



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### City Council Meeting

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File #: 21-2534

Agenda #: I.

Agenda Date: 10/24/2023

Category: Consent Calendar

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**FROM:**  
Development Services

**SUBJECT:**

Resolution of Public Interest and Convenience **No. 2023-102** declaring the intent to sell 1.94 acres of City owned property and declaring the property exempt surplus land and setting a public hearing to consider protest for conveyance of the property.

**RECOMMENDATION:**

Adopt the Resolution of Public Interest and Convenience **No. 2023-102**, declaring the City's intent to sell 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000) ("Property") in order to facilitate the construction of a 50 unit affordable family-apartment housing project ("Project"), declaring the Property exempt surplus land pursuant to Government Code Section 54221(f)(1)(A) as it is surplus land that is being transferred pursuant to Government Code Section 37364, setting a public hearing to consider protests for conveyance of the Property; adopt California Environmental Quality Act findings concerning the adequacy of the previously adopted Mitigated Negative Declaration, and Mitigation, Monitoring and direct staff to file a Notice of Determination

**COUNCIL GOALS:**

- To promote affordable housing by construction of high-quality multi-family housing which also serves to address the affordability needs of this community.

**BACKGROUND/PROJECT DESCRIPTION:**

City has been in negotiations with Fontana Courtplace I Housing Partners, L.P., a California limited partnership (the "Developer") regarding the sale and purchase of that certain property 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000). The Property will be sold by the City by entering into a Disposition and Development Agreement (DDA) with the Developer whereby Developer will develop the property into a 50 unit affordable family-apartment rental housing project.

The City declares its intent to convey the Property pursuant to the terms of the DDA (subject to a finding by the Planning Commission that the sale is in conformance with the City's General Plan), fixes a time for the hearing of any protests to the disposition, provides for publication of the notice of said hearing, and fixes the time for final action on the disposition of the Property and approval of the PSA.

**Surplus Land Act**

California Government Code Section 54220 et seq. (the “Surplus Land Act”) was amended in 2019 by Assembly Bill 1486 (“AB 1486”) and requires, among other things, that prior to the disposal of any surplus land, unless an exemption applies, a local agency must provide notice to, among others, affordable housing developers, and thereafter negotiate in good faith for ninety (90) days with any parties who submit a notice of interest. However, under the Surplus Land Act, as amended by AB 1486, the Property is exempt surplus land because, pursuant to Government Code Section 54221(f) (1)(A) as this is surplus land that is being transferred pursuant to Government Code Section 37364. Government Code Section 37364 authorizes cities to convey land to a developer for developing housing where at least 40% of the total developed units are to be affordable to households whose incomes are less than or equal to 75% of the maximum income for lower income households (80% of AMI), and at least half of the affordable units are set aside for very low income households (50% of Area Median Income “AMI”).

The DDA provides that of the 50-unit affordable family-apartment units, all but the manager unit, will be low, very low or extremely low income units. The affordability level of the units as required by the DDA is as follows: 5 of the units will be leased to extremely low income households (i.e., 30% of the AMI), 25 of the units shall be leased to households that are very low income (i.e., 40%-50% AMI), and 19 units shall be leased to lower income households (i.e., 60% AMI); and there is one manager unit.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) (“CEQA”), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that a Mitigated Negative Declaration (MND) be prepared in order to analyze all potential adverse environmental impacts of a proposed multi-level residential affordable apartment buildings with associated green space, community gathering areas, vehicle parking, landscaping, and security fencing on the approximately 4.8-acres of land (“Courtplace Project”). The City prepared and adopted the Courtplace Project MND on November 1, 2022 for the Courtplace Project.

Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an MND has been adopted, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review. Staff evaluated the proposed Resolution declaring the intent to sell the property, finding the property to be exempt surplus land, and setting the public hearing in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166, State CEQA Guidelines section 15162 and City of Fontana’s 2019 Local Guidelines for Implementing CEQA; and,

In connection with the Resolution declaring the intent to sell the property, finding the property to be exempt surplus land, setting the public hearing and the City Council’s review of the Courtplace Project MND, staff recommends that the City Council independently review all the prior environmental documentation prepared for the Courtplace Project, and exercise its independent judgment in making the determination that the Courtplace Project MND fully analyzed and mitigated, all potentially significant environmental impacts, if any, that would result from adoption of Resolution declaring the intent to sell the property, finding the property to be exempt surplus land, and setting the public hearing, and therefore, no subsequent EIR or mitigated negative declaration is required.

**FISCAL IMPACT:**

There is no fiscal impact associated with the approval of this item. Once the sale of the property is approved, staff will report the sale price to City Council.

**MOTION:**

Adopt the Resolution of Public Interest and Convenience No. 23-\_\_\_\_\_, declaring the City's intent to sell 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000 )("Property"); in order to facilitate the construction of a 50 unit affordable family-apartment housing project ("Project"), declaring the Property exempt surplus land pursuant to Government Code Section 54221(f)(1)(A) as it is surplus land that is being transferred pursuant to Government Code Section 37364; setting a public hearing to consider protests for conveyance of the Property; directing City Staff to publish the resolution; and adopting California Environmental Quality Act findings concerning the adequacy of the previously adopted Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program.

## **RESOLUTION NO. 2023-102**

**A RESOLUTION OF THE CITY OF FONTANA, CALIFORNIA, FINDING THAT PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF 1.94 ACRES OF UNIMPROVED LAND LOCATED ON SIERRA AVENUE, BETWEEN SANTA ANA AVENUE TO THE NORTH AND JURUPA AVENUE TO THE SOUTH (A PORTION OF ASSESSOR PARCEL NUMBERS 0255-101-22-0000 AND 0255-101-23-0000), DECLARING THE INTENT TO SELL SUCH PROPERTY, AND FINDING SUCH PROPERTY TO BE EXEMPT FROM THE SURPLUS LAND ACT; SETTING A PUBLIC HEARING TO CONSIDER PROTESTS FOR CONVEYANCE OF THE PROPERTY; ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS CONCERNING THE ADEQUACY OF THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION, MITIGATION, MONITORING, AND REPORTING PROGRAM.**

**WHEREAS**, the City of Fontana, a California municipal corporation (“City”), is the owner of 1.94 acres of unimproved real property generally located in Fontana on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of Assessor Parcel Numbers 0255-101-22-0-000 and 0255-101-23-0-000) legally described in **Exhibit “A”** attached to this resolution and incorporated herein by this reference (“Property”); and

**WHEREAS**, the City has no use for the Property and desires to sell the Property to Fontana Courtplace I Housing Partners, L.P., a California limited partnership (“Purchaser”) for the construction of a 50-unit affordable family-apartment housing project; and

**WHEREAS**, California Government Code Section 54220 et seq. (the “Surplus Land Act”) requires that prior to the disposal of any surplus land, unless an exemption applies, a local agency must provide notice to, among others, affordable housing developers, and thereafter negotiate in good faith for ninety (90) days with any parties who submit a notice of interest; and

**WHEREAS**, the Property is exempt from the Surplus Land Act, pursuant to Government Code Section 54221(f)(1)(A) as it is surplus land that is being transferred pursuant to Government Code Section 37364 because at least 40% of the total developed units are to be affordable to households whose incomes are less than or equal to 75% of the maximum income for lower income households (80% of AMI), and at least half of the affordable units are set aside for very low income households (50% of Area Median Income “AMI”); and

**WHEREAS**, California Government Code Sections 37420 through 37430 authorize the City to dispose of public property; and

Resolution 2023-102

**WHEREAS**, California Government Code Section 37421 provides that when the City finds that the public interest and convenience require the conveyance of City property, the City may adopt a resolution stating such finding and intention to convey the property; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that a Mitigated Negative Declaration (MND) be prepared in order to analyze all potential adverse environmental impacts of a proposed multi-level residential affordable apartment buildings with associated green space, community gathering areas, vehicle parking, landscaping, and security fencing on the approximately 4.8-acres of land ("Courtplace Project"); and,

**WHEREAS**, the City prepared and adopted the Courtplace Project MND on November 1, 2022, for the Courtplace Project; and,

**WHEREAS**, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an MND has been adopted, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and,

**WHEREAS**, staff evaluated this Resolution declaring the intent to sell the property, finding the property to be exempt surplus land, and setting the public hearing in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166, State CEQA Guidelines section 15162 and City of Fontana's 2019 Local Guidelines for Implementing CEQA; and,

**WHEREAS**, in connection with this Resolution declaring the intent to sell the property, finding the property to be exempt surplus land, and setting the public hearing and the City Council's review of the Courtplace Project MND, the City Council has independently reviewed all the prior environmental documentation prepared for the Courtplace Project, and has exercised its independent judgment in making the determination that the Courtplace Project MND fully analyzed and mitigated, all potentially significant environmental impacts, if any, that would result from the sale, and therefore, no subsequent EIR or mitigated negative declaration is required; and,

