

RESOLUTION NO. 2026-075

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, OF CONSIDERATION TO CHANGE THE RATE AND METHOD OF APPORTIONMENT OF THE EXISTING SPECIAL TAX OF CITY OF FONTANA COMMUNITY FACILITIES DISTRICT NO. 117 (SOUTHRIDGE)

WHEREAS, the City Council (the “City Council”) of the City of Fontana (the “City”) has previously established City of Fontana Community Facilities District No. 117 (Southridge) (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”);

WHEREAS, subdivision (a) of Section 53332 of the Act provides that if a petition signed by the owners of 25% or more of the land within a community facilities district not exempt from the special tax is filed with the legislative body requesting that proceedings be commenced to change the rate or method of apportionment of an existing special tax, the legislative body shall within 40 days of the payment of the fee determined under subdivision (b) of said Section adopt a resolution of consideration in the form specified in the Act to make those changes within the community facilities district except that an existing special tax being used to pay off any debt incurred shall not be reduced or terminated if doing so would interfere with the timely retirement of that debt;

WHEREAS, pursuant to the Act, the City Council is the legislative body of the Community Facilities District;

WHEREAS, the Community Facilities District has not issued any bonds and has incurred no debt;

WHEREAS, the City Council has received a written petition (the “Petition”) from KB HOME Cal Management Services LLC, a Delaware limited liability company (the “Landowner”), requesting that proceedings be commenced pursuant to the Act to change the rate and method of apportionment of the special tax levied within the Community Facilities District so as to revise the initial permitting date used in the definition of “Developed Property,” as reflected in the Amended Rate and Method (as defined below);

WHEREAS, the Landowner has represented and warranted to the City Council that the Landowner is the owner of 100% of the area of land within the Community Facilities District not exempt from the special tax;

WHEREAS, the Landowner has paid a fee in an amount determined by the City Council to be sufficient to compensate the City for all costs incurred in conducting proceedings to change the rate and method of apportionment of the existing special tax levied within the Community Facilities District; and

WHEREAS, the City Council desires to commence proceedings pursuant to the Act to change the rate and method of apportionment of the special tax levied within the Community Facilities District;

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

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. The City Council hereby finds that the Petition has been signed by the owners of 25% or more of the land within the Community Facilities District not exempt from the special tax levied within the Community Facilities District.

Section 3. The name of the Community Facilities District is “City of Fontana Community Facilities District No. 117 (Southridge).”

Section 4. The boundaries of the Community Facilities District are as shown on the map of the Community Facilities District recorded at Book 92 of Maps of Assessments and Community Facilities Districts at Page 91, in the office of the County Recorder for the County of San Bernardino, State of California (Document No. 2026-0070067), which map is the final boundary map of the Community Facilities District.

Section 5. The proposed changes to the rate and method of apportionment of the special tax levied within the Community Facilities District are reflected in the Amended Rate and Method of Apportionment of Special Tax (the “Amended Rate and Method”) attached hereto as Exhibit A, which is by this reference incorporated herein. Included in Exhibit A is a description of the change to the rate and method of apportionment, which consists of revising the initial permitting date in the definition of “Developed Property” to building permits issued after January 1, 2025 (previously erroneously stated as January 1, 2026).

Section 6. The City Council hereby fixes Monday, September 8, 2026, at 2:00 p.m., or as soon thereafter as the matter may be heard, at 8437 Sierra Avenue, Fontana, California, as the time and place when and where the City Council will conduct a public hearing on the proposed changes to the rate and method of apportionment of the special tax levied within the Community Facilities District.

Section 7. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in the Fontana Herald News, a newspaper of general circulation published in the area of the Community Facilities District. The publication of said notice shall be completed at least seven (7) days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53335 of the Act.

Section 8. The changes to the rate and method of apportionment of the special tax levied within the Community Facilities District shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballots among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

Section 9. All actions heretofore taken by the officers, employees and agents of the City with respect to the proposed changes to the rate and method of apportionment of the special tax levied within the Community Facilities District, or in connection with or related to any of the documents referred to herein, are hereby approved, confirmed and ratified.

Section 10. 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 11. This Resolution shall take effect immediately upon its adoption.

Section 12. The City Clerk shall certify as to the adoption of this Resolution.

APPROVED AND ADOPTED this 14th day of July 2026.

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 on the 14th day of July 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

Resolution No. 2026-075

ATTEST:

City Clerk

EXHIBIT A

AMENDED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX