



**UPLAND CITY COUNCIL  
AND SUCCESSOR AGENCY TO THE UPLAND  
COMMUNITY REDEVELOPMENT AGENCY  
AGENDA**

**January 14, 2019  
City Council Chamber**

**DEBBIE STONE, MAYOR  
JANICE ELLIOTT, COUNCILMEMBER  
RICKY FELIX, COUNCILMEMBER  
RUDY ZUNIGA, COUNCILMEMBER**

**JEANNETTE VAGNOZZI, CITY MANAGER  
JAMES L. MARKMAN, CITY ATTORNEY**

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**DISRUPTION OF MEETINGS**

Individuals who demonstrate disruptive conduct during City Council meetings that prevent the City Council from conducting its meeting in an orderly manner are guilty of a misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chamber or arrest.

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**6:00 PM - Closed Session**

- 1. CALL TO ORDER AND ROLL CALL**
- 2. ADDITIONS-DELETIONS TO AGENDA**
- 3. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on item listed on the closed session agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit.

- 4. CLOSED SESSION**

A. GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Legal Counsel Edward Zappia, City Manager Jeannette Vagnozzi

Employee organizations: Upland Mid-Management Association, Upland City Employees Association, Upland Police Officers Association, and Upland Police Management Association

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**7:00 PM**

**5. INVOCATION**

Mike Ingram, Christian Science Faith

**6. PLEDGE OF ALLEGIANCE**

**7. PRESENTATIONS**

Presentation of Badges to Police Officers Gamboa, Jewell, Ortega, and Pierre

Presentation to the Winners of the City "Home for the Holidays" House Decorating Contest

Proclamation declaring January 2019 as National Mentoring Month, accepted by Doreen Ivery, Children's Network Mentoring Resource Specialist

**8. CITY ATTORNEY**

**9. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on any item listed on the agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. Speakers will be given five (5) minutes during public hearings. The use of visual aids will be included in the time limit.

**10. COUNCIL COMMUNICATIONS**

**11. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the legislative body request specific items be removed from the Consent Calendar for separate action.

A. APPROVAL OF MINUTES

Approve the Regular Meeting Minutes of December 10, 2018 and the Special Meeting Minutes of January 7, 2019. (Staff Person: Keri Johnson)

- B. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS  
Receive and file the status update. (Staff Person: Rosemary Hoerning)
- C. APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2019-20 AND ADMINISTRATIVE BUDGET  
Successor Agency to the Upland Community Redevelopment Agency adopt a resolution approving the Recognized Obligation payment schedule 2019-20 for the period of July 2019 through June 2020, fiscal year 2019-20 administrative budget, and approving certain related actions. (Staff Person: Steven H. Dukett)
- D. ACCEPTANCE OF WORK FOR PROJECT NO. 7061, LINDA WAY RECONSTRUCTION AND UTILITY IMPROVEMENTS  
Accept the work; record the Notice of Completion; and, reduce the Faithful Performance Bond to 10% for Project No. 7061, Linda Way Reconstruction and Utility Improvements. (Staff Person: Rosemary Hoerning)
- E. APPROVAL OF BOND REDUCTION FOR SYCAMORE COMMERCIAL DEVELOPMENT (LOCATED NORTH OF BASELINE ROAD AND EAST AND SOUTH OF THE 210 FREEWAY)  
Approve the reduction of the Performance Bonds to twenty-five percent (25%) for the Sycamore Commercial Development, Bravepark Commercial Property, LLC. (Staff Person: Rosemary Hoerning)
- F. APPOINTMENT OF MAYOR PRO TEM  
Adopt a Resolution amending procedures for selecting a Mayor Pro Tem pursuant to provisions of California Government Code Section 36801 and rescinding Resolution No. 6376; and ratify the appointment of Councilmember Janice Elliott as Mayor Pro Tem, term to expire in December 2019. (Staff Person: Jeannette Vagnozzi)

**12. PUBLIC HEARINGS**

- A. ORDINANCE AMENDING SECTION 5.04.470 OF TITLE 5 OF THE UPLAND MUNICIPAL CODE PERTAINING TO THE RATE OF LEVY FOR THE PARKING AND BUSINESS IMPROVEMENT AREA  
The City Council will consider an Ordinance pertaining to the rate of levy for the Parking and Business Improvement Area. (Staff Person: Steven H. Dukett)  
Recommendation: 1) Staff Presentation  
2) Hold Public Hearing  
3) Close Public Hearing  
4) Adopt an Ordinance amending Section 5.04.470 of Title 5 of the Upland Municipal Code pertaining to the rate of levy for the Parking and Business Improvement Area.
- B. UPLAND - SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT PROPERTY TAX EXCHANGE CORRECTION  
The City Council will consider the effect of the proposed transfer of property tax from the San Bernardino County Fire Protection District to the City of Upland on fees, charges, assessments, other taxes, or other revenues. (Staff Person: Jeannette Vagnozzi)  
Recommendation 1) Staff Presentation

- 2) Hold Public Hearing pursuant to Revenue and Taxation Code 99.02 to consider the effect of the proposed transfer of property tax from the San Bernardino County Fire Protection District to the City of Upland on fees, charges, assessments, other taxes, or other revenues
- 3) Close Public Hearing
- 4) Adopt a Resolution approving the transfer of property tax revenue from the San Bernardino County Fire Protection District to the City of Upland to effectively revise the property tax transfer approved in LAFCO 3216

### **13. COUNCIL COMMITTEE REPORTS**

### **14. BUSINESS ITEMS**

#### **A. PARTICIPATION IN SBCTA'S SB 743 COUNTYWIDE IMPLEMENTATION STUDY**

Authorize participation in the San Bernardino County Transportation Authority's (SBCTA'S) SB743 Countywide implementation study. (Staff Person: Rosemary Hoerning)

### **15. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on any item not listed on the agenda. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit. Public comments and questions for the purpose of hearing current matters of concern in our community and to provide citizens a method for the public to hear those concerns in an open venue is encouraged. However, under the provisions of the Brown Act, the City Council is prohibited from discussion of items not listed on the agenda, and therefore, the City Council, City Manager, or City Attorney will take communications under advisement for consideration and appropriate response or discussion at a later time.

### **16. CITY MANAGER**

### **17. ADJOURNMENT**

The next regularly scheduled City Council meeting is Monday, January 28, 2019.

**NOTE:** If you challenge the public hearing(s) or the related environmental determinations in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Upland, at, or prior to, the public hearing.

All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at [www.ci.upland.ca.us](http://www.ci.upland.ca.us), subject to staff's ability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, 931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

**POSTING STATEMENT:** On January 10, 2019 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
DECEMBER 10, 2018**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 7:01 p.m. in the Council Chamber of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Debbie Stone, Council Members Carol Timm, Gino Filippi, Janice Elliott, and Sid Robinson

Staff: Acting City Manager Jeannette Vagnozzi, City Attorney James L. Markman, and Deputy City Clerk Keri Johnson

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION** None

**5. INVOCATION** Pastor Randy Gardner, Purpose Church

**6. PLEDGE OF ALLEGIANCE** Councilmember Timm

**7. PRESENTATIONS**

Certificates of Recognition were presented to the Upland High School Football Team CIF Division 2 Southern Section Champions.

**CERTIFICATION OF GENERAL MUNICIPAL ELECTION RESULTS - NOVEMBER 6, 2018**

Acting City Manager Vagnozzi presented the staff report, which is on file in the City Clerk's office.

Motion by Mayor Stone to adopt Resolution No. 6475 reciting the fact of the General Municipal Election held on November 6, 2018, declaring the results and such other matters as provided by law, seconded by Councilmember Robinson, and carried unanimously.

Members of the public spoke, thanking the Councilmembers for their years of service to the community and welcoming the new Councilmembers. The following spoke:

Dave Stevens, Upland  
Eric Gavin, Upland  
Felipe Calvez  
Micah Giles  
Ed Farraj  
Larry Timm, Upland

Christy Mac  
Jim Thomas  
Pat Almazan, Upland  
Yvette Walker  
Eric Halsey

**RECOGNITION OF CITY COUNCIL MEMBERS GINO FILIPPI, CAROL TIMM, AND SID ROBINSON**

Comments were made by Councilmembers Gino Filippi, Carol Timm, and Sid Robinson.

Presentations were made by Mayor Stone, Supervisor Hagman, Supervisor Rutherford, and representatives for Assemblymember Holden, Congressman Aguilar, and Senator Portantino, honoring Councilmembers Gino Filippi, Carol Timm, and Sid Robinson for their years of dedicated and loyal service to the City of Upland.

At 8:06 p.m. Mayor Stone called a recess and the City Council reconvened in open session at 8:16 p.m.

#### ADMINISTRATION OF OATH OF OFFICE

Deputy City Clerk Johnson administered the Oath of Office to newly elected Councilmembers Janice Elliott and Rudy Zuniga. Jim Thomas administered a ceremonial Oath of Office to newly elected Councilmember Ricky Felix.

Comments were made by newly elected Councilmembers Janice Elliott, Ricky Felix, and Rudy Zuniga.

At 8:23 p.m. Mayor Stone called a recess and the City Council reconvened in open session at 8:35 p.m.

#### ROLL CALL

Present: Mayor Debbie Stone, Councilmembers Janice Elliott, Ricky Felix, and Rudy Zuniga.

**8. CITY ATTORNEY** None

#### **9. ORAL COMMUNICATIONS**

Hal Tanner, encouraged the Council to work together and put aside any differences.

Natasha Walton, Upland, requested that the residential developer at Sycamore Hills use native landscape in their development.

Steve Morris, Upland, spoke regarding the process to fill the Council vacancy.

Shannan Maust, Upland, requested the Council fill the Council vacancy by appointment.

Dan Morgan, Upland, requested the Council fill the Council vacancy by appointment.

Julie Bridge, Upland, requested the Council postpone the decision to repeal Resolution No. 6446 to ensure that they made an informed decision.

Bill Schuessler, spoke in favor of repealing Resolution No. 6446.

