

RESOLUTION NO. 2026-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, CONFIRMING A DIAGRAM AND ASSESSMENT, AND LEVYING THE ASSESSMENT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 3-1 (“LMD #3-1” EMPIRE CENTER) FOR FISCAL YEAR 2026-2027.

WHEREAS, on June 9, 2026, the City Council of the City of Fontana, (the “City Council”) adopted Resolution 2026-038 initiating proceedings for the levy and collection of assessments for Fiscal Year 2026-2027 for Landscape Maintenance District No. 3-1 (“LMD #3-1”) pursuant to the provisions of the Landscaping and Lighting Act of 1972, Division 15 of the Streets and Highways Code of the State of California (the “Act”), for the maintenance of landscaped areas; and

WHEREAS, the City Council has ordered the filing of an Engineer’s Report with the City Clerk, a report pursuant to law for the City Council’s consideration, and subsequently thereto the City Council adopted its Resolution of Intention (Resolution No. 2026-039) approving the Engineer’s Report and declaring the intention of the City Council to order the levy and collection of assessments to pay the costs and expenses of maintaining the landscaped areas in the District for the fiscal year commencing July 1, 2026, and ending June 30, 2027; and

WHEREAS, in November 1996, the voters of the State of California passed Proposition 218 which added Articles XIII C and XIII D to the California Constitution requiring, among other things, new procedures for the approval of the levying of assessments against real property; and

WHEREAS, Article XIII D of the California Constitution requires that assessments comply with stated procedural and approval provisions by July 1, 1997, unless an assessment district meets certain exemptions as set forth in Section 5 of the Article, which exemptions include the following:

“(a) any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage system or vector control.”

“(b) any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed;” and

WHEREAS, LMD #3-1 assessments proposed for Fiscal Year 2026-2027 are exempt from Proposition 218 because the assessments generate revenue for the operation and maintenance of streets and highways, all expenditures thereunder qualifying as street maintenance as defined by the State of California; and

WHEREAS, LMD #3-1 assessments are further exempt from proposition 218 because they were approved previously by property owner consent pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment was initially imposed; and

WHEREAS, the adoption of this Resolution, among other things, is required in order to levy the proposed assessments for Fiscal Year 2026-2027 for LMD #3-1.

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

Section 1. Following notice duly given by publication, the City Council has held a public hearing regarding the levy of the proposed assessment within the District for the fiscal year commencing July 1, 2026, and ending June 30, 2027, to pay for the costs and expenses of maintaining and servicing the public landscaped improvements installed and constructed within the District. All interested persons were afforded the opportunity to hear and be heard regarding protests, and objections have been considered by the City Council.

Section 2. The City Council hereby confirms the diagram and assessment set forth in the Engineer’s Report for Fiscal Year 2026-2027 and orders the maintenance and servicing of the public landscaped improvements installed and constructed in the District in the City of Fontana.

Section 3. The adoption of this resolution constitutes the levy of an assessment for the fiscal year commencing July 1, 2026, and ending June 30, 2027.

Section 4. The maintenance and servicing of the public landscaped areas shall be performed pursuant to law and the County Auditor of San Bernardino shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessment shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessments shall be paid to the City Treasurer.

Section 5. The City Treasurer shall deposit all moneys representing assessments collected by the County to the credit of a special fund known as Landscape Maintenance District No. 3-1, City of Fontana.

Section 6. The City Clerk is hereby authorized and directed to file the assessment with the County Auditor, together with a certified copy of this Resolution upon its adoption.

Section 7. A certified copy of the assessment diagram shall be filed in the office of the City Clerk and open for public inspection.

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