

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
FEBRUARY 7, 2017

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Al C. Boling
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with 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, Valencia, 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)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Floyd E. Clark v. City of Ontario; City of Ontario Fire Department; Al Boling; and DOES 1 through 100.*

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Immam Said Seddouk, Alnur Islamic Center of 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 January 3, 2017, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills December 11, 2016 through January 7, 2017 and **Payroll** December 11, 2016 through January 7, 2017, when audited by the Finance Committee.

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

That the City Council adopt an ordinance to establish permissible uses of the official city seal and city insignia.

ORDINANCE NO. _____

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

4. AUTHORIZE THE PURCHASE OF FIBER OPTIC CABLE/CONDUIT EQUIPMENT AND MATERIAL AS PART OF THE CONSTRUCTION OF THE CITY'S HIGH-SPEED INTERNET (BROADBAND) NETWORK

That the City Council take the following actions:

- (A) Award Bid #698 for the purchase and delivery of fiber optics cable material and equipment in the amount of \$502,197 plus applicable taxes and shipping, from Graybar Electric of San Bernardino, California; and
- (B) Award Bid #699 for the purchase and delivery of fiber optics conduit material and equipment in the amount of \$372,274 plus applicable taxes and shipping, from Performance Utility Supply of Corona, California, for the City's High-Speed Internet (Broadband) Network project.

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

That the City Council adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II).

ORDINANCE NO. _____

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

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
February 7, 2017

ROLL CALL: Dorst-Porada __, Wapner __, Valencia __, Bowman __, Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Dorst-Porada __, Wapner __, Valencia __, Bowman __, Mayor / Chairman Leon __.

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Floyd E. Clark v. City of Ontario; City of Ontario Fire Department; Al Boling; and DOES 1 through 100.

No Reportable Action	Continue	Approved
----------------------	----------	----------

/ /

/ /

/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
February 7, 2017

SECTION:
CONSENT CALENDAR

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

RECOMMENDATION: That the City Council adopt an ordinance to establish permissible uses of the official city seal and city insignia.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: None.

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

On January 17, 2017, the City Council introduced and waived further reading on the proposed ordinance, which establishes permissible uses of the Official City Seal and City Insignia. If adopted, this ordinance will provide the City a tool to help ensure that the Official City Seal and City Insignia are used only for purposes directly related to the official business of the City of Ontario, or as expressly authorized. The proposed ordinance will establish authorized uses for the Official City Seal and City Insignia, designate the City Clerk as the custodian of the Official City Seal, and create a process by which members of the public can seek permission to use them. Moreover, the proposed ordinance will empower the City Manager to institute an administrative policy regarding the use of the Official City Seal and City Insignia by City staff. Lastly, the proposed ordinance will establish civil fines of up to \$1,000 and a misdemeanor offense for malicious or commercial uses which are inconsistent with the public good.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: David Sheasby
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 02/07/2017
Approved: _____
Continued to: _____
Denied: _____

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

- Sec. 2-4.01. Purpose
- Sec. 2-4.02. Definitions
- Sec. 2-4.03. Official City Seal Established
- Sec. 2-4.04. Custodian of Official City Seal
- Sec. 2-4.05. Use of the City Seal and City Insignia
- Sec. 2-4.06. Unauthorized use of the Official City Seal or City Insignia is prohibited
- Sec. 2-4.07. Penalties.

Sec. 2-4.01. Purpose.

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

Sec. 2-4.02. Definitions.

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

Sec. 2-4.03. Official City Seal Established.

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



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

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

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

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

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

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

Sec. 2-4.07. Penalties.

- (a) Any person who, for malicious or commercial purposes, engages in the unauthorized use of the Official City Seal or City Insignia, shall be subject to a civil administrative fine not to exceed one thousand dollars (\$1,000.00) and shall be guilty of a misdemeanor offense.”

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

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

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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

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

PASSED, APPROVED, AND ADOPTED this 7th day of February 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3066 was duly introduced at a regular meeting of the City Council of the City of Ontario held January 17, 2017 and adopted at the regular meeting held February 7, 2017 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3066 duly passed and adopted by the Ontario City Council at their regular meeting held February 7, 2017 and that Summaries of the Ordinance were published on January 24, 2017 and February 14, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 7, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FIBER OPTIC CABLE/CONDUIT EQUIPMENT AND MATERIAL AS PART OF THE CONSTRUCTION OF THE CITY'S HIGH-SPEED INTERNET (BROADBAND) NETWORK

RECOMMENDATION: That the City Council take the following actions:

- (A) Award Bid #698 for the purchase and delivery of fiber optics cable material and equipment in the amount of \$502,197 plus applicable taxes and shipping, from Graybar Electric of San Bernardino, California; and
- (B) Award Bid #699 for the purchase and delivery of fiber optics conduit material and equipment in the amount of \$372,274 plus applicable taxes and shipping, from Performance Utility Supply of Corona, California, for the City's High-Speed Internet (Broadband) Network project.

COUNCIL GOALS: Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Adopted Fiscal Year 2016-17 Budget includes appropriations of \$4,218,936 to purchase material and equipment for the City's Fiber Optic Master Plan project.

BACKGROUND: The fiber network will include a backbone, fiber connection between City facilities and fiber to the home in the Ontario Ranch area. The backbone has been designed to have excess capacity to serve commercial customers and to allow for economic development opportunities.

As part of streamlining the construction process, it was determined that the customary way of bidding each project phase of the fiber network to correspond with development has proven to be too slow and rigid to address current market conditions. In response, staff recommends that the City purchase and warehouse the major backbone material and equipment such as fiber optic cable, conduit, handholds, etc. Having the material and equipment on hand eliminates long lead times and eliminates costly overhead and markup charges.

STAFF MEMBER PRESENTING: Elliott Ellsworth, Information Technology Director

Prepared by: Jimmy Chang
Department: Information Technology

City Manager
Approval: 

Submitted to Council/O.H.A. 02/07/2017

Approved: _____

Continued to: _____

Denied: _____

4

A. **Bid #698, OntarioNet Fiber Optic Cable Inventory Fiber/Splice Case Material:** On December 21, 2016 the City solicited bids for the purchase of fiber optic cable material and equipment for the construction of the fiber optics network.

The results were as follows:

Name	Location	Amount
Graybar Electric	San Bernardino, CA	\$502,198
Codale Electric Supply	Salt Lake City, UT	\$503,612
Communication Supply Corporation	Carol Stream, IL	\$507,601
Power & Telephone Supply Company	Memphis, TN	\$530,327
Crosstown Electrical & Data Inc.	Irwindale, CA	\$568,837

B. **Bid #699, OntarioNet Fiber Optic Cable Inventory, Conduit/Handhole Material:** On December 21, 2016, the City solicited bids for the purchase of fiber optic conduit material and equipment for the construction of the fiber optics network.

The results were as follows:

Name	Location	Amount
Performance Utility Supply	Corona, CA	\$372,273
Power & Telephone Supply Company	Memphis, TN	\$409,641
SAF-T-CO Supply	Santa Ana, CA	\$413,290
Communication Supply Company	Carol Stream, IL	\$424,214
Graybar Electric Supply	San Bernardino, CA	\$433,212
Codale Electric Supply	Salt Lake City, UT	\$436,085
Inter-Pacific	Tustin, CA	\$536,800

CITY OF ONTARIO

Agenda Report

February 7, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II)

RECOMMENDATION: That the City Council adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II).

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Park Place Facilities Phase II project is estimated to generate approximately \$9 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: At the public hearing conducted by the City Council on January 17, 2017, the City Council adopted the resolutions of formation for Community Facilities District No. 25 (Park Place Facilities Phase II) and introduced and waived further reading of the ordinance levying special taxes within City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II). Adoption of the ordinance will conclude the formation process for City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II).

The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community

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. 02/07/2017
Approved: _____
Continued to: _____
Denied: _____

5

facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds. On December 6, 2016, the City Council approved Resolution No. 2016-119, a Resolution of Intention to establish City of Ontario Community Facilities District No. 25 (Park Place Facilities Phase II) and authorize the levy of special taxes, and Resolution No. 2016-120, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of January 17, 2017 to consider formation matters. On January 17, 2017, the City Council adopted the Resolution of Formation and associated resolutions, establishing Community Facilities District No. 25 (Park Place Facilities Phase II).

The Park Place Facilities Phase II project addresses the development of approximately 49 gross acres located generally east of Archibald Avenue, west of Celebration Avenue, south of Parkview Street and north of Merrill Avenue. At build out, the development is projected to include 253 detached units. The Community Facilities District is being formed pursuant to the provisions of the SL Ontario Development Company Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 7th day of February 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3067 was duly introduced at a regular meeting of the City Council of the City of Ontario held January 17, 2017 and adopted at the regular meeting held February 7, 2017 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3067 duly passed and adopted by the Ontario City Council at their regular meeting held February 7, 2017 and that Summaries of the Ordinance were published on January 24, 2017 and February 14, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)