Bob Cable, Upland, spoke in favor of repealing the censure of Councilmember Elliott, and spoke regarding development fees for the Sycamore Hills development.

David Wade, Upland, requested the Council annul and repeal Resolution No. 6446 and further requested that the Council fill the Council vacancy by appointment.

**10. COUNCIL COMMUNICATIONS**

Councilmembers announced various activities throughout the community, including events they attended.

**11. CONSENT CALENDAR**

Councilmember Elliott removed Consent Calendar Item 11B for separate action. Motion by Councilmember Zuniga to approve the remainder of the Consent Calendar, seconded by Councilmember Felix, and carried unanimously.

**A. APPROVAL OF WARRANT AND PAYROLL REGISTERS NOVEMBER 2018**

Approved the November Warrant Registers and Direct Disbursements (check numbers 22937-23277) totaling \$4,771,947.48 and Payroll Registers totaling \$1,194,501.29 (check Numbers 160299-160324 and EFTs 11581-12066).

**C. SCHEDULED VACANCIES FOR COMMISSIONS, COMMITTEES, AND BOARDS FOR CALENDAR YEAR 2019**

Accepted and filed the Local Appointments List for all City commissions, committees, and boards for calendar year 2019, and directed the City Clerk to post the list.

**D. TREASURER'S REPORT OCTOBER 2018**

Received and filed the October 2018 Treasurer's Report.

**E. ACCEPTANCE OF WORK FOR PROJECT NO. 7066, CITYWIDE CONCRETE REPAIRS 2017-2018**

Accepted the work; recorded the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for Project No. 7066, Citywide Concrete Repairs 2017-2018.

**F. RESIGNATION OF TRAFFIC SAFETY ADVISORY COMMITTEE MEMBER**

Accepted the resignation from Traffic Safety Advisory Committee Member Jim Stewart.

**G. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS**

Received and filed the status update.

**H. DISPOSAL OF SURPLUS EQUIPMENT**

Declared the items included on the attached list as surplus, and authorized the Acting City Manager to initiate disposal of the surplus equipment.

ITEMS REMOVED FOR SEPARATE ACTION

B. APPROVAL OF MINUTES

Councilmember Elliott requested a correction to the minutes to reflect the absence of Councilmember Timm.

Motion by Councilmember Elliott to approve the Regular Meeting Minutes of November 26, 2018, as corrected, seconded by Councilmember Felix, and carried unanimously.

**12. PUBLIC HEARINGS**

A. APPROVAL OF THE UPDATE TO THE CITY OF UPLAND'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FY 2019-23

Development Services Manager Chavez introduced Clint Whited of LDM and Associates, Inc. who presented the staff report, which is on file in the City Clerk's Office.

There was discussion on available land for affordable housing, the process for implementing the recommendations from the report, and potential transportation issues north of the 210 freeway.

Mayor Stone opened the public hearing.

Karen May, Upland, spoke regarding the connection between lack of affordable housing and homeless issues, and requested that there be more workshops or town hall meetings to discuss affordable housing needs.

Christina Schulz, Upland, spoke regarding vacant land near her property and questioned whether it would be considered for high density low income housing.

David Wade, Upland, questioned why the report did not include identifying potential properties for affordable housing and requested that the City provide town hall meetings to further discuss the subject.

There being no other speakers, Mayor Stone closed the public hearing.

Development Services Consultant Dukett clarified for Council that the decision before them was approval of the Analysis of Impediments and not a land use decision.

Motion by Councilmember Felix to adopt Resolution No. 6476 approving the update to the City of Upland's Analysis of Impediments to Fair Housing Choice FY 2019-23 (the "AI") as required by the Federal Department of Housing and Urban Development; and, authorize the City Manager or her designee to execute all related documents to effectuate the acceptance of the AI, seconded by Councilmember Elliott, and carried unanimously.

**13. COUNCIL COMMITTEE REPORTS** None

**14. BUSINESS ITEMS**

- A. ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN BRAVEPARK PROPERTY, LLC, TAYLOR MORRISON OF CALIFORNIA, LLC, AND THE CITY OF UPLAND, PERTAINING TO PORTIONS OF PLANNING AREA 3 OF THE SYCAMORE HILLS SPECIFIC PLAN, LOCATED NORTH OF BASELINE ROAD, SOUTH OF THE 1-210 FREEWAY AND WEST OF THE MOUNTAIN SHADOWS HOUSING DEVELOPMENT

Contract Planning Manager Guarracino presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the avigation easement for Cable Airport and the future approval process for the development.

Motion by Councilmember Elliott to approve the Assignment and Assumption Agreement by and between Bravepark Property, LLC, a Delaware limited liability company, Taylor Morrison of California, LLC, a California limited liability company, and the City of Upland, pertaining to Planning Area 3 of the Sycamore Hills Specific Plan, seconded by Councilmember Zuniga, and carried unanimously.

- B. ACTION TO FILL CITY COUNCIL VACANCY

City Attorney Markman presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the potential dates for a special election or a special all mail ballot election, the costs associated with an election, and the appointment process.

Motion by Mayor Stone to hold an all-mail ballot special election on May 7, 2019, seconded by Councilmember Felix. The motion failed with Councilmembers Elliott, Felix, and Zuniga opposed.

There was discussion on the application process for appointment.

Motion by Councilmember Felix to direct staff to initiate a process for appointment of a resident and registered voter of the City of Upland, seconded by Councilmember Elliott, and carried with Mayor Stone opposed.

- C. RESOLUTION REPEALING AND RESCINDING RESOLUTION NO. 6446

City Attorney presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the history leading up to the adoption of Resolution No. 6446.

Motion by Councilmember Zuniga to adopt a resolution repealing Resolution No. 6446 with the addition of the word "annul" in the title and Section 1 of the resolution, seconded by Councilmember Elliott. The motion failed with

Councilmembers Elliott and Zuniga voting yes and Mayor Stone and Councilmember Felix voting no.

Motion by Councilmember Felix to adopt Resolution No. 6477 repealing and rescinding Resolution No. 6446, Censure of Council Member Janice Elliott, seconded by Councilmember Elliott, and carried with Mayor Stone opposed.

**15. ORAL COMMUNICATION (items not on the agenda)**

Bill Schuessler, requested that there be a screening process for contract employees.

Steve Bierbaum, Upland, questioned why the appointment of the Mayor Pro Tem was not on the agenda.

Garrett and Rondee Mullenau, spoke regarding truck traffic in their neighborhood.

Shannan Maust, Upland, announced upcoming community activities and stated she would be applying for the vacant Council position.

Bob Cable, Upland, spoke regarding issues he has experienced during the application process for an encroachment easement.

James Breitling, Upland, spoke regarding clean up issues after the Upland Christmas Parade.

Mike Pattison, Upland, congratulated the new Councilmembers and announced upcoming community activities.

David Wade, Upland, spoke regarding homelessness issues in the City and urged the Council to appoint a Mayor Pro Tem.

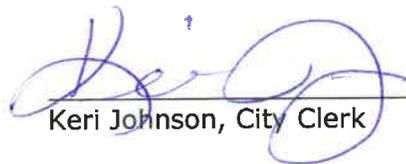
Christina Schulz, Upland, spoke regarding the refuse issue in the downtown after the Christmas Parade.

**16. CITY MANAGER**

**17. ADJOURNMENT**

Mayor Stone adjourned the meeting at 11:05 p.m. The meeting scheduled for December 24, 2018 will be cancelled. The next regularly scheduled City Council meeting is Monday, January 14, 2019.

**SUBMITTED BY**

  
Keri Johnson, City Clerk

**APPROVED**

January 14, 2019

**MINUTES OF A SPECIAL MEETING OF THE  
UPLAND CITY COUNCIL  
JANUARY 7, 2019**

**OPENING**           The special meeting of the Upland City Council was called to order by Mayor Stone at 6:01 p.m. in the City Council Chambers.

**1.     ROLL CALL**

Present:       Mayor Debbie Stone, Council Members Janice Elliott, Ricky Felix, and Rudy Zuniga

Staff:         City Manager Jeannette Vagnozzi, City Attorney James L. Markman, and City Clerk Keri Johnson

**2.     ORAL COMMUNICATIONS**

Bob Sanderson, Upland, spoke in support of the appointment of Glenn Bozar to the City Council.

Jack McKinnon, Upland, spoke in support of the appointment of Ralph Cavallo to the City Council.

Dave Stevens, Upland, spoke in opposition of the appointment of Glenn Bozar to the City Council.

Robin Chapman, Upland, spoke in support of the appointment of Ralph Cavallo to the City Council.

Vince Quinones, Upland, spoke in support of the appointment of Lois Sicking Dieter to the City Council.

Henry Sotelo, La Verne, spoke in support of the appointment of Lois Sicking Dieter to the City Council.

Grace Schmit, Upland, spoke in support of the appointment of Ralph Cavallo to the City Council.

Cary Leach, Upland, stated that while there were several well qualified candidates, he supported the appointment of Ralph Cavallo to the City Council.

Alessandra Lopez, Azusa, spoke in support of the appointment of Lois Sicking Dieter to the City Council.

Jerry Cook, Upland, spoke in support of the appointment of Ralph Cavallo to the City Council.

Eric Gavin, Upland, suggested qualifications to consider when choosing the person to appoint to the City Council.

Steve Bierbaum, Upland, suggested qualifications to consider when choosing the person to appoint, and stated support for the appointment of Glenn Bozar or Shannan Maust to the City Council.

Doug Griffith, San Dimas, spoke in support of the appointment of Lois Sicking Dieter to the City Council.

Dede Ramella, Upland, stated support for the appointment of Shannan Maust or Glenn Bozar to the City Council.

Loren Sanchez, Upland, spoke in support of the appointment of Ralph Cavallo to the City Council.

Brigitte James, stated support for a special election instead of an appointment to fill the City Council vacancy and requested a town hall meeting for citizen input.

Abbey Maust, Upland, spoke in support of the appointment of Shannan Maust to the City Council.

Sandy Brenneman, Upland, spoke in opposition of the appointment of Glenn Bozar to the City Council.

