. NO. 003-43.40.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING FILING OF A SECTION 190 APPLICATION, VERIFYING THAT ALL MATTERS PREREQUISITE TO THE AWARDED OF THE CONSTRUCTION CONTRACT CAN BE ACCOMPLISHED WITHIN TWO YEARS AFTER ALLOCATION OF THE FUNDS FOR THE PROJECT BY THE CALIFORNIA TRANSPORTATION COMMISSION, AND VERIFYING THAT SUFFICIENT LOCAL FUNDS WILL BE MADE AVAILABLE AS THE WORK OF THE PROJECT PROGRESSES FOR THE NORTH VINEYARD AVENUE GRADE SEPARATION AT THE UNION PACIFIC RAILROAD ALHAMBRA SUBDIVISION P.U.C. NO. 001B-522.40.

**5. AN AGREEMENT FOR UTILIZATION OF HOSPITAL FACILITIES FOR CLINICAL EXPERIENCE OF FIRE DEPARTMENT EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS/SAN ANTONIO COMMUNITY HOSPITAL**

That the City Council authorize the City Manager to execute an agreement (on file with the Records Management Department) with San Antonio Community Hospital for the purpose of utilizing hospital facilities for clinical experience of Ontario Fire Department employees who are Emergency Medical Technicians or Paramedics.

**6. AMENDMENT TO AN AGREEMENT REGARDING THE TRANSFER OF RIGHT OF FIRST PURCHASE OF RECHARGED RECYCLED WATER**

That the City Council approve and authorize the City Manager to execute an amendment to an Agreement by and between the City of Ontario and the City of Fontana subject to non substantive changes, regarding the transfer of right of first purchase of recharged recycled water for the continued purchase of water by the City of Ontario at established rates.

**7. AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT PERTAINING TO A GENERAL PLAN AMENDMENT (FILE NO. PGPA13-005)/APPLIED PLANNING, INC.**

That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Applied Planning, Inc., of Chino Hills, CA, to prepare an Environmental Impact Report (EIR) for a General Plan Amendment (File No. PGPA13-005), related to property located at the southeast corner of Fourth Street and Vineyard Avenue, in the amount not to exceed \$438,663 (includes 10% contingency); and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

**PUBLIC HEARINGS**

**8. RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES)**

That City Council take the following actions:

- (A) Adopt a resolution establishing City of Ontario Community Facilities District No. 23 (Park Place Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 23 (Park Place Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and

- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 23 (Park Place Services).

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

Written communication.

Oral presentation.

Public hearing closed.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES).

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

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES).

## **COUNCIL MATTERS**

### **SUBCOMMITTEE NOMINATION FOR RECREATION AND PARKS COMMISSION**

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

## **STAFF MATTERS**

City Manager Boling

## **ADJOURNMENT**



**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority //  
Other // (GC 54957.1)  
**March 18, 2014**

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

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

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

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

**No Reportable Action    Continue    Approved**

/ /                      / /                      / /

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

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498

**No Reportable Action    Continue    Approved**

/ /                      / /                      / /

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

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

# CITY OF ONTARIO

*Agenda Report*  
March 18, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE TO MODIFY SALARY COMPENSATION FOR CITY COUNCIL MEMBERS**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance to modify salary compensation for City Council Members subject to California Government Code Section 36516; Ontario Municipal Code Title 2, Chapter 1, Article 2.

**COUNCIL GOALS:** Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health  
Operate in a Businesslike Manner

**FISCAL IMPACT:** Modification to salary compensation for all elected officials would become effective after certification of the November 2014 election results and after the next City Council is sworn in and seated. The projected annual fiscal impact will be \$18,183 for City Council positions.

**BACKGROUND:** On March 4, 2014, the City Council introduced an ordinance to modify salary compensation for City Council Members. Pursuant to California Government Code §36516, the City Council may adjust salary compensation up to 5% each year. Salary compensation for City Council Members was last adjusted by Ordinance No. 2826 which set the monthly amount at \$1,406.25, effective after the November 2006 election. In January 2008, the City Council approved a 10% increase (\$144.14 per month) to be effective after the new City Council was seated as a result of the November 2008 election. In January 2009, in light of the epic nationwide economic downturn, the City Council deferred the previously approved 10% salary adjustment which had yet to be implemented after the 2008 election. The Council's action took place in conjunction with all City employee groups and labor units foregoing raises and/or merit increases during the recession. The Council's deferral was to continue until such time as all City employee groups and labor units were able to receive salary increases. A similar situation existed with the City Clerk and City Treasurer with a 10% increase (approved by Resolution No. 2007-151) also being deferred in January 2009.

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

Prepared by: Al C. Boling  
Department: Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 03/18/2014

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

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

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

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Since the last City Council salary adjustment was effective after the 2006 election (or eight years ago), the maximum allowable increase would be 40%, effective after the November 2014 election. On February 18, 2014, the City Council reviewed the maximum allowable adjustments and recommended approval of only half of the allowable 40%, resulting in an adjustment of \$303.06 per month. The new salary would be effective after certification of the next election in November 2014 and the elected officials are seated.

On March 4, 2014 the City Council took similar action adjusting the salary compensation for the City Clerk and City Treasurer by the same proportionate amount. Such adjustments will also be effective after certification of the next election in November 2014 and the elected officials are seated.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO  
MUNICIPAL CODE RELATING TO COUNCIL MEMBER SALARIES.

WHEREAS, the City Council's last adjustments to the salary compensation for City Council Members of the City of Ontario were effective in December 2006; and

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

WHEREAS, based upon the definition of a calendar year in Government Code Section 36516, eight calendar years have passed since the last adjustment to City Council Member salaries, therefore, the salary compensation for City Council Member positions may be adjusted up to 40%; and

WHEREAS, on February 18, 2014 the City Council reviewed the maximum allowable adjustments and recommended approval of half of the allowable 40%; and

WHEREAS, on March 4, 2014 the City Council conducted a public hearing to introduce and waive further reading of an ordinance relating to Council Member salaries and concluded said hearing on that date; and

WHEREAS, the new salary would be effective after certification of the next election in November 2014 and the elected officials are seated; and

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

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

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

Sec. 2-1.203. Payment.

- (a) Each member of the Council shall receive as salary the sum of One-Thousand-Seven-Hundred-Nine and 31/100ths Dollars (\$1,709.31) per month.
- (b) The Mayor shall receive as salary the sum of Two-Thousand-Ninety-Four and 56/100ths Dollars (\$2,094.56) per month.
- (c) Said salaries shall be payable from and after the operative date of this section

at the same time and in the same manner as salaries are paid to other officers and employees of the City.

SECTION 2. Pursuant to Section 36516.5 of the California Government Code, the increases set forth herein shall become effective upon the completion and installation of the new members of the City Council subsequent to November 4, 2014, pursuant to California Elections Code Section 10262.

SECTION 3. 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 18<sup>th</sup> day of March 2014.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, 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 March 4, 2014 and adopted at the regular meeting held March 18, 2014, by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, 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 March 18, 2014 and that Summaries of the Ordinance were published on March 11, 2014 and March 25, 2014 in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# CITY OF ONTARIO

## Agenda Report

March 18, 2014

## SECTION: CONSENT CALENDAR

**SUBJECT: RESOLUTIONS AUTHORIZING THE FILING OF SECTION 190 APPLICATIONS FOR THE SOUTH MILLIKEN AVENUE AND NORTH VINEYARD AVENUE GRADE SEPARATION PROJECTS**

**RECOMMENDATION:** That the City Council adopt resolutions authorizing the filing of applications to obtain \$10 million of California Public Utilities Commission (CPUC) Section 190 funds for the South Milliken Avenue (\$5 million) and North Vineyard Avenue Grade Separation Projects (\$5 million).

**COUNCIL GOALS:** Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health

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

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

**FISCAL IMPACT:** The Fiscal Year 2013-14 Budget includes appropriations for the construction of both the South Milliken Avenue and North Vineyard Avenue Grade Separation Projects. Per the Cooperative Agreement with San Bernardino Associated Governments (SANBAG), the City's share is 20% of the actual expenses and is split in accordance with the City's adopted Development Impact Fee (DIF) program and SANBAG's approved Measure I Nexus Study. Successful receipt of the CPUC Section 190 funds will reduce SANBAG's and the City's contribution by the 80/20 split consistent with the Measure I Nexus Study. Of the \$5 million available for each project, SANBAG would realize a \$4 million savings in Measure I funds and the City would realize a \$1 million savings in DIF funds.

**BACKGROUND:** The CPUC Section 190 Grade Separation Program is a state funding program that typically provides approximately \$15 million distributed among 3 or 4 projects each fiscal year. A priority list is generated by the CPUC every 2 years ranking each project eligible for funds. The South Milliken Avenue and North Vineyard Avenue Grade Separation Projects are ranked 44 and 64, respectively. Only projects on the CPUC priority list that are ready for construction are eligible to receive funding. Lower ranked projects may be funded if higher ranked projects are not ready to be

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

Prepared by: Jay Bautista  
Department: Engineering

City Manager  
Approval: 

Submitted to Council/O.H.A. 03/18/2014

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

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

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

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built. If the City is successful in obtaining CPUC funding, revenue and expenditure budgets will be adjusted in future budget periods.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING FILING OF A SECTION 190 APPLICATION, VERIFYING THAT ALL MATTERS PREREQUISITE TO THE AWARDING OF THE CONSTRUCTION CONTRACT CAN BE ACCOMPLISHED WITHIN TWO YEARS AFTER ALLOCATION OF THE FUNDS FOR THE PROJECT BY THE CALIFORNIA TRANSPORTATION COMMISSION, AND VERIFYING THAT SUFFICIENT LOCAL FUNDS WILL BE MADE AVAILABLE AS THE WORK OF THE PROJECT PROGRESSES FOR THE SOUTH MILLIKEN AVENUE GRADE SEPARATION AT THE UNION PACIFIC RAILROAD LOS ANGELES SUBDIVISION P.U.C. NO. 003-43.40.

WHEREAS, Section 2456 of the Streets and Highways Code of the State of California requires that local agencies requesting allocations for railroad grade separation projects furnish evidence that sufficient funds from the local agency are committed, and that all matters prerequisite to awarding the construction contract within a period of two years have been or can be taken care of within that time; and

WHEREAS, the 2013-14 fiscal year budget provides for the City of Ontario's cash flow requirements and the City's share of the cost of the South Milliken Avenue Grade Separation at the Union Pacific Railroad Los Angeles Subdivision, P.U.C. No. 003-43.40; and

WHEREAS, the City of Ontario has obtained all necessary orders from the Public Utilities Commission of the State of California, will execute all necessary agreements with the Union Pacific Railroad Company, has acquired all necessary rights-of-way or obtained an order of the court granting to said City the immediate possession thereof, and will accomplish all other requirements prerequisite to awarding a contract for the construction of the South Milliken Avenue Grade Separation at the Union Pacific Railroad Los Angeles Subdivision (Public Utilities Crossing No. 003-43.40) in the City of Ontario, within a period of two (2) years after the date the California Transportation Commission has made an allocation of funds to said construction project.

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

1. That sufficient funds are included in the City of Ontario's fiscal year 2013-14 budgets; and
2. That the City of Ontario has awarded the construction contract for the South Milliken Avenue Grade Separation at the Union Pacific Railroad Los Angeles Subdivision; and
3. That the City Manager, as agent of the City, is authorized to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, payment request, etc., which may be necessary for completion of the aforementioned project.