**WHEREAS**, California Government Code Section 37422 provides that such resolution shall fix a time for hearing protests to the property conveyance, provide for publication of notice of the hearing, fix the time when the City will take final action regarding the property conveyance and contain an accurate description of the property to be conveyed; and

**WHEREAS**, in accordance with Government Code section 65402, the proposed disposition of the Property under the Disposition and Development Agreement ("DDA") must be and will be presented to the City's Planning Commission ("Planning

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Commission"), to find that the conveyance of the Property from City to Purchaser is in conformance with the City's general plan; and

**WHEREAS**, California Government Code Section 37423 requires publication of this Resolution in a daily newspaper circulated in the City and posting of this Resolution in three conspicuous locations on the Property; and

**WHEREAS**, the City wishes to declare its intent to dispose of and convey the Property pursuant to the terms of the DDA, declare and find that the Property is exempt from the Surplus Land Act, fix a time for the hearing of any protests to the disposition, provide for publication of the notice of said hearing, and fix the time for final action on the disposition of the Property and approval of the DDA.

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

**Section 1. Incorporation of Recitals.** The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

**Section 2. CEQA Findings.** The City Council has reviewed and considered the Courtplace Project MND and the Mitigation, Monitoring, and Reporting Program (MMRP), pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA, and has determined that the Courtplace Project MND fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the Resolution declaring the intent to sell the property, finding the property to be exempt surplus land, and setting the public hearing, and therefore, no subsequent EIR or mitigated negative declaration is required.

**Section 3. Notice of Determination.** A Notice of Determination has been prepared and staff is directed to file the Notice of Determination.

**Section 4. Findings Public Interest and Convenience.** The City finds that the public interest and convenience require conveyance of the Property to Fontana Courtplace I Housing Partners, L.P. for the economic development of the Property. The property is unimproved, and the proposed use of the property will provide forty-nine (49) affordable family rental units and one manager unit.

**Section 5. Surplus Land Act Findings.** The City Council of the City hereby finds and determines that the Property is "surplus land" as used in the Surplus Land Act, because the Property is owned in fee simple by the City, and the Property is surplus and is not necessary for the City's use. The City Council of the City hereby further finds and determines that the Property is "exempt surplus land" pursuant to Government Code section 54221(f)(1)(A) as it is surplus land that is being transferred pursuant to Government Code Section 37364 at least 40% of the total developed units are to be affordable to households whose incomes are less than or equal to 75% of the maximum income for lower income households (80% of AMI), and at least half of the affordable

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**Section 6.** units are set aside for very low-income households (50% of Area Median Income "AMI"), the Surplus Land Act shall not apply to this sale and transfer of the Property.

**Section 7. Declaration of Intent to Sell; Fixing of Hearing.** The City Council of the City hereby declares its intent to sell the Property to Fontana Courtplace I Housing Partners, L.P., a California limited partnership on pursuant to the DDA and fixes November 14, 2023, at 7:00 p.m., in the City Council Chambers located at 8353 Sierra Avenue, Fontana, CA or as soon thereafter as the matter may be heard as the date, time and location for hearing any protests to the proposed sale of the Property, approval of the DDA and as the final action date.

**Section 8. Publication and Posting.** In compliance with California Government Code Section 37423, the City Council of the City hereby directs City staff to publish this resolution at least once in a daily newspaper prior to November 14, 2023, and to post this Resolution for not less than ten (10) days in at least three (3) conspicuous places upon the Property prior to November 14, 2023.

**Section 9. Custodian of Documents.** The custodian of documents constituting the record of proceedings for this matter is the City Clerk. The documents constituting the record of proceedings for this matter are located at City Hall at 8353 Sierra Avenue, Fontana, CA 92335.

**Section 10. Severability.** If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

**Section 11. Certification; Effectiveness.** The City Clerk shall certify to the adoption of this Resolution. This Resolution shall become effective immediately upon its adoption.

**APPROVED AND ADOPTED** this 24th day of October 2023.

**READ AND APPROVED AS TO LEGAL FORM:**

*Ruben Duran*

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City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 24<sup>th</sup> day of October 2023, by the following vote to wit:

Resolution 2023-102

**AYES:** Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran, Roberts and Sandoval

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

*Germaine Key*

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City Clerk of the City of Fontana

*Lequanetta Warren*

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Mayor of the City of Fontana

**ATTEST:**

*Germaine Key*

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City Clerk

**Exhibit “A”**

**Property Description**

## EXHIBIT A-2

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FONTANA IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTH ONE-HALF OF THE EAST ONE-HALF OF FARM LOT 769, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, AS PER MAP RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY. DESCRIBED AS FOLLOWS:

