

RESOLUTION NO. 2025-100

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AUTHORIZING THE COLLECTION OF CERTAIN ANNUAL WASTEWATER AND SOLID WASTE SERVICE CHARGES, INCLUDING DELINQUENT CHARGES FOR EACH SERVICE, TO BE COLLECTED ON THE SAN BERNARDINO COUNTY ANNUAL PROPERTY TAX ROLL, DETERMINING THAT CURRENT DELINQUENT CHARGES CONSTITUTE A LIEN UPON PROPERTY, AND MAKING CERTAIN FINDINGS AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, the City of Fontana (the “City”) City Council (the “City Council”) has by prior resolutions established rates and charges for the provision of sewer and wastewater services (the “Wastewater Charges”) and solid waste collection services (the “Solid Waste Charges”) (collectively, the Wastewater Charges and Solid Waste Charges are the “Charges”); and

WHEREAS, pursuant to section 5473 *et seq.* of the Health and Safety Code, the City may collect the Charges, including delinquent Charges, on the San Bernardino County (the “County”) annual property tax roll in the same manner, at the same time as, together and not separately from, its general taxes; and

WHEREAS, pursuant to section 5473 of the Health and Safety Code, the City Council desires to authorize the collection of the Charges for both the wastewater and solid waste services on the tax roll; and

WHEREAS, the City Council further desires to authorize the collection of any delinquent Charges for both the wastewater and solid waste services on the tax roll pursuant to Health and Safety Code, section 5473a, and further desires at this time to record a lien against parcels of property currently delinquent with said wastewater and solid waste service Charges and has caused to be prepared a written report for each Charge (each a “Written Report”), copies of which are attached hereto as Exhibit “A” and Exhibit “B” and by this reference incorporated herein, to be prepared and filed with the City Clerk containing the description of each real property parcel which has delinquent Charges outstanding and the amount of the Wastewater Charges and Solid Waste Charges thereon; and

WHEREAS, the City Clerk caused a notice of the filing of the Written Reports and of the time and place of the public hearing thereon to be published in a newspaper of general circulation all in accordance with section 5473.1 of the Health and Safety; and

WHEREAS, the City has also provided written notice to each parcel of property subject to the lien for delinquent Charges pursuant to section 5473.1; and

WHEREAS, at the time stated in the notice being the 14th day of October, 2025, at 2:00 p.m., the City Council conducted the public hearing on the Written Reports and heard and considered all objections or protests thereto, and has determined and hereby finds that protests have not been made by the owners of a majority of the separate parcels of real property described in the Written Reports for any delinquent Charges; and

WHEREAS, approval of this Resolution shall authorize the collection of Wastewater Charges and Solid Waste Charges, including any delinquent Wastewater Charges and Solid Waste Charges on the County property tax rolls each year and shall constitute a lien against the parcel or parcels of land in accordance with section 5473 *et seq.* of the Health and Safety Code; and

WHEREAS, approval of this Resolution shall also constitute a lien against the delinquent parcels of land included in the attached Written Reports in accordance with section 5473 *et seq.* of the Health and Safety Code.

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

Section 1. Recitals. The City Council hereby finds and determines that the above recitals are true and correct and are incorporated herein by this reference.

Section 2. Authorization. The City Council hereby authorizes the collection of the Wastewater Charges and Solid Waste Charges in the future on the County property tax roll, including any delinquent Wastewater Charges and Solid Waste Charges, to be imposed thereon, and this Resolution has been adopted by at least two-thirds of the members of the City Council.

Section 3. Written Report Approval. The Written Reports filed with the City Clerk contain the description of each real property parcel which is currently delinquent in the payment of the Wastewater Charges and Solid Waste Charges and the Written Reports are therefore approved and adopted.

Section 4. County Recorder's Office. The City Clerk, or designee thereof, is hereby directed to file for record with the County Recorder's Office a copy of the Written Reports, with a statement endorsed thereon over his or her signature that the Written Reports have been fully adopted by the City Council, together with a certified copy of this Resolution, and shall request that they be recorded as a lien against the parcels contained therein.

Section 5. County Tax Roll. The Wastewater Charges and Solid Waste Charges, including any delinquent Wastewater Charges and Solid Waste Charges, shall be forwarded to the County Tax Collector for collection on the County Property tax roll in the same manner, by the same person, at the same time, together with and not separate from the general taxes, against the property to which they relate, and shall constitute liens on the property in the amount of the Charges, including any delinquent Charges, to be added to the tax bill next levied against each property.

Section 6. Future Proceedings. The City Council shall comply with section 5473 *et seq.* and cause to be prepared the written report each year the Charges are to be enrolled on the property tax roll pursuant to section 5473 and 5473a of the Health and Safety Code, and the City Clerk shall cause a notice of public hearing pursuant to section 5473.1 of said code each year in compliance with the Health and Safety Code.

Section 7. CEQA. This action has been reviewed per the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the City's environmental regulations. The City, acting as the lead agency, determined that the resolution is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change to the environment as there is no possibility that the action would result in a significant environmental impact, and because it does not constitute a "project" as defined in Section 15378 of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Section 8. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

Section 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of October, 2025.

READ AND APPROVED AS TO LEGAL FORM:

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 held on the 14th day of October, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT “A”

**WRITTEN REPORT OF ASSESSOR’S PARCELS
DELINQUENT WASTEWATER SERVICE CHARGES**

[Report Attached on Following Pages]

EXHIBIT “B”

WRITTEN REPORT OF ASSESSOR’S PARCELS

DELINQUENT SOLID WASTE SERVICE CHARGES

[Report Attached on Following Pages]