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of March 2014.

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

ATTEST:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 18, 2014 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held March 18, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING FILING OF A SECTION 190 APPLICATION, VERIFYING THAT ALL MATTERS PREREQUISITE TO THE AWARDING OF THE CONSTRUCTION CONTRACT CAN BE ACCOMPLISHED WITHIN TWO YEARS AFTER ALLOCATION OF THE FUNDS FOR THE PROJECT BY THE CALIFORNIA TRANSPORTATION COMMISSION, AND VERIFYING THAT SUFFICIENT LOCAL FUNDS WILL BE MADE AVAILABLE AS THE WORK OF THE PROJECT PROGRESSES FOR THE NORTH VINEYARD AVENUE GRADE SEPARATION AT THE UNION PACIFIC RAILROAD ALHAMBRA SUBDIVISION P.U.C. NO. 001B-522.40.

WHEREAS, Section 2456 of the Streets and Highways Code of the State of California requires that local agencies requesting allocations for railroad grade separation projects furnish evidence that sufficient funds from the local agency are committed, and that all matters prerequisite to awarding the construction contract within a period of two years have been or can be taken care of within that time; and

WHEREAS, the 2013-14 fiscal year budget provides for the City of Ontario's cash flow requirements and the City's share of the cost of the North Vineyard Avenue Grade Separation at the Union Pacific Railroad Alhambra Subdivision, P.U.C. No. 001B-522.40; and

WHEREAS, the City of Ontario has obtained all necessary orders from the Public Utilities Commission of the State of California, will execute all necessary agreements with the Union Pacific Railroad Company, has acquired all necessary rights-of-way or obtained an order of the court granting to said City the immediate possession thereof, and will accomplish all other requirements prerequisite to awarding a contract for the construction of the North Vineyard Avenue Grade Separation at the Union Pacific Railroad Alhambra Subdivision (Public Utilities Crossing No. 001B-522.40) in the City of Ontario, within a period of two (2) years after the date the California Transportation Commission has made an allocation of funds to said construction project.

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

1. That sufficient funds are included in the City of Ontario's fiscal year 2013-14 budgets; and
2. That the City of Ontario has awarded the construction contract for the North Vineyard Avenue Grade Separation at the Union Pacific Railroad Alhambra Subdivision; and
3. That the City Manager, as agent of the City, is authorized to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, payment request, etc., which may be necessary for completion of the aforementioned project.

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

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of March 2014.

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PAUL S. LEON, MAYOR

ATTEST:

---

MARY E. WIRTES, MMC, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 18, 2014 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2014-       duly passed and adopted by the Ontario City Council at their regular meeting held March 18, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# CITY OF ONTARIO

## Agenda Report

March 18, 2014

## SECTION: CONSENT CALENDAR

**SUBJECT: AN AGREEMENT FOR UTILIZATION OF HOSPITAL FACILITIES FOR CLINICAL EXPERIENCE OF FIRE DEPARTMENT EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an agreement (on file with the Records Management Department) with San Antonio Community Hospital for the purpose of utilizing hospital facilities for clinical experience of Ontario Fire Department employees who are Emergency Medical Technicians or Paramedics.

**COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health**  
**Maintain the Current High Level of Public Safety**

**FISCAL IMPACT:** The recommended agreement continues the existing clinical experience program between the City and San Antonio Community Hospital for a two-year period, with the option to extend for an additional three-year period. There is no cost to the City to participate in this program.

**BACKGROUND:** The Ontario Fire Department is an Inland Counties Emergency Medical Agency (ICEMA)-approved Emergency Medical Technician (EMT) training facility. In order to meet the standards of an approved training facility, the Department must have a contracted facility where EMT students can gain their required clinical experience. This clinical experience is supervised by hospital staff where EMT students are evaluated on pre-selected program objectives.

