

RESOLUTION NO. 2019-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, REQUIRING DEVELOPMENT APPROVALS FOR ALL DEVELOPMENT PROJECTS WITHIN THE PRESERVE TO BE SUBJECT TO THE CONDITION THAT NECESSARY MUNICIPAL SERVICES BE FUNDED BY UTILIZATION OF A COMMUNITY FACILITIES DISTRICT OR OTHER APPROVED FUNDING MECHANISM, AND APPROVING THE OPTION OF FUNDING NECESSARY MUNICIPAL SERVICES BY UTILIZATION OF SUCH A DISTRICT (REPLACE AND RESCIND RESOLUTION NO. 2018-042)

WHEREAS, the City of Chino (“the City”) annexed certain real property described as “The Preserve”; and

WHEREAS, the City approved a General Plan Amendment, Specific Plan, and Program Environmental Impact Report including a Resources Management Plan for The Preserve establishing the type, size, and location of The Preserve planning areas, the permitted types, density and intensities of uses within those planning areas, and the regulations, policies and rules for development of The Preserve; and

WHEREAS, it is the established policy of the City, pursuant to the Land Use Plan Policies of its General Plan, for each new development within the City to bear the costs of necessary public facilities and municipal services required to serve such development, without increasing the financial burden of existing residents, property owners, and taxpayers within the City; and

WHEREAS, the City entered into a Development Agreement for a significant portion of The Preserve pursuant to the California Development Agreement Law, and the City Development Agreement Ordinance requiring that necessary municipal services for such portion of The Preserve be funded by utilization of a Community Facilities District and initial payment of \$1,000 per residential unit, to defray some of the initial cost of providing such services prior to receipt of Community Facilities District special taxes, and also requiring that necessary public facilities for such portion of The Preserve be funded by utilization of a Community Facilities District; and

WHEREAS, the City formed Community Facilities District No. 2003-3 of the City of Chino (the “CFD”) under the Mello-Roos Community Facilities Act of 1982 (the “Act”) within the boundaries shown on the Map of such District on file with the County Recorder, which include all of that portion of The Preserve subject to such Development Agreement; and the CFD is authorized to levy a Special Tax A to pay the unfunded cost of public facilities providing service within the boundaries of the CFD and a Special Tax B to pay the unfunded cost of necessary municipal services rendered within the boundaries of the CFD each fiscal year, including Services and Administrative Expenses, as defined in the Rate and Method of Apportionment for such Special Tax; and

WHEREAS, such public facilities and municipal services costs are incurred by the City for all Development Projects within The Preserve, whether or not located within the boundaries of the CFD; and

WHEREAS, the City Council has found and determined that all of such Development Projects within The Preserve should bear such costs; and

WHEREAS, the City Council has found and determined that utilization of a Community Facilities District pursuant to the Act is the most reasonable method of assuring that such municipal services cost is borne by all such Development Projects, and also is a reasonable method of assuring that such public facilities cost is borne by all such Development Projects; and

WHEREAS, the City Council has adopted Resolution No. 2005-014 providing for the method of funding for Municipal Services and authorizing annual adjustments to the initial payment by the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Los Angeles-Riverside-Orange County Areas, as published by the U.S. Bureau of Labor Statistics, not to exceed seven percent (7%) per year; and

WHEREAS, the City Council has adopted Resolution No. 2006-068 adding the category of non-residential property to the initial payment; and

WHEREAS, the City Council has adopted Resolution No. 2016-051 adding Section 3 "Exemptions" to this Resolution; and

WHEREAS, the City Council wishes to adjust the fee for the initial one-time municipal services fee for Fiscal Year 2019-20, effective July 1, 2019.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY RESOLVES AS FOLLOWS:

Section 1. Municipal Services Funding

All Development Approvals of Development Projects within that portion of The Preserve not subject to such Development Agreement shall be subject to the condition precedent to exercise of any rights derived from such Development Approvals that the annual cost of the unfunded municipal services provided by the City, which are necessary to serve such Development Projects, including Services and Administrative Expenses, shall be funded by:

A. Annexation of such Development Project to the CFD providing funding of an initial payment per section (C), determined in accordance with the calculations for such Development Agreement to defray some of the initial cost of providing such services prior to receipt of the CFD Special Taxes, and adjusted annually by the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Los Angeles-Riverside-Orange County Areas, as published by the U.S. Bureau of Labor Statistics, not to exceed seven percent (7%) per year (April); or

B. Inclusion within another Community Facilities District providing funding of such services in a manner which is functionally equivalent to the Special Tax B levied in the CFD and additional funding of an initial payment per section (C), determined in accordance with the calculations for such Development Agreement, to defray some of the initial cost of providing such services prior to receipt of the CFD Special Taxes, and adjusted annually by the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Los Angeles-Riverside-Orange County

Areas, as published by the U.S. Bureau of Labor Statistics, not to exceed seven percent (7%) per year (April).

C. Initial Payment Rate Schedule for FY 2019-20:

Per residential unit	\$1,343
Per acre of non-residential property	\$5,369

Section 2. Public Facilities Funding

All Development Approvals of Development Projects within The Preserve shall also authorize the owners thereof to fund the unfunded public facilities, which are necessary to serve such Development Projects either by annexation of such Development Project to the CFD or by inclusion within another Community Facilities District providing funding of such public facilities, including amounts necessary to fund payment of the Development Impact Fees for such Development Project, in a manner which is functionally equivalent to the Special Tax A levied in the CFD.

Section 3. Exemptions

The City shall classify as Exempt Property (i) Assessor’s Parcels which are owned by, irrevocably offered for dedication, encumbered by or restricted in use by the State of California, Federal or other local governments, including school districts, (ii) Assessor’s Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iii) Assessor’s Parcels which are owned by, irrevocably offered for dedication, encumbered by or restricted in use by a homeowner’s association, (iv) Assessor’s Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, (v) Assessor’s Parcels which are privately owned and are encumbered by or restricted solely for public uses or classified as Agricultural Buffer property, or (vi) other types of public uses determined by the City Council.

APPROVED AND ADOPTED THIS 18th day of June 2019.

By: _____
EUNICE M. ULLOA, MAYOR

ATTEST:

By: _____
ANGELA ROBLES, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF CHINO)

I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Chino at a regular meeting held on the 18th day of June 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ANGELA ROBLES, CITY CLERK