Lot A:

COMMENCING AT THE EASTERLY LINE OF FARM LOT 776 OF SAID SEMI-TROPIC LAND AND WATER COMPANY AND THE CENTERLINE OF JURUPA AVENUE;

THENCE NORTH 00°32'15" WEST, 730.06 FEET ALONG THE EASTERLY LINE OF SAID LOT 776 TO THE SOUTHERLY LINE OF SAID LOT 769;

THENCE SOUTH 89°27'22" WEST, 30.00 FEET ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF SIERRA AVENUE AND **THE TRUE POINT OF BEGINNING**;

THENCE SOUTH 89°27'22" WEST 266.94 FEET, CONTINUING ALONG SAID SOUTHERLY LINE;

THENCE NORTH 00°31 '04" WEST, 330.11 FEET TO THE NORTHERLY LINE OF THE SAID SOUTH ONE-HALF OF SAID LOT 769;

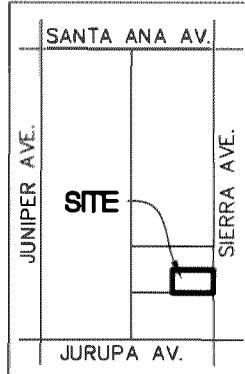
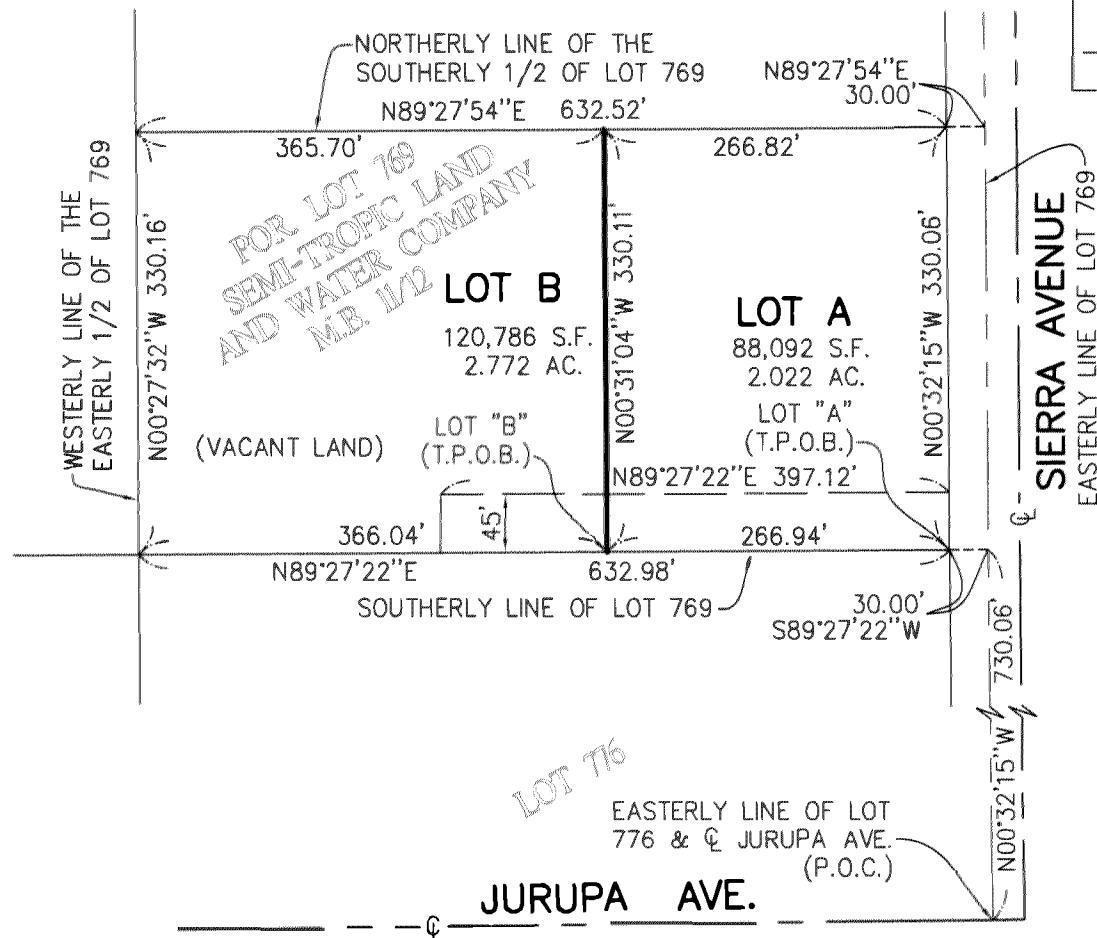
THENCE NORTH 89°27'54" EAST, 266.82 FEET ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF SIERRA AVENUE;

THENCE SOUTH 00°32'15" EAST, 330.06 FEET ALONG SAID WESTERLY LINE **THE TRUE POINT OF BEGINNING**.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINING 88,092 SQUARE FEET (2.022 ACRES) OF LAND, MORE OR LESS.

**EXHIBIT 'B'**  
**to**  
**EXHIBIT A-2**  
**LEGAL DESCRIPTION**

**LEGEND**

P.O.C. POINT OF COMMENCEMENT  
 T.P.O.B. TRUE POINT OF BEGINNING

— Existing lot line  
 — After adjustment

— Existing lot line  
 To remain

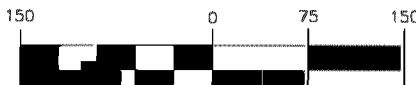
— Existing lot line  
 To be removed



TY E. THOMAS  
 P.L.S. 9309

DATE

NORTH  
 GRAPHIC SCALE



PREPARED BY:

**T&M  
 SURVEYING**

511 E. TRENTON AVE.  
 ORANGE, CA  
 0-714-912-4042 C-714-906-8771  
 WWW.TNSURVEYING.COM



JN:	-743
CHECKED	TET
SHEET	
8 OF 8	

CITY INDEX NO. \_\_\_\_\_

**Certificate Of Completion**

Envelope Id: 5C992A7AF63E44E2BC09C9C8A09E536E

Status: Completed

Subject: Please Sign Reso 2023-102.pdf

Source Envelope:

Document Pages: 8

Signatures: 4

Envelope Originator:

Certificate Pages: 5

Initials: 0

City Clerk

AutoNav: Enabled

EnvelopeD Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

**Record Tracking**

Status: Original

Holder: City Clerk

Location: DocuSign

1/24/2024 | 03:49 PM

clerks@fontana.org

**Signer Events**

Ruben Duran

**Signature****Timestamp**

ruben.duran@bbklaw.com

Sent: 1/24/2024 | 03:49 PM

Security Level: Email, Account Authentication  
(None)

Viewed: 1/27/2024 | 10:30 PM

Signature Adoption: Pre-selected Style

Signed: 1/27/2024 | 10:31 PM

Using IP Address: 174.202.5.52

Signed using mobile

**Electronic Record and Signature Disclosure:**

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Sent: 1/27/2024 | 10:31 PM

ID: 2c75bd41-315a-4f58-b378-b57ba77b0228

Acquanetta Warren



Viewed: 1/29/2024 | 06:59 AM

awarren@fontana.org

Signed: 1/29/2024 | 06:59 AM

Security Level: Email, Account Authentication  
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 174.218.122.30

Signed using mobile

**Electronic Record and Signature Disclosure:**

Accepted: 1/29/2024 | 06:59 AM

Sent: 1/29/2024 | 06:59 AM

ID: 18992061-2fab-4e88-9348-7ed6a7a87ac0

Germaine Key



Viewed: 1/29/2024 | 09:43 AM

gkey@fontana.org

Signed: 1/29/2024 | 09:43 AM

Security Level: Email, Account Authentication  
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Signed using mobile

**Electronic Record and Signature Disclosure:**

Accepted: 1/29/2024 | 09:43 AM

Sent: 1/29/2024 | 09:43 AM

ID: 7ed5842f-2d43-4978-9756-f09fdb09b357

**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

**Carbon Copy Events**

Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

Accepted: 6/26/2023 | 12:01 PM

ID: 313ff663-c622-41d0-ac8d-292f7d782a66

**Status****COPIED****Timestamp**

Sent: 1/29/2024 | 09:43 AM

Viewed: 1/29/2024 | 10:10 AM

Wendy Duenas

wduenas@fontanaca.gov

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

**COPIED**

Sent: 1/29/2024 | 09:43 AM

**Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

1/24/2024 | 03:49 PM

Certified Delivered

Security Checked

1/29/2024 | 09:43 AM

Signing Complete

Security Checked

1/29/2024 | 09:43 AM

Completed

Security Checked

1/29/2024 | 09:43 AM

**Payment Events****Status****Timestamps****Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact City of Fontana:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

**To advise City of Fontana of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

**To request paper copies from City of Fontana**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with City of Fontana**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERs):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"><li>•Allow per session cookies</li><li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li></ul>

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.