

RESOLUTION NO. 2026-067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, ADOPTING FINDINGS AND DETERMINATIONS RELATED TO THE PRESENTMENT OF OBJECTIONS TO THE PROPOSED SEWER SERVICE FEES IN COMPLIANCE WITH EXHAUSTION OF ADMINISTRATIVE REMEDIES PROCEDURES PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 53759.1 AND 53759.2, AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, section 6 of Article XIII D of the California Constitution (“Proposition 218”) and the Proposition 218 Omnibus Implementation Act (Government Code § 53750, et seq.) require that, prior to imposing any increase to the sewer service fees, the City of Fontana (the “City”) shall provide written notice by mail of: (1) the proposed increases to such sewer service fees to the record owner of each parcel upon which the sewer service fees are proposed for imposition (record owners); (2) the amount of the sewer service fees proposed to be imposed on each parcel; (3) the basis upon which the sewer service fees were calculated; (4) the reason for the sewer service fees; and (5) the date, time, and location of a public hearing (“Hearing”) on the proposed sewer service fees; and

WHEREAS, pursuant to Proposition 218, such written notice is required to be provided to the record owners not less than forty-five days (45) prior to the Hearing on the proposed sewer service fees; and

WHEREAS, the City provided written notice (“Notice”) to record owners and to customers of record who are not the property owner (e.g., a tenant) in compliance and consistent with Proposition 218; and

WHEREAS, the Notice included a prominently displayed statement that contained the information that all written objections to the proposed sewer service fees must be submitted within the written objection period and that a failure to timely object in writing bars any right to challenge the proposed sewer service fees through a legal proceeding and that contained all substantive and procedural requirements for submitting an objection to the proposed sewer service fees; and

WHEREAS, the City established a written objection period with a deadline of 2:00 P.M. on June 23, 2026, to submit an objection; and

WHEREAS, the City made available to the public the proposed sewer service fees no less than 45 days prior to the deadline to submit an objection; and

WHEREAS, the City posted on its internet website a written basis for the proposed sewer service fees and included a link to the internet website in the Notice; and

WHEREAS, the City mailed the written basis to any property owner upon request or, if no such requests were made, would have mailed the written basis to any property owner upon request; and

WHEREAS, the City provided at least 45 days for a property owner or customer of record (e.g., a tenant), to review the proposed sewer service fees and to timely submit a written objection to the proposed sewer service fees that specifies the grounds for alleging noncompliance; and

WHEREAS, the City considered and responded in writing, including the grounds for which a challenge is not resulting in amendments to the proposed sewer service fees, to any timely submitted written objections prior to the close of the Hearing; and

WHEREAS, timely submitted written objections and agency responses were presented to the City Council for consideration prior to or during the Hearing; and

WHEREAS, the City Council now desires to make findings and determinations related to the proposed sewer service fees.

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 are incorporated herein by this reference.

Section 2. The City Council has found and has determined that the written objections and the City's responses do not warrant clarification to any proposed sewer service fee; no reduction in any proposed sewer service fee is warranted; no further review is needed before making a determination on whether clarification or reduction of the proposed sewer service fees is needed; and to proceed with the Hearing.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

Section 4. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 23rd day of June, 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 23rd day of June, 2026, 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