San Antonio Community Hospital will also provide a facility for Department paramedics to sharpen assessment and treatment skills. The utilization of certain skills are low-frequency events, but require competence and precision. The ability to provide training on actual patients with close supervision is vital to the Department's paramedic training program, as well as the State required Quality Improvement Plan.

**STAFF MEMBER PRESENTING:** Floyd E. Clark, Fire Chief

Prepared by: Pam Martinez, N.A.  
Department: Fire

City Manager  
Approval: 

Submitted to Council/O.H.A. 03/18/2014

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

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

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

# CITY OF ONTARIO

## Agenda Report

March 18, 2014

## SECTION: CONSENT CALENDAR

**SUBJECT: AMENDMENT TO AN AGREEMENT REGARDING THE TRANSFER OF RIGHT OF FIRST PURCHASE OF RECHARGED RECYCLED WATER**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute an amendment to an Agreement by and between the City of Ontario and the City of Fontana subject to non substantive changes, regarding the transfer of right of first purchase of recharged recycled water for the continued purchase of water by the City of Ontario at established rates.

**COUNCIL GOALS:** Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** Pursuant to this Agreement, Fontana assigns and transfers to Ontario up to three thousand (3,000) acre-feet (AF) per fiscal year of recycled water recharged into the groundwater basin. The cost per AF of recycled water was previously calculated annually based on the Metropolitan Water District of Southern California (MWD) replenishment rate. However, MWD recently eliminated the replenishment rate prompting the need for a new benchmark. This new benchmark is equivalent to the old benchmark (in dollars per acre-foot) that used MWD's replenishment rate. Under this proposed Amendment, the cost per AF of the recycled water will be calculated annually using 74% of the January 1st rate of MWD's Untreated Full Service Tier I Rate (\$593 per AF in 2014). Funds are budgeted annually in the Water Operating Fund to cover the purchase of recharged recycled water. There is no impact to the General Fund.

**BACKGROUND:** Fontana and Ontario are both parties to the "Chino Basin Regional Sewage Service Contract (Regional Contract)," and currently have an agreement addressing assignment, transfer and compensation regarding recharged recycled water. The agreement is consistent with Sections 15 and 16 of the Regional Contract which provides each contracting agency with the right of first purchase of recycled water up to the quantity of wastewater delivered to the treatment plants by that agency and provides each contracting agency the authority to transfer such right.

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Ryan Shaw  
Department: MU/Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 03/18/2014

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

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

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

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The amended agreement will only pertain to recycled water that has been recharged into the groundwater basin by the Regional Recycled Water Program, and will not place any restriction on Fontana or Ontario's ability and right to purchase recycled water for direct reuse.

The Agreement allows Ontario to use this water source in preparing water supply assessments required for new development, in preparing the 2015 Urban Water Management Plan, and provides the ability to count on the supply for a longer period. The term of this Agreement expires in January 2031 and may be renewed for an additional period of ten years.

# CITY OF ONTARIO

*Agenda Report*  
March 18, 2014

## SECTION: CONSENT CALENDAR

**SUBJECT: AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT PERTAINING TO A GENERAL PLAN AMENDMENT (FILE NO. PGPA13-005)**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Applied Planning, Inc., of Chino Hills, CA, to prepare an Environmental Impact Report (EIR) for a General Plan Amendment (File No. PGPA13-005), related to property located at the southeast corner of Fourth Street and Vineyard Avenue, in the amount not to exceed \$438,663 (includes 10% contingency); and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

**COUNCIL GOALS:** Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health  
Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner

**FISCAL IMPACT:** None. The EIR contract is a "pass-thru" to be paid by the project applicant. A budget adjustment for the \$438,663 in Revenue and corresponding expenditures will be included in the 3rd quarter budget report.

**BACKGROUND:** On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City. The proposed General Plan Amendment area is within the boundaries of a 260-acre specific plan located at the southeast corner of Fourth Street and Vineyard Avenue. TOP designates the subject site for "Mixed Use," allowing up to 7.5 million square feet of commercial/office/retail space and 2,958 residential units at a density of 40 dwelling units per acre.

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

Prepared by: Richard Ayala  
Department: Planning

City Manager  
Approval: 

Submitted to Council/O.H.A. 03/18/2014

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

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

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

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SRG Land Acquisition, LLC, is proposing a General Plan Amendment (File No. PGPA13-005) to change the land use designation on  $\pm 150$  acres located at the southeast corner of Fourth Street and Vineyard Avenue from "Mixed Use" to "Industrial" and to modify the Mobility Element to shift the intersection of Inland Empire Boulevard and Vineyard Avenue approximately 730 feet to the south. Additionally, TOP goals and policies will be reviewed against the proposed development to determine whether modifications are required. The application is being submitted to facilitate the construction of approximately 3.03 million square feet of industrial space and the realignment of Inland Empire Boulevard. The balance of the Meredith Specific Plan area ( $\pm 110$  acres) is anticipated to be developed with commercial/office/retail uses (1.45 million square feet) and residential uses (800-1200 units).

In order to thoroughly address the environmental impacts associated with the proposed project, a site specific Environmental Impact Report is required. The City of Ontario Planning Department is responsible for selecting the consulting firm to prepare the EIR. A Request for Proposals (RFP) to prepare an EIR for the project was sent to six qualified environmental consulting firms; and only four proposals were received. The selection committee unanimously recommended Applied Planning, Inc., to prepare the EIR for the project based upon their demonstrated clear understanding of TOP and the project.

The total cost for completing the EIR is an amount not to exceed \$438,663, which includes a ten percent (10%) contingency as required by the City, which will be paid by the applicant. The applicant is aware of and has agreed to the required total amount. Staff will oversee the project from start to finish.

# CITY OF ONTARIO

*Agenda Report*  
March 18, 2014

**SECTION:**  
**PUBLIC HEARINGS**

**SUBJECT: RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES)**

**RECOMMENDATION:** That City Council take the following actions:

- (A) Adopt a resolution establishing City of Ontario Community Facilities District No. 23 (Park Place Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 23 (Park Place Services);
- (C) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and
- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 23 (Park Place Services).

**COUNCIL GOALS: Develop Strategies and Take Actions, Including Regaining Local Control of the Ontario International Airport, to Minimize the Negative Impacts of the Global Financial Downtown on Ontario's Economy and the City's Fiscal Health**  
**Focus Resources in Ontario's Commercial and Residential Neighborhoods**  
**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony**

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

Prepared by: Bob Chandler  
Department: Management Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 03/18/2014

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

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

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

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**FISCAL IMPACT:** In accordance with the City Council's long standing direction that development in the New Model Colony generate sufficient revenues to fund its required City services without reliance on the existing financial resources of the Old Model Colony, the use of Mello-Roos financing in connection with the Park Place development is projected to generate approximately \$2,000,000 per year, at build-out, to fund City services. As proposed, the maximum annual tax rate on each of the project's 432 single-family detached units in the first phase is \$1,387. The use of Mello-Roos financing for City services is critical in achieving the City Council's goal of **"Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony."** The use of Mello-Roos financing for the Park Place development will not generate funds for facilities, and bonds will not be issued as part of this formation.

**BACKGROUND:** 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 finance various kinds of public infrastructure facilities and city services. City services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property owned by the City with an estimated useful life of five or more years.

On February 4, 2014, the City Council approved Resolution No. 2014-003, a Resolution of Intention to establish City of Ontario Community Facilities District No. 23 (Park Place Services) and authorize the levy of special taxes within the district. The Park Place project addresses the residential development of approximately 2,714 acres located north of Bellgrave Avenue, south of Eucalyptus Avenue, east of Archibald Avenue, and west of Haven Avenue. At build-out, the development is projected to include 1,429 detached units. Included, as part of the Resolution of Intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 23 (Park Place Services). 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, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowners. The CFD is being formed pursuant to the provisions of the Park Place project's Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

The Resolution of Intention set the public hearing on the establishment of the CFD for March 18, 2014. Pursuant to the requirements of the Resolution, the City Clerk has published a notice of the time and place of this hearing pursuant to Section 53322 of the California Government Code at least seven days before the hearing. Additionally, the City gave notice of the time and place of the meeting to each registered voter and to each landowner within the CFD's boundaries at least fifteen days before the hearing, and the district boundary map was recorded on February 11, 2014. The election will be held immediately after the close of the public hearing in order for the City Council to be presented with the results of the election during the meeting. The City Council may then adopt a resolution declaring the results of the election after receiving a statement from the City Clerk as to the canvass of ballots.

Attached are three resolutions and an ordinance. The first resolution establishes the CFD and the rate and method of apportionment of the special tax. The second resolution calls for a special landowner election to be held on March 18, 2014. The third resolution declares the results of the election and a statement from the City Clerk as to the canvass of ballots. The ordinance authorizes the levying of special taxes. As noted, the issuance of bonds is not being contemplated for this project, so there is no resolution to issue bonds as part of this formation.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on February 4, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 23 (Park Place Services), to authorize the levy of special taxes within the Community Facilities District to finance certain services and to set the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

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

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

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

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

WHEREAS, written protests against the establishment of the Community Facilities District, the furnishing of any specified type or types of services within the

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The Community Facilities District is hereby established pursuant to the Act.

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 23 (Park Place Services)."

SECTION 4. 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 described under the caption "Incidental Expenses" on Exhibit A hereto. No facilities are proposed to be financed by the Community Facilities District.

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

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all 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 obligation to pay the special tax may not be prepaid and permanently satisfied. 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.

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

SECTION 8. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the Community Facilities District and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City Council ceases.

SECTION 9. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 86 at Page 10 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder's Office (Document No. 2014-0058330).

SECTION 10. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$96,000,000.

SECTION 11. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The City Council hereby finds and determines that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

SECTION 12. The City Council hereby finds and determines that all proceedings up to and including the adoption of this Resolution were valid and in conformity with the requirements of the Act. In accordance with Section 53325.1 of the Act, such finding shall be final and conclusive.

SECTION 13. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.



SECTION 14. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of March 2014.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 18, 2014 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2014-   duly passed and adopted by the Ontario City Council at their regular meeting held March 18, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

## EXHIBIT A

### SERVICES AND INCIDENTAL EXPENSES

#### 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 costs associated with the creation of the Community Facilities District, 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.

## EXHIBIT B

### CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES)

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

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A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 23 (Park Place Services) ("CFD No. 23") and collected each Fiscal Year commencing in Fiscal Year 2014-15, 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. 23, 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 as may hereinafter be set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 2482, as amended, being Chapter 2.5, Division 2 of Title 5 of the California Government Code.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 23: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 23 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); 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. 23 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 23; and amounts estimated or advanced by the City or CFD No. 23 for any other administrative purposes of CFD No. 23, 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 on 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.

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

**“CFD No. 23”** means City of Ontario Community Facilities District No. 23 (Park Place Services).

**“City”** means the City of Ontario, California.

**“City Council”** means the City Council of the City, acting as the legislative body of CFD No. 23.

**“County”** means the County of San Bernardino.

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

**“Gated Apartment Community Dwelling Unit”** means a Multiple Family Dwelling Unit within a gated community that, within such community, is primarily served by private interior streets.

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

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

**“Multiple Family Dwelling Unit”** means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Dwelling Units.

**“Non-Residential”** means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

**“Non-Residential Property”** means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2014, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

**“Property Owner Association Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 23 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 that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

**“Public Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 23 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

**“Residential 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, 2014, 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. 23: 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.