Brinda Sarathy, Upland, made suggestions for the process of evaluating applicants for the City Council.

Karen May, Upland, presented suggestions for a process to rank applicants for the City Council.

Irmalinda Osuna, Upland, spoke in support of the appointment of Lois Sicking Dieter to the City Council.

**3. PRESENTATIONS BY CITY COUNCIL APPLICANTS AND DISCUSSION OF APPOINTMENT TO FILL THE COUNCIL VACANCY FOR AT LARGE SEAT**

City Manager Vagnozzi and City Attorney Markman outlined the process for the presentations from City Council applicants. Each applicant was provided five minutes to present their information and qualifications to the City Council. City Manager Vagnozzi announced that Craig Harper and Rodney "Rod" McAuliffe had withdrawn their applications.

The following applicants gave a presentation before the Council:

Ralph Anthony Cavallo  
Dan Morgan  
Shannan Maust  
Misty V. Cheng  
Lois Sicking Dieter  
Eddie Limbaga  
Glenn Bozar

Carlos Francisco Flores  
Neil B. Gerard  
David Gomez  
Yvette M. Walker  
William J. "Bill" Velto  
Sherman R. Garnett

At 8:11 p.m. Mayor Stone called a recess and the City Council reconvened in open session at 8:16 p.m.

There was discussion regarding the candidates' qualifications and the experience needed to fill the vacant City Council seat.

Motion by Councilmember Zuniga to appoint Glenn Bozar to fill the vacant City Council seat, seconded by Councilmember Elliott. The motion failed with Mayor Stone and Councilmember Felix opposed.

There was the suggestion for each Councilmember to choose their top candidates and have an interview process to screen those applicants. Each Councilmember announced their list of top candidates.

Motion by Councilmember Felix to direct staff to work with the Mayor and schedule a special meeting to interview applicants Cavallo, Maust, Dieter, Limbaga, Flores, Gerard, and Velto, seconded by Mayor Stone, and carried unanimously.

Motion by Councilmember Felix to add applicant Bozar to the interview list, seconded by Councilmember Zuniga, and carried unanimously.

**4. ADJOURNMENT**

Mayor Stone adjourned the meeting at 8:55 p.m. The next regular meeting of the City Council is Monday, January 14, 2019.

**SUBMITTED BY:**

  
\_\_\_\_\_  
Keri Johnson, City Clerk

**APPROVED:**

January 14, 2019  
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## STAFF REPORT

**ITEM NO. 11.B.**

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**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** ROSEMARY HOERNING, PUBLIC WORKS DIRECTOR  
BOB CRITCHFIELD, ENGINEERING MANAGER  
**SUBJECT:** EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT  
AND PROFESSIONAL SERVICES FOR WATER SYSTEM  
IMPROVEMENTS

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### RECOMMENDED ACTION

It is recommended that the City Council receive and file the status update.

### GOAL STATEMENT

The proposed action supports the City's goal to maintain water facilities in good operable condition in order to provide safe reliable service to the community.

### BACKGROUND

On October 10, 2016, the City Council adopted a Resolution declaring an emergency condition and approved the Emergency Work Plan Phase 1. Continuing progress update reports have been provided to the City Council. At this time, the City has completed the Well 7A, Reservoir 4, Well 20, temporary measures at the existing 7.5 million gallon reservoir, and the construction documents and entitlement work needed for the replacement reservoir of the Phase I emergency work program.

The remaining involves the implementation of the Replacement Reservoir at the northwest corner of 17th Street and Benson Avenue.

### ISSUES/ANALYSIS

Reservoir at 17th and Benson Work:

Staff has completed the project plans and specifications for a 7.5 million gallon replacement reservoir; the environmental documentation and Notice of Determination; the property

appraisal; secured the Intent to Purchase a portion of the San Antonio Water Company property; and submitted all of the required documents to the State for the loan request necessary for up to a \$16.5 million Drinking Water State Revolving Loan.

The City Attorney's Office and staff are working on two items. The first item is the development of a purchase and sale agreement for the property acquisition from San Antonio Water Company required for this project. The second item is the development of the SRF loan agreement with the State. It is anticipated the purchase and sale agreement will be presented to City Council in early 2019. It is also expected to have the loan work also completed in early 2019.

Once funding is secured it is anticipated the construction will take 12-18 months.

### **FISCAL IMPACTS**

Sufficient funds are available in the FY 2018-19 budget to complete the Phase I emergency work program. Phase II, the construction, is dependent upon receiving the State loan. The FY 2018-19 budget includes sufficient funds to provide construction cash flow and will require fund draws under the loan. The actual amount of the loan will only be the amount of funds required to implement the emergency work.

Staff is also exploring other possible funding opportunities. However, the State loan appears to be the most cost effective funding mechanism.

### **ALTERNATIVES**

Provide alternative direction to staff.

### **ATTACHMENTS:**

No Attachments Available



## STAFF REPORT

**ITEM NO. 11.C.**

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**DATE:** January 14, 2019  
**TO:** CHAIR AND BOARD MEMBERS  
**FROM:** JEANNETTE VAGNOZZI, EXECUTIVE DIRECTOR  
**PREPARED BY:** STEVEN H. DUKETT, DEVELOPMENT SERVICES CONSULTANT  
LIZ CHAVEZ, DEVELOPMENT SERVICES MANAGER  
**SUBJECT:** APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE  
2019-20 AND ADMINISTRATIVE BUDGET

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### RECOMMENDED ACTION

It is recommended that the Successor Agency to the Upland Community Redevelopment Agency adopt a resolution approving the Recognized Obligation payment schedule 2019-20 for the period of July 2019 through June 2020, fiscal year 2019-20 administrative budget, and approving certain related actions.

### GOAL STATEMENT

The proposed action supports the City's goal to protect local government funding and its assets.

### BACKGROUND

Pursuant to Health and Safety Code (the "HSC") § 34172 (a) (1), the Upland Community Redevelopment Agency was dissolved on February 1, 2012. Consistent with the provisions of the HSC, the City Council of the City of Upland elected to serve in the capacity of the Successor Agency to the Upland Community Redevelopment Agency (the "Successor Agency"). The San Bernardino County Wide Oversight Board (the "CWOB") was established effective July 1, 2018 pursuant to HSC § 34179 (j) to assist in the wind-down of dissolved redevelopment agencies within the County of San Bernardino. All of the local oversight boards in California were dissolved on June 30, 2018 by operation of law.

### ISSUES/ANALYSIS

Per HSC § 34177 (o) (1), the Successor Agency is required to prepare a Recognized Obligation Payment Schedule (the "ROPS") before each twelve-month fiscal year period.

Pursuant to HSC § 34180 (g), CWOB approval is required for the establishment of each ROPS. HSC § 34177 (o) (1), requires that the Successor Agency submit a CWOB-approved ROPS 2019-20 A and B for the period of July 2019 through June 2020 to the State Department of Finance (the "DOF"), State Controller's Office and the County Auditor-Controller not later than February 1, 2019 (the "Submission Deadline"). In addition, on January 28, 2019 the CWOB will consider approval of the Successor Agency's ROPS 2019-20 A and B. Once approved by the CWOB, the ROPS will be submitted by the Submission Deadline.

### **FISCAL IMPACTS**

Pursuant to HSC § 34177, the Successor Agency is legally required to continue to make payments due for enforceable obligations. The approval of the establishment of ROPS 2019-20 A and B, which is included as Exhibit "A" to the attached Resolution, will ensure that the Successor Agency has the authority to continue to pay its enforceable obligations. ROPS 2019-20 A and B includes \$3,389,506-worth of funding required for 6 enforceable obligations, which are more particularly described on the ROPS Detail Form, which is page two of the ROPS. Further, ROPS 2019-20 A and B does not include any new enforceable obligations and, as noted in column "J" of the ROPS Detail Form, the Successor Agency has completed/retired one enforceable obligation during FY 2018-19 (i.e., item No. 16).

### **ALTERNATIVES**

Provide alternative direction to staff.

### **ATTACHMENTS:**

**Resolution approving ROPS  
ROPS**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE UPLAND COMMUNITY REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2019-20 FOR THE PERIOD OF JULY 2019 THROUGH JUNE 2020, FISCAL YEAR 2019-20 ADMINISTRATIVE BUDGET, AND APPROVING CERTAIN RELATED ACTIONS

Intent of the Parties and Findings

(i) pursuant to Health and Safety Code (the "HSC") § 34172 (a) (1), the Upland Community Redevelopment Agency was dissolved February 1, 2012; and

(ii) consistent with the provisions of the HSC, the City Council of the City of Upland previously elected to serve in the capacity of the Successor Agency of the Upland Community Redevelopment Agency (the "Successor Agency"); and

(iii) pursuant to HSC § 34179, the Successor Agency previously established the Upland Oversight Board to assist in the wind-down of the former redevelopment agency through June 30, 2018, at which time it was dissolved by operation of law; and

(iv) consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino; and

(v) per HSC § 34177 (o) (1), the Successor Agency is required to prepare a Recognized Obligation Payment Schedule (the "ROPS") before each twelve-month fiscal year period; and

(vi) pursuant to HSC § 34180 (g), CWOB approval is required for the establishment of each ROPS, beginning with ROPS 2019-20, and said ROPS will be considered by the CWOB during its meeting of January 28, 2018; and

(vii) pursuant to HSC § 34177 (o) (1), a CWOB-approved ROPS 2019-20 A and B for the period of July 2019 through June 2020 must be submitted to the State Department of Finance and to the County Auditor-Controller not later than February 1, 2019; and

(viii) pursuant to HSC § 34177, the Successor Agency is legally required to continue to make payments due for enforceable obligations; and

(ix) the Successor Agency's approval of the establishment of ROPS 2019-20 A and B will ensure that the Successor Agency has the authority to continue to pay its enforceable obligations; and

(x) it is proposed that the Successor Agency approve the establishment of the Successor Agency's ROPS 2019-20 A and B, which is attached hereto as Exhibit "A", prior to its consideration by the CWOB; and

(xi) all the prerequisites with respect to the approval of this Resolution have been met.

**NOW, THEREFORE, BE IT RESOLVED** by the Successor Agency, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. ROPS Approval. The Successor Agency's ROPS 2019-20 A and B, which is attached hereto as Exhibit "A", is approved, inclusive of each enforceable obligation.

Section 3. Administrative Budget. The amount requested for enforceable obligation No. 7, the Successor Agency's Administrative Allowance, inclusive of the Administrative Budget attached hereto as Exhibit "B", is consistent with the provisions of HSC § 34171 (b) and is thus considered fair and reasonable.

Section 4. Authority to Implement. The City Manager, in the capacity of the Successor Agency's Executive Director, or designee is authorized to: i) post the ROPS 2019-20 A and B on the City's website, ii) transmit the ROPS 2019-20 A and B to the State Department of Finance, the State Controller's Office and the County Auditor-Controller for their review within the timeframe and in the manner prescribed by the HSC; and iii) make ministerial revisions to ROPS 2019-20 A and B, which may include, but are not limited to restating the information included within ROPS 2019-20 A and B in any format that may be requested by the State Department of Finance, take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution, and to implement ROPS 2019-20 A and B on behalf of the Successor Agency, including authorizing and causing such payments.

Section 5. Effectiveness. This Resolution shall take effect upon the date of its adoption.

Section 6. Certification. The Successor Agency Secretary shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of January, 2019.

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Debbie Stone, Chair

I, Keri Johnson, Secretary of the Successor Agency to the Upland Community Redevelopment Agency, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Successor Agency to the Upland Community Redevelopment Agency held on the 14th day of January, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

\_\_\_\_\_  
Keri Johnson, Secretary

**EXHIBIT "A"**

The Successor Agency's ROPS 2019-20 A and B  
*(See Attachment)*

**Exhibit "B"**

**Administrative Allowance Budget: ROPS 2019-20 (July 1, 2019 to June 30, 2020)**

<u>Department (a)</u>	<u>July - Dec. 2019</u>	<u>Jan. - June 2020</u>	<u>Totals</u>
Development Services	\$ 114,955.00	114,956.00	\$ 229,911.00
Finance	2,715.00	2,715.00	5,430.00
Legal	2,000.00	1,500.00	3,500.00
Audit Services	3,000.00	3,000.00	6,000.00
Prof. Services-Fin. Assistance	<u>2,500.00</u>	<u>2,659.00</u>	<u>5,159.00</u>
	\$ 117,670.00	\$117,671.00	\$ 250,000.00

- (a) The Successor Agency receives its administrative support from the Departments of: i) Finance and Development Services as well as legal and required consulting services.  
 The Successor Agency's Estimated Administrative Budget covers ROPS implementation.  
 The Successor Agency's FY 2019-20 Administrative Budget is consistent with HSC 34171 (b) (4).  
 The final budget will be included within the City's FY 2019-20 budget.  
 Allocations between departments are subject to change.
- (b) The Successor Agency proposes to fund its administrative costs during FY 2019-20 with Redevelopment Property Tax Trust Fund ("RPTTF") money.

**Recognized Obligation Payment Schedule (ROPS 19-20) - Summary**  
**Filed for the July 1, 2019 through June 30, 2020 Period**

**Successor Agency:** Upland  
**County:** San Bernardino

<b>Current Period Requested Funding for Enforceable Obligations (ROPS Detail)</b>	<b>19-20A Total (July - December)</b>	<b>19-20B Total (January - June)</b>	<b>ROPS 19-20 Total</b>
<b>A Enforceable Obligations Funded as Follows (B+C+D):</b>	<b>\$ 64,446</b>	<b>\$ -</b>	<b>\$ 64,446</b>
B Bond Proceeds	-	-	-
C Reserve Balance	64,446	-	64,446
D Other Funds	-	-	-
<b>E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):</b>	<b>\$ 2,750,021</b>	<b>\$ 575,039</b>	<b>\$ 3,325,060</b>
F RPTTF	2,625,021	450,039	3,075,060
G Administrative RPTTF	125,000	125,000	250,000
<b>H Current Period Enforceable Obligations (A+E):</b>	<b>\$ 2,814,467</b>	<b>\$ 575,039</b>	<b>\$ 3,389,506</b>

Certification of Oversight Board Chairman:  
Pursuant to Section 34177 (o) of the Health and Safety code, I  
hereby certify that the above is a true and accurate Recognized  
Obligation Payment Schedule for the above named successor  
agency.

\_\_\_\_\_  
Name Title  
/s/ \_\_\_\_\_  
Signature Date



**Upland Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances**  
**July 1, 2016 through June 30, 2017**  
**(Report Amounts in Whole Dollars)**

source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see <a href="#">Cash Balance Tips Sheet</a> .							
A	B	C	D	E	F	G	H
		<b>Fund Sources</b>					
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
	<b>ROPS 16-17 Cash Balances (07/01/16 - 06/30/17)</b>	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin	<b>Comments</b>
<b>1</b>	<b>Beginning Available Cash Balance (Actual 07/01/16)</b> RPTTF amount should exclude "A" period distribution amount		2,435,586	2,794,954	0	0	Cell D-1 is the DSRF for the 2013 Refunding TABs. The amount in Cell E-1 is the RPTTF received during June 2016 for ROPS 16-17A.
<b>2</b>	<b>Revenue/Income (Actual 06/30/17)</b> RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller		0	3,964,680	57,047	3,529,179	The amount in Cell E-2 is the RPTTF received during January 2017 for ROPS 2016-17B and June 2017 for ROPS 2017-18A. The amount in Cell F-2 is rental income. The amount in Cell G-2 equals the actual RPTTF received for ROPS 16-17.
<b>3</b>	<b>Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17)</b>		0	3,464,733	0	3,464,733	The amount in Cell E-3 is the amount of RPTTF actually spent for ROPS 2016-17 A&B and is equal to the amount shown in Cell G-3. The amount in Cell G-2 equals the RPTTF actually used during ROPS 16-17.
<b>4</b>	<b>Retention of Available Cash Balance (Actual 06/30/17)</b> RPTTF amount retained should only include the amounts distributed as reserve for future period(s)		2,435,586	3,294,901	57,047	64,446	The amount in Cell D-4 is the DSRF for the 2013 Refunding TABs. The amount in Cell E-4 is equal to the sum of the RPTTF received during June 2017 for ROPS 2017-18A and the unspent RPTTF from ROPS 2016-17 A&B. The amount in Cell F-4 was irrevoked for use during ROPS 17-18. The amount in Cell G-4 is programmed for use during ROPS 19-20.
<b>5</b>	<b>ROPS 16-17 RPTTF Prior Period Adjustment</b> RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC	No entry required					
<b>6</b>	<b>Ending Actual Available Cash Balance (06/30/17)</b> C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	





## STAFF REPORT

**ITEM NO. 11.D.**

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**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** ROSEMARY HOERNING, PUBLIC WORKS DIRECTOR  
BOB CRITCHFIELD, ENGINEERING MANAGER  
**SUBJECT:** ACCEPTANCE OF WORK FOR PROJECT NO. 7061, LINDA WAY  
RECONSTRUCTION AND UTILITY IMPROVEMENTS

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### RECOMMENDED ACTION

It is recommended that the City Council accept the work; record the Notice of Completion; and, reduce the Faithful Performance Bond to 10% for Project No. 7061, Linda Way Reconstruction and Utility Improvements.

### GOAL STATEMENT

The proposed action supports the City's goal to maintain and improve the City's public facilities.

### BACKGROUND

On July 9, 2018, the City Council awarded Project No. 7061 to Gentry Brothers, Inc., and authorized a total expenditure amount of \$590,000 (including contingencies). Project No. 7061 consisted of the installation of a new potable water main and water service laterals, fire hydrant upgrades, reconstruction of asphalt concrete pavement, replacement of concrete curbs, gutters, sidewalks, and curb ramps; installation of a new LED street lighting system; installation of parkway improvements (decomposed granite, sod, trees); and, replacement of obliterated pavement markings.

### ISSUES/ANALYSIS

The contractor has since satisfactorily completed the required improvements. The City can now accept the work, file the Notice of Completion, and reduce the Faithful Performance Bond to 10%. The City will retain the Labor Materials Bond for six months and release it thereafter, provided no liens or stop notices are filed against the project.

**FISCAL IMPACTS**

The final construction cost of \$513,662.40 is within the original authorized expenditure amount of \$590,000. Therefore, no additional appropriation is necessary.

**ALTERNATIVES**

Provide alternative direction to staff.

**ATTACHMENTS:**

**Notice of Completion**

Recording requested by  
and when recorded mail to:

City of Upland, City Clerk's Office  
P.O. Box 460  
Upland, CA 91785

(Space above this line for Recorder's use)

This document is exempt from the payment of a recording  
fee pursuant to Government Code Section 27383

### Notice of Completion

Pursuant to Civil Code Section 3093, **NOTICE** is hereby given that:

The undersigned is the owner of the interest or estate stated below in the property hereinafter described. The full name and address of owner is City of Upland, 460 North Euclid Avenue, Upland, California 91786

Assessors Parcel Numbers N/A, in and to the hereinafter described property.

The work was completed on that certain work known as **Project No. 7061, Linda Way Reconstruction and Utility Improvements** for the undersigned City of Upland, a Municipal Corporation, on the 21<sup>st</sup> day of December, 2018.

The City accepted the job on the 14<sup>th</sup> day of January, 2019.

The Contractor on said job was **Gentry Brothers, Inc.** of Irwindale, California.

The improvement(s) consisted of **reconstruction of AC pavement, sidewalks, curbs & gutters, and curb ramps; installation of a 8-inch diameter water main, water service laterals, and fire hydrants; installation of a new LED street lighting system; parkway improvements (decomposed granite, sod, trees), and re-striping;** and the location of the improvements occurred on Linda Way, from 8<sup>th</sup> Street to the north end of the Cul-de-Sac, in Upland, California.

The surety was **Chubb Group of Insurance Companies.**

All communications relating to the contract should bear the number above mentioned.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of January, 2019 at Upland, California.

City of Upland, a Municipal Corporation

\_\_\_\_\_  
Jeannette Vagnozzi, City Manager



## STAFF REPORT

**ITEM NO. 11.E.**

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**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** ROSEMARY HOERNING, PUBLIC WORKS DIRECTOR  
PONCE YAMBOT, PRINCIPAL ENGINEER  
**SUBJECT:** APPROVAL OF BOND REDUCTION FOR SYCAMORE COMMERCIAL  
DEVELOPMENT (LOCATED NORTH OF BASELINE ROAD AND EAST  
AND SOUTH OF THE 210 FREEWAY)

---

### RECOMMENDED ACTION

It is recommended that the City Council approve the reduction of the Performance Bonds to twenty-five percent (25%) for the Sycamore Commercial Development, Bravepark Commercial Property, LLC (Bravepark).

### GOAL STATEMENT

The proposed action supports the City's goal to adhere to a review schedule for the processing of development matters in an efficient, professionally responsive and courteous manner.

### BACKGROUND

The Sycamore (also known as Bravepark) commercial development is located north of Baseline Road and east and south of the 210 Freeway.

On December 26, 2016, Bravepark posted a Performance Bond in the amount of five hundred fifteen thousand dollars (\$515,000) and a Labor & Materials Bond in the amount of two hundred and fifty eight thousand dollars (\$258,000) to ensure completion of onsite water and sewer lines for the Commercial Project. In addition, Bravepark, also posted a separate Performance Bond in the amount of one hundred thirty five thousand dollars (\$135,000) and Labor & Materials Bond in the amount of sixty eight thousand dollars (\$68,000) to ensure completion of private onsite lift station at the same commercial site.

These original bond securities were required to ensure satisfactory completion of the proposed improvements. This bond reduction request is solely for the commercial site.

### ISSUES/ANALYSIS

Bravepark has since constructed and the City has inspected a majority of the required improvements. The developer is now requesting both Performance Bonds be reduced by 75% as allowed by Upland Municipal Code.

The reduced Faithful Performance bond amount will be one hundred twenty nine thousand dollars (\$129,000) and thirty four thousand dollars (\$34,000) respectively.

#### **FISCAL IMPACTS**

The proposed action does not have a fiscal impact.

#### **ALTERNATIVES**

Provide alternative direction to staff.

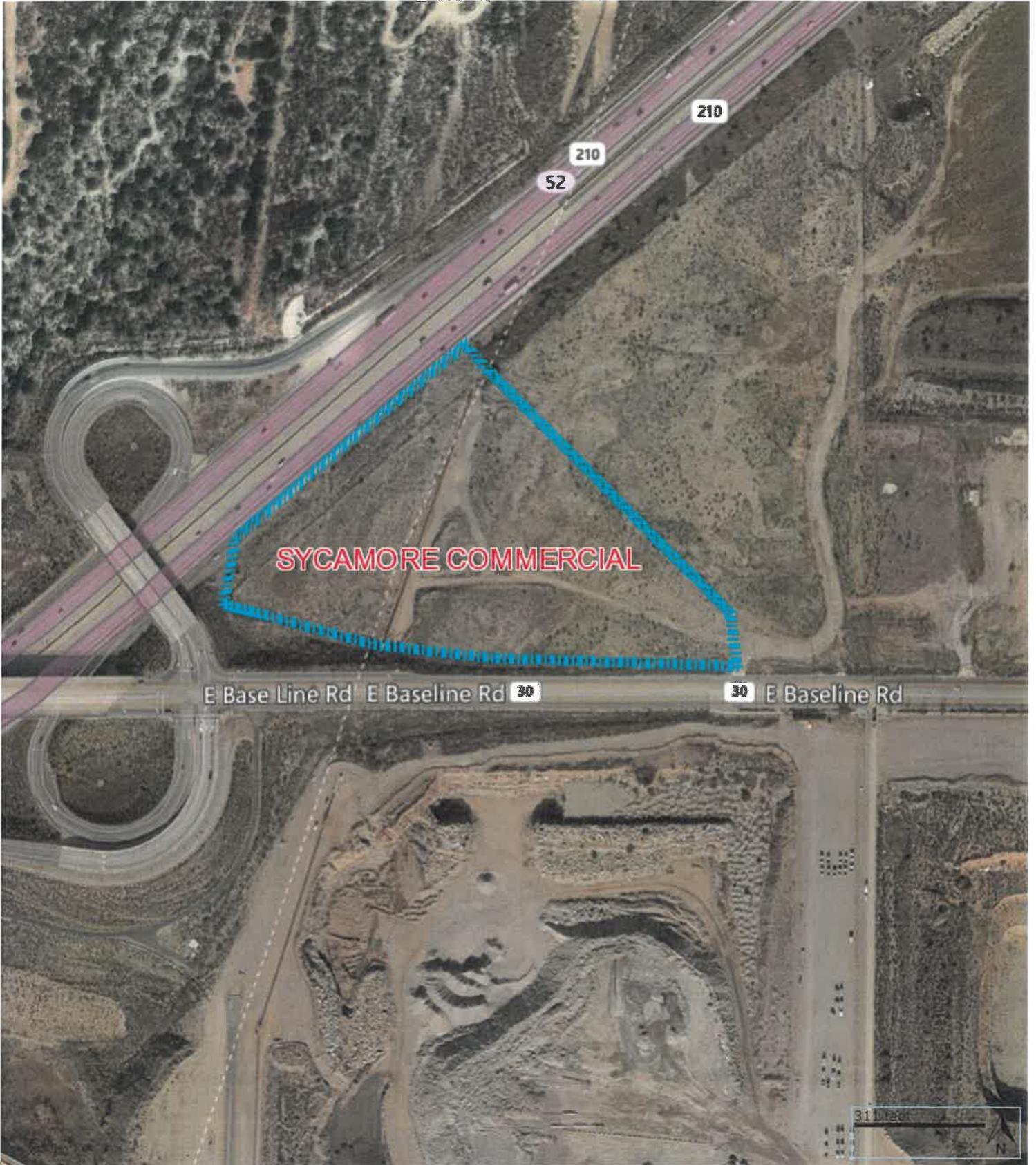
#### **ATTACHMENTS:**

##### **LOCATION MAP**

**Performance and L&M Bonds (SUR60001199)**

**Performance and L&M Bonds (SUR60001198)**

# LOCATION MAP



**SYCAMORE COMMERCIAL**

E Base Line Rd E Baseline Rd 30

30 E Baseline Rd

**SYCAMORE COMMERCIAL**



PERFORMANCE BOND

Bond No. SUR60001199

KNOW ALL MEN BY THESE PRESENTS:

That Bravepark Commercial Property, LLC at 516 N. West Street, Raleigh, NC 27603, as Principal, and Ironshore Indemnity Inc., a corporation at PO Box 3407, New York, NY 10008, as Surety, are held firmly jointly and severally bound unto The City of Upland, Public Works Department, 1370 N. Benson Ave., Upland, CA 91786 as Obligee, in the amount of Five Hundred Fifteen Thousand and 00/100 Dollars (\$515,000.00), as set forth in Attachment A, for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, in the Development known as Sycamore Hills, the Principal has construction obligations running to Obligee's benefit for the installation of potential dedication and acceptance of public infrastructure built according to Owner's specifications, including installation criteria appropriate for public dedication, proper and appropriate materials and reasonable time of completion, Principal herein affirms its legal obligations to perform and complete same to Owner's satisfaction and approval in concert with Principal's development, and in accordance with drawings and specifications prepared by Glenn M. Chung, which by reference is made a part hereof.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if Principal shall, promptly and faithfully perform and complete the Public Infrastructure according to, then this obligation shall be null and void, otherwise it shall remain in full force and effect until released in writing by the Obligee. The Surety hereby waives notice of any alteration or extension of time made by the Obligee. Whenever Principal shall be, and declared by Obligee to be in default under the obligations set forth herein, the Obligee shall notice the fact to the Surety, and the Surety may promptly remedy the default, or shall promptly:

- 1. Complete the Obligations in accordance with its terms and conditions, and
2. Shall save the Owner harmless from any claims, judgments, or liens arising from the Surety's failure to either remedy the default or to complete the infrastructure in accordance with Attachment A, and the terms and conditions prescribed in a timely manner. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein.

Signed and sealed this \* 15th day of December 20 16

Principal Raised Corporate Seal (MUST BE AFFIXED)

Bravepark Commercial Property, LLC (Seal)

BY: [Signature] (Seal)
Steven Vring
Operating Member
Representative
(Title)

Surety Raised Corporate Seal (MUST BE AFFIXED)

Ironshore Indemnity Inc. (Surety)

BY: [Signature] (Seal)
Sandra L. Fusinetti, Attorney-in-Fact

NOTE: Raised Corporate Seals are mandatory. Any Power of Attorney must be certified.

NOTE: Applicable sections of attached acknowledgments must be completed and returned as part of the bond.

ACKNOWLEDGMENTS

Acknowledgment by Principal if individual or Partnership

1. STATE OF North Carolina

2. County of Wake to-wit:

3. I, ANN KATHRYN H. DANIELS, a Notary Public in and for the

4. county and state aforesaid, do hereby certify that Steven Vining whose name is signed to the foregoing writing, has this day acknowledged the same before me in my said county.

5. Given under my hand this 20<sup>th</sup> day of December 20 16

6. Notary Seal ANN KATHRYN H. DANIELS 7. ANN KATHRYN H. DANIELS (Notary Public)

8. My commission expires on the 8<sup>th</sup> day of February 20 19



Acknowledgment by Principal if Corporation

9. STATE OF \_\_\_\_\_

10. County of \_\_\_\_\_ to-wit:

11-1. \_\_\_\_\_, a Notary Public in and for the

12. county and state aforesaid, do hereby certify that \_\_\_\_\_

13. who as, \_\_\_\_\_ signed the foregoing writing for

14. \_\_\_\_\_ a corporation,

has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

15. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

16. Notary Seal 17. \_\_\_\_\_ (Notary Public)

18. My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Acknowledgment by Surety

19. STATE OF Kentucky

20. County of Jefferson to-wit:

21- I, Theresa Pickerrell, a Notary Public in and for the

22. county and state aforesaid, do hereby certify that Sandra L. Fusinetti

23. who as, Attorney-in-Fact signed the foregoing writing for

24. Ironshore Indemnity Inc. a corporation,

has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

25. Given under my hand this 15th day of December 20 16

26. Notary Seal 27. Theresa Pickerrell (Notary Public)

28. My commission expires on the 26th day of October 20 19

Sufficiency in Form and Manner of Execution Approved

City Attorney

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. By: \_\_\_\_\_

## ACKNOWLEDGMENT PREPARATION INSTRUCTIONS

1. IF PRINCIPAL IS AN INDIVIDUAL OR PARTNERSHIP, HAVE NOTARY COMPLETE LINES (1) THROUGH (8).
2. IF PRINCIPAL IS A CORPORATION, HAVE NOTARY COMPLETE LINES (9) THROUGH (18).
3. SURETY MUST HAVE NOTARY COMPLETE LINES (19) THROUGH (28).
4. **Notaries must:**

---

### ACKNOWLEDGMENT BY PRINCIPAL, IF INDIVIDUAL OR PARTNERSHIP

---

1. Enter name of State.
2. Enter name of County.
3. Enter name of Notary Public witnessing transactions.
4. Enter name of principal covered by bond if individual or partnership. (Must be Owner or General Partner of Sole Proprietorship or Partnership)
5. Notary enters date bond was witnessed. Must be the same as or later than signature date.
6. Affix Notary Seal.
7. Notary affixes his/her signature.
8. Notary enters commission expiration date.

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### ACKNOWLEDGMENT BY PRINCIPAL IF CORPORATION

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9. Enter name of State.
10. Enter name of County.
11. Enter name of Notary Public witnessing transactions.
12. Enter name of Corporate Officer signing bond.
13. Enter Title of Corporate Officer signing bond. (Must be President or Vice President of Corporation; Manager or Managing Member of Limited Liability Company)
14. Enter name of Company or Corporation.
15. Notary enters date bond was witnessed. Must be the same as or later than signature date.
16. Affix notary Seal.
17. Notary affixes his/her signature.
18. Notary enters commission expiration date.

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### ACKNOWLEDGMENT BY SURETY

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19. Enter name of State.
20. Enter name of County.
21. Enter name of Notary Public witnessing transactions.
22. Enter name of person having power of attorney to bind Surety Company.
23. Enter Title of person binding Surety Company.
24. Enter name of Insurance Company (Surety).
25. Notary enters date bond was witnessed. Must be the same as or later than signature date.
26. Affix Notary Seal.
27. Notary affixes his/her signature.
28. Notary enters commission expiration date.

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### POWER OF ATTORNEY INSTRUCTIONS

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Power of attorney for surety must be attached showing that it was in full force and effect on signature date indicated on the face of the bond. A raised corporate seal must also be affixed to the Power of Attorney form.

- a. Name of attorney in fact must be listed.
- b. Power of Attorney may not exceed imposed limitations.
- c. Certificate date, the signature date of bond must be entered.
- d. Signature of authorizing official must be affixed. (Signature may be facsimile).
- e. **Raised seal must be affixed.**

POWER OF ATTORNEY

III- 60001199

Ironshore Indemnity Inc.

KNOW ALL MEN BY THESE PRESENTS, that IRONSHORE INDEMNITY INC., a Minnesota Corporation, with its principal office in New York, NY does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, Deborah Neichter, Jill Kemp, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Amy Meredith, Lynnette Long, Barbara Duncan, Mark A. Guidry, Michele Lacrosse, Michael Dix, Rebecca M. Reid, Leigh McCarthy and Summer A. Betting its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of IRONSHORE INDEMNITY INC. on the 22nd day of April, 2013 as follows:

Resolved, that the Director of the Company is hereby authorized to appoint and empower any representative of the company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,500,000 dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the Director and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, IRONSHORE INDEMNITY INC. has caused this instrument to be signed by its Director, and its Corporate Seal to be affixed this 2nd day of July, 2013.

IRONSHORE INDEMNITY INC.



By: [Signature]  
Daniel L. Sussman  
Director

ACKNOWLEDGEMENT

On this 2nd day of July, 2013, before me, personally came Daniel L. Sussman to me known, who being duly sworn, did depose and say that he is the Director of Ironshore Indemnity Inc., the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19



BY [Signature]  
Amy Taylor  
Notary Public

CERTIFICATE

I, the undersigned, Secretary of IRONSHORE INDEMNITY INC., a Minnesota Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at this 15th Day of December, 2016.



[Signature]  
Paul S. Giordano  
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

CITY OF UPLAND  
LABOR AND MATERIALS BOND

WHEREAS, the City of Upland, Public Works Department State of California, and Bravepark Commercial Property, LLC (hereinafter designated as "Principal") have entered into an agreement whereby Principal agrees to install and complete certain designated public improvements, included in the attached approved cost

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Upland to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, Principal and the undersigned as corporate surety, are held firmly bound unto the City of Upland and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of Two Hundred Fifty-Eight Thousand and 00/100 dollars (\$ 258,000.00 ), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

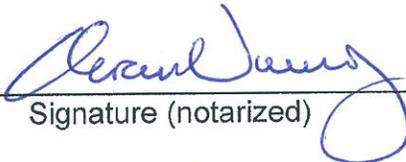
IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named, on December 15, 20 16

SUBDIVIDER:

Bravepark Commercial LLC

Check one:  Individual  Partnership  Corporation\*  Company

\*Note, for Corporations, two corporate officers must sign this document, as indicated below; for all others, authorized agents must sign this Agreement.

By:   
Signature (notarized)

By: \_\_\_\_\_  
Signature (notarized)

Name: STEVEN UVINK

Name: \_\_\_\_\_

Title: OPERATING MEMBER REP

Title: \_\_\_\_\_

(For Corporations, this document must be signed in the above space by one of the following: Chairman of the Board, President or any Vice President)

For Corporations, this document must be signed in the above space by one of the following: Secretary, Chief Financial Officer or any Assistant Treasurer)

SURETY

By: Ironshore Indemnity Inc.  
(Surety Name)

By:   
Attorney-in-Fact  
Sandra L. Fusinetti

(All Signatures Shall Be Notarized)

ACKNOWLEDGMENTS

Acknowledgment by Principal if individual or Partnership

1. STATE OF NORTH CAROLINA

2. County of WAKE to-wit:

3. I, Sandra M Maher, a Notary Public in and for the

4. county and state aforesaid, do hereby certify that Steven Uming  
 whose name is signed to the foregoing writing, has this day acknowledged the same before me in my said county.

5. Given under my hand this 21st day of December 20 16

6. Notary Seal Wake County 7. Sandra M Maher  
 (Notary Public) Sandra M Maher

8. My commission expires on the 3rd day of September 20 17

Acknowledgment by Principal if Corporation

9. STATE OF \_\_\_\_\_

10. County of \_\_\_\_\_ to-wit:

11-1. \_\_\_\_\_, a Notary Public in and for the

12. county and state aforesaid, do hereby certify that \_\_\_\_\_

13. who as, \_\_\_\_\_ signed the foregoing writing for

14. \_\_\_\_\_ a corporation,  
 has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

15. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

16. Notary Seal 17. \_\_\_\_\_  
 (Notary Public)

18. My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Acknowledgment by Surety

19. STATE OF Kentucky

20. County of Jefferson to-wit:

21-I, Theresa Pickerrell, a Notary Public in and for the

22. county and state aforesaid, do hereby certify that Sandra L. Fusinetti

23. who as, Attorney-in-Fact signed the foregoing writing for

24. Ironshore Indemnity Inc. a corporation,  
 has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

25. Given under my hand this 15th day of December 20 16

26. Notary Seal 27. Theresa Pickerrell  
 (Notary Public)

28. My commission expires on the 26th day of October 20 19

Sufficiency in Form and Manner of Execution Approved

City Attorney

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. By: \_\_\_\_\_

POWER OF ATTORNEY

III- 60001199

Ironshore Indemnity Inc.

KNOW ALL MEN BY THESE PRESENTS, that IRONSHORE INDEMNITY INC., a Minnesota Corporation, with its principal office in New York, NY does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, Deborah Neichter, Jill Kemp, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Amy Meredith, Lynnette Long, Barbara Duncan, Mark A. Guidry, Michele Lacrosse, Michael Dix, Rebecca M. Reid, Leigh McCarthy and Summer A. Betting its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of IRONSHORE INDEMNITY INC. on the 22nd day of April, 2013 as follows:

Resolved, that the Director of the Company is hereby authorized to appoint and empower any representative of the company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,500,000 dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the Director and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, IRONSHORE INDEMNITY INC. has caused this instrument to be signed by its Director, and its Corporate Seal to be affixed this 2nd day of July, 2013.

IRONSHORE INDEMNITY INC.



By: [Signature]  
Daniel L. Sussman  
Director

ACKNOWLEDGEMENT

On this 2nd day of July, 2013, before me, personally came Daniel L. Sussman to me known, who being duly sworn, did depose and say that he is the Director of Ironshore Indemnity Inc., the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19



BY: [Signature]  
Amy Taylor  
Notary Public

CERTIFICATE

I, the undersigned, Secretary of IRONSHORE INDEMNITY INC., a Minnesota Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at this 15th Day of December, 2016.



[Signature]  
Paul S. Giordano  
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

PERFORMANCE BOND

Bond No. SUR60001198

KNOW ALL MEN BY THESE PRESENTS:

That Bravepark Commercial Property, LLC at 516 N. West Street, Raleigh, NC 27603, as Principal, and Ironshore Indemnity Inc., a corporation at PO Box 3407, New York, NY 10008, as Surety, are held firmly jointly and severally bound unto The City of Upland, Public Works Department, 1370 N. Benson Ave., Upland, CA 91786 as Obligee, in the amount of One Hundred Thirty-Five Thousand and 00/100 Dollars (\$135,000.00), as set forth in Attachment A, for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, in the Development known as Sycamore Hills, the Principal has construction obligations running to Obligee's benefit for the installation of potential dedication and acceptance of public infrastructure built according to Owner's specifications, including installation criteria appropriate for public dedication, proper and appropriate materials and reasonable time of completion, Principal herein affirms its legal obligations to perform and complete same to Owner's satisfaction and approval in concert with Principal's development, and in accordance with drawings and specifications prepared by Glenn M. Chung, which by reference is made a part hereof.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if Principal shall, promptly and faithfully perform and complete the Public Infrastructure according to, then this obligation shall be null and void, otherwise it shall remain in full force and effect until released in writing by the Obligee. The Surety hereby waives notice of any alteration or extension of time made by the Obligee. Whenever Principal shall be, and declared by Obligee to be in default under the obligations set forth herein, the Obligee shall notice the fact to the Surety, and the Surety may promptly remedy the default, or shall promptly:

- 1. Complete the Obligations in accordance with its terms and conditions, and
2. Shall save the Owner harmless from any claims, judgments, or liens arising from the Surety's failure to either remedy the default or to complete the infrastructure in accordance with Attachment A, and the terms and conditions prescribed in a timely manner. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein.

Signed and sealed this \* 15th day of December 20 16

Principal Raised Corporate Seal (MUST BE AFFIXED)

Bravepark Commercial Property, LLC (Seal)

BY: [Signature] (Seal)
Steven Vining
Operating Member
Representative
(Title)

Surety Raised Corporate Seal (MUST BE AFFIXED)

Ironshore Indemnity Inc. (Surety)

BY: [Signature] (Seal)
Sandra L. Fusinetti, Attorney-in-Fact

NOTE: Raised Corporate Seals are mandatory. Any Power of Attorney must be certified.

NOTE: Applicable sections of attached acknowledgments must be completed and returned as part of the bond.

ACKNOWLEDGMENTS

Acknowledgment by Principal if individual or Partnership

1. STATE OF North Carolina

2. County of Wake to-wit:

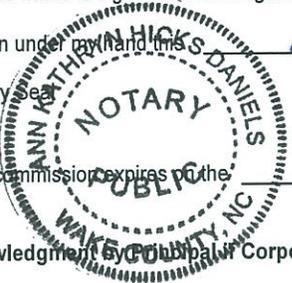
3. I, Ann Kathryn Hicks Daniels, a Notary Public in and for the

4. county and state aforesaid, do hereby certify that Steven Vining whose name is signed to the foregoing writing, has this day acknowledged the same before me in my said county.

5. Given under my hand this 20th day of December 2016

6. Notary Seal Ann Kathryn Hicks Daniels (Notary Public)

8. My commission expires on the 8th day of February 2019



Acknowledgment by Principal of Corporation

9. STATE OF \_\_\_\_\_

10. County of \_\_\_\_\_ to-wit:

11-1. \_\_\_\_\_, a Notary Public in and for the

12. county and state aforesaid, do hereby certify that \_\_\_\_\_

13. who as, \_\_\_\_\_ signed the foregoing writing for

14. \_\_\_\_\_ a corporation,

has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

15. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

16. Notary Seal 17. \_\_\_\_\_ (Notary Public)

18. My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Acknowledgment by Surety

19. STATE OF Kentucky

20. County of Jefferson to-wit:

21-1, Theresa Pickerrell, a Notary Public in and for the

22. county and state aforesaid, do hereby certify that Sandra L. Fusinetti

23. who as, Attorney-in-Fact signed the foregoing writing for

24. Ironshore Indemnity Inc. a corporation,

has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

25. Given under my hand this 15th day of December 2016

26. Notary Seal 27. Theresa Pickerrell (Notary Public)

28. My commission expires on the 26th day of October 2019

Sufficiency in Form and Manner of Execution Approved

City Attorney

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. By: \_\_\_\_\_

## ACKNOWLEDGMENT PREPARATION INSTRUCTIONS

1. IF PRINCIPAL IS AN INDIVIDUAL OR PARTNERSHIP, HAVE NOTARY COMPLETE LINES (1) THROUGH (8).
2. IF PRINCIPAL IS A CORPORATION, HAVE NOTARY COMPLETE LINES (9) through (18).
3. SURETY MUST HAVE NOTARY COMPLETE LINES (19) through (28).
4. **Notaries must:**

---

### ACKNOWLEDGMENT BY PRINCIPAL, IF INDIVIDUAL OR PARTNERSHIP

---

1. Enter name of State.
2. Enter name of County.
3. Enter name of Notary Public witnessing transactions.
4. Enter name of principal covered by bond if individual or partnership. (Must be Owner or General Partner of Sole Proprietorship or Partnership)
5. Notary enters date bond was witnessed. Must be the same as or later than signature date.
6. Affix Notary Seal.
7. Notary affixes his/her signature.
8. Notary enters commission expiration date.

---

### ACKNOWLEDGMENT BY PRINCIPAL IF CORPORATION

---

9. Enter name of State.
10. Enter name of County.
11. Enter name of Notary Public witnessing transactions.
12. Enter name of Corporate Officer signing bond.
13. Enter Title of Corporate Officer signing bond. (Must be President or Vice President of Corporation; Manager or Managing Member of Limited Liability Company)
14. Enter name of Company or Corporation.
15. Notary enters date bond was witnessed. Must be the same as or later than signature date.
16. Affix notary Seal.
17. Notary affixes his/her signature.
18. Notary enters commission expiration date.

---

### ACKNOWLEDGMENT BY SURETY

---

19. Enter name of State.
20. Enter name of County.
21. Enter name of Notary Public witnessing transactions.
22. Enter name of person having power of attorney to bind Surety Company.
23. Enter Title of person binding Surety Company.
24. Enter name of Insurance Company (Surety).
25. Notary enters date bond was witnessed. Must be the same as or later than signature date.
26. Affix Notary Seal.
27. Notary affixes his/her signature.
28. Notary enters commission expiration date.

---

### POWER OF ATTORNEY INSTRUCTIONS

---

Power of attorney for surety must be attached showing that it was in full force and effect on signature date indicated on the face of the bond. A raised corporate seal must also be affixed to the Power of Attorney form.

- a. Name of attorney in fact must be listed.
- b. Power of Attorney may not exceed imposed limitations.
- c. Certificate date, the signature date of bond must be entered.
- d. Signature of authorizing official must be affixed. (Signature may be facsimile).
- e. **Raised seal must be affixed.**

POWER OF ATTORNEY

III- 60001198

Ironshore Indemnity Inc.

KNOW ALL MEN BY THESE PRESENTS, that IRONSHORE INDEMNITY INC., a Minnesota Corporation, with its principal office in New York, NY does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, Deborah Neichter, Jill Kemp, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Amy Meredith, Lynnette Long, Barbara Duncan, Mark A. Guidry, Michele Lacrosse, Michael Dix, Rebecca M. Reid, Leigh McCarthy and Summer A. Betting its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of IRONSHORE INDEMNITY INC. on the 22nd day of April, 2013 as follows:

Resolved, that the Director of the Company is hereby authorized to appoint and empower any representative of the company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,500,000 dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the Director and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, IRONSHORE INDEMNITY INC. has caused this instrument to be signed by its Director, and its Corporate Seal to be affixed this 2nd day of July, 2013.

IRONSHORE INDEMNITY INC.



By: [Signature] Daniel L. Sussman Director

ACKNOWLEDGEMENT

On this 2nd day of July, 2013, before me, personally came Daniel L. Sussman to me known, who being duly sworn, did depose and say that he is the Director of Ironshore Indemnity Inc., the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

AMY TAYLOR Notary Public- State of Tennessee Davidson County My Commission Expires 07-08-19



BY: [Signature] Amy Taylor Notary Public

CERTIFICATE

I, the undersigned, Secretary of IRONSHORE INDEMNITY INC., a Minnesota Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at this 15th Day of December, 2016.



[Signature] Paul S. Giordano Secretary

“WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.”

CITY OF UPLAND  
LABOR AND MATERIALS BOND

WHEREAS, the City of Upland, Public Works Department State of California, and Bravepark Commercial Property, LLC (hereinafter designated as "Principal") have entered into an agreement whereby Principal agrees to install and complete certain designated public improvements, included in the attached approved cost

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Upland to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, Principal and the undersigned as corporate surety, are held firmly bound unto the City of Upland and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of Sixty-Eight Thousand and 00/100 dollars (\$ 68,000.00 ), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

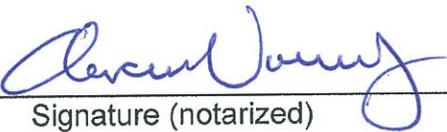
IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named, on December 15, 20 16

SUBDIVIDER:

Bravepark Commercial LLC

Check one:  Individual  Partnership  Corporation\*  Company

\*Note, for Corporations, two corporate officers must sign this document, as indicated below; for all others, authorized agents must sign this Agreement.

By:   
Signature (notarized)

By: \_\_\_\_\_  
Signature (notarized)

Name: STEVEN YOUNG  
Title: OPERATING MANAGER ROP

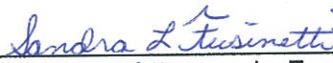
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

(For Corporations, this document must be signed in the above space by one of the following: Chairman of the Board, President or any Vice President)

For Corporations, this document must be signed in the above space by one of the following: Secretary, Chief Financial Officer or any Assistant Treasurer)

SURETY

By: Ironshore Indemnity Inc.  
(Surety Name)

By:   
Attorney-in-Fact  
Sandra L. Fusinetti

(All Signatures Shall Be Notarized)

ACKNOWLEDGMENTS

Acknowledgment by Principal if individual or Partnership

1. STATE OF NORTH CAROLINA

2. County of WAKE to-wit:

3. I, Sandra M Maher, a Notary Public in and for the

4. county and state aforesaid, do hereby certify that Steven Vining  
 whose name is signed to the foregoing writing, has this day acknowledged the same before me in my said county.

5. Given under my hand this 21st day of December 20 16

6. Notary Seal  
 Notary Public  
 Wake County  
 Sandra M Maher

7. Sandra M Maher  
 (Notary Public) Sandra M Maher

8. My commission expires on the 3rd day of September 20 17

Acknowledgment by Principal if Corporation

9. STATE OF \_\_\_\_\_

10. County of \_\_\_\_\_ to-wit:

11-1. \_\_\_\_\_, a Notary Public in and for the

12. county and state aforesaid, do hereby certify that \_\_\_\_\_

13. who as, \_\_\_\_\_ signed the foregoing writing for

14. \_\_\_\_\_ a corporation,  
 has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

15. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

16. Notary Seal

17. \_\_\_\_\_  
 (Notary Public)

18. My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Acknowledgment by Surety

19. STATE OF Kentucky

20. County of Jefferson to-wit:

21-I, Theresa Pickerrell, a Notary Public in and for the

22. county and state aforesaid, do hereby certify that Sandra L. Fusinetti

23. who as, Attorney-in-Fact signed the foregoing writing for

24. Ironshore Indemnity Inc. a corporation,  
 has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.

25. Given under my hand this 15th day of December 20 16

26. Notary Seal

27. Theresa Pickerrell  
 (Notary Public)

28. My commission expires on the 26th day of October 20 19

Sufficiency in Form and Manner of Execution Approved

City Attorney

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. By: \_\_\_\_\_

POWER OF ATTORNEY

III- 60001198

Ironshore Indemnity Inc.

KNOW ALL MEN BY THESE PRESENTS, that IRONSHORE INDEMNITY INC., a Minnesota Corporation, with its principal office in New York, NY does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, Deborah Neichter, Jill Kemp, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Amy Meredith, Lynnette Long, Barbara Duncan, Mark A. Guidry, Michele Lacrosse, Michael Dix, Rebecca M. Reid, Leigh McCarthy and Summer A. Betting its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of IRONSHORE INDEMNITY INC. on the 22nd day of April, 2013 as follows:

Resolved, that the Director of the Company is hereby authorized to appoint and empower any representative of the company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,500,000 dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the Director and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, IRONSHORE INDEMNITY INC. has caused this instrument to be signed by its Director, and its Corporate Seal to be affixed this 2nd day of July, 2013.

IRONSHORE INDEMNITY INC.



By: [Signature] Daniel L. Sussman Director

ACKNOWLEDGEMENT

On this 2nd day of July, 2013, before me, personally came Daniel L. Sussman to me known, who being duly sworn, did depose and say that he is the Director of Ironshore Indemnity Inc., the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

AMY TAYLOR Notary Public- State of Tennessee Davidson County My Commission Expires 07-08-19



BY [Signature] Amy Taylor Notary Public

CERTIFICATE

I, the undersigned, Secretary of IRONSHORE INDEMNITY INC., a Minnesota Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at this 15th Day of December, 2016.



[Signature] Paul S. Giordano Secretary

“WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.”



# STAFF REPORT

**ITEM NO. 11.F.**

---

**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** JEANNETTE VAGNOZZI, CITY MANAGER  
KERI JOHNSON, CITY CLERK  
**SUBJECT:** APPOINTMENT OF MAYOR PRO TEM

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## **RECOMMENDED ACTION**

It is recommended that the City Council adopt a Resolution amending procedures for selecting a Mayor Pro Tem pursuant to provisions of California Government Code Section 36801 and rescinding Resolution No. 6376; and ratify the appointment of Councilmember Janice Elliott as Mayor Pro Tem, term to expire in December 2019.

## **GOAL STATEMENT**

The proposed action supports the City's goal to provide inclusive leadership opportunities for all Councilmembers.

## **BACKGROUND**

Historically, the Mayor Pro Tem has been appointed by the Mayor. Mayor Stone requested consideration be given to a rotation of Mayor Pro Tem at the time her term of office began.

In December 2016 the City Council adopted Resolution No. 6376 establishing procedures for selecting a Mayor Pro Tem pursuant to the provisions of the California Government Code Section 36801. Section 3 (B) of the Resolution states that in December 2018, the Council shall select the holder of Office No. 3 for a one-year term as Mayor Pro Tem. Section 2 of the Resolution designates Councilmember Janice Elliott to Office No. 3.

## **ISSUES/ANALYSIS**

In keeping with the action taken at the December 12, 2016 meeting, Councilmember Elliott will be appointed as Mayor Pro Tem with a term ending in December 2019.

The Resolution updates the rotation of Mayor Pro Tem to accommodate the change to district-based voting. The rotation begins with District 2 and proceeds numerically District 3, District 4, District 1. The other provisions of the Resolution remain unchanged.

**FISCAL IMPACTS**

There is no fiscal impact related to this action.

**ALTERNATIVES**

Provide alternative direction to staff.

**ATTACHMENTS:**

**Resolution amending procedures for selecting a Mayor Pro Tem  
Resolution 6376**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND  
AMENDING PROCEDURES FOR SELECTING A MAYOR PRO TEM  
PURSUANT TO THE PROVISIONS OF CALIFORNIA GOVERNMENT  
CODE SECTION 36801 AND RESCINDING RESOLUTION NO.  
6376

Intent of the Parties and Findings

(i) Government Code Section 36801 provides that the City Council shall meet at the meeting at which the declaration of election results is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its members to serve as Mayor Pro tem; and

(ii) The City Council is desirous of selecting a Mayor Pro Tem to serve a one-year term, beginning in December of each year;

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. That the City Council shall reorganize by selecting one of its members for one year as Mayor Pro Tem in December of each year.

Section 2. The City Council shall make its annual selection based upon the rotation plan, so that each Council Member willing and able to serve will be given the opportunity serve as Mayor Pro Tem during his or her four-year term of office.

In the event one of the current incumbents is no longer on the Council at the time of reorganization, the successor in the district shall assume the same position in the rotation of Mayor Pro Tem subject to the provisions of Section 4 hereof.

Section 3. (A) In December 2019, the Council shall select the Councilmember for District 3 for a one-year term as Mayor Pro Tem  
(B) In December 2020, the Council shall select the Councilmember for District 4 for a one-year term as Mayor Pro Tem  
(C) In December 2021, the Council shall select the Councilmember for District 1 for a one-year term as Mayor Pro Tem  
(D) In December 2022, the Council shall select the Councilmember for District 2 for a one-year term as Mayor Pro Tem  
(E) In December of each succeeding year, the Council shall follow the rotation plan established by this Resolution.

Section 4. In the event that any current incumbent is not the holder of the office as established by this Resolution, at the time of reorganization, the Council may select his or her successor as Mayor Pro Tem or reassign the rotation so that a new Council Member is not selected early in his or her term.

Section 5. Resolution No. 6376 is hereby rescinded in its entirety.

Section 6. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions

PASSED, APPROVED and ADOPTED this 14th day of January 2019.

\_\_\_\_\_  
Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 14th day of January, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

ATTEST: \_\_\_\_\_  
Keri Johnson, City Clerk

RESOLUTION NO. 6376

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND  
ESTABLISHING PROCEDURES FOR SELECTING A MAYOR PRO  
TEM PURSUANT TO THE PROVISIONS OF CALIFORNIA  
GOVERNMENT CODE SECTION 36801

Intent of the Parties and Findings

(i) Government Code Section 36801 provides that the City Council shall meet at the meeting at which the declaration of election results is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its members to serve as Mayor Pro tem; and

(ii) The City Council is desirous of selecting a Mayor Pro Tem to serve a one-year term, beginning in December of each year;

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. That the City Council shall reorganize by selecting one of its members for one year as Mayor Pro Tem in December of each year.

Section 2. The City Council shall make its annual selection based upon the following rotation plan, so that each Council Member willing and able to serve will be given the opportunity serve as Mayor Pro Tem during his or her four-year term of office. For purposes of selection of Mayor Pro Tem only, the Council offices held by incumbents on this date are hereby assigned the following designations:

- Office No. 1 – Gino Filippi
- Office No. 2 – Carol Timm
- Office No. 3 – Janice Elliott
- Office No. 4 – Vacant

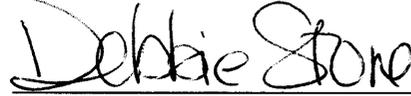
In the event one of the current incumbents is no longer on the Council at the time of reorganization, the successor shall be assigned the office number designation of the former incumbent, subject to the provisions of Section 4 hereof. In the event that two or more incumbents are no longer on the Council at the time of reorganization, the council shall determine the office numbers of the new Council Members.

Section 3. (A) In December 2016, the Council shall select the holder of Office No. 1 for a one-year term as Mayor Pro Tem  
(B) In December 2017, the Council shall select the holder of Office No. 2 for a one-year term as Mayor Pro Tem  
(C) In December 2018, the Council shall select the holder of Office No. 3 for a one-year term as Mayor Pro Tem  
(D) In December 2019, the Council shall select the holder of Office No. 4 for a one-year term as Mayor Pro Tem  
(E) In December of each succeeding year, the Council shall follow the rotation plan established by this Resolution.

Section 4. In the event that any current incumbent is not the holder of the office as established by this Resolution, at the time of reorganization, the Council may select his or her successor as Mayor Pro Tem or reassign the office numbers so that a new Council Member is not selected early in his or her term.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions

PASSED, APPROVED and ADOPTED this 12th day of December 2016.

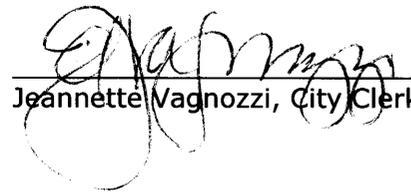


Debbie Stone, Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 12th day of December, 2016, by the following vote:

AYES: Mayor Stone, Councilmembers Elliott, Filippi, Timm  
NOES: None  
ABSENT: None  
ABSTAINED: None

ATTEST:

  
Jeannette Vagnozzi, City Clerk



## STAFF REPORT

**ITEM NO. 12.A.**

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**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** STEVEN H. DUKETT, DEVELOPMENT SERVICES CONSULTANT  
LIZ CHAVEZ, DEVELOPMENT