**“Special Tax”** means the special tax authorized by the qualified electors of CFD No. 23 to be levied within the boundaries of CFD No. 23.

**“Special Tax Requirement”** means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

**“Single Family Detached Dwelling Unit”** means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

**“Square Footage”** or **“Sq. Ft.”** means, with respect to a building, the gross floor area square footage reflected on the original construction building permit for such building, plus any square footage subsequently added to a building 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 Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 23 which are not exempt from the Special Tax pursuant to law or Section E below.

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

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, beginning with Fiscal Year 2014-15, all Taxable Property within CFD No. 23 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential 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.

**C. MAXIMUM SPECIAL TAX**

The Maximum Special Tax for each Assessor’s Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1  
MAXIMUM SPECIAL TAX**

<b>Land Use Class</b>	<b>Maximum Special Tax Fiscal Year 2014-15</b>
<b>Residential Property:</b>	
Single Family Detached Dwelling Unit	\$1,387 per Unit
Multiple Family Dwelling Unit	\$1,202 per Unit
Gated Apartment Community Dwelling Unit	\$1,008 per Unit
<b>Non-Residential Property</b>	\$0.26 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2015, the Maximum Special Tax 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.

In some instances an Assessor’s Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor’s Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property (based on the applicable final subdivision map, parcel map, condominium plan, or other recorded County map) located on that Assessor’s Parcel.

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

Each Fiscal Year, beginning with Fiscal Year 2014-15, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied

Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

**E. EXEMPTIONS**

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

**F. APPEALS**

Any property owner may file a written appeal of the Special Tax with CFD No. 23 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 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. TERM OF SPECIAL TAX**

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 23.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,  
CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 23 (Park Place Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 23 (Park Place Services) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on March 18, 2014 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on March 18, 2014.

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

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

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

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

SECTION 4. The City Council hereby finds and determines that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, (b) to the holding of said election on March 18, 2014, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on March 18, 2014.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District and to establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, California, on March 18, 2014. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on March 18, 2014; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

SECTION 7. Pursuant to Section 53327 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 of the California Elections Code. The City Council hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of said Section 4000 are applicable to this special election.

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on March 18, 2014, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

SECTION 11. The 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 12. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of March 2014.

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

ATTEST:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014-        was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 18, 2014 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2014-        duly passed and adopted by the Ontario City Council at their regular meeting held March 18, 2014.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

OFFICIAL BALLOT

CITY OF ONTARIO  
MARCH 18, 2014

SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 23  
(PARK PLACE SERVICES)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 23 (Park Place Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$96,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 23 (Park Place Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on March 18, 2014?

Yes: ☐

No: ☐

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

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

WHEREAS, on March 18, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 23 (Park Place Services)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 23 (Park Place Services) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on March 18, 2014; and

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

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

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

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

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

SECTION 4. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 18<sup>th</sup> day of March 2014.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, 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, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held March 18, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held March 18, 2014.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 23  
(PARK PLACE SERVICES)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on March 18, 2014, I canvassed the returns of the special election held on March 18, 2014, for the City of Ontario Community Facilities District No. 23 (Park Place Services), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 23 (Park Place Services) Special Election, March 18, 2014				

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 23 (Park Place Services) (the "Community Facilities District") be authorized to levy a special tax in order to finance certain services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$96,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 23 (Park Place Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District," adopted by the City Council of the City of Ontario on March 18, 2014?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 18<sup>th</sup> day of March 2014.

By: \_\_\_\_\_  
Mary E. Wirtes, City Clerk

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES).

WHEREAS, on February 4, 2014, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 23 (Park Place Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on March 18, 2014, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 23 (Park Place Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 23 (Park Place Services)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on March 18, 2014, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act;

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2014-15 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

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

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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PAUL S. LEON, MAYOR

ATTEST:

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MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, MARY E. WIRTES, 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 \_\_\_\_\_, 2014 by the following roll call vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
MARY E. WIRTES, MMC, 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.

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

(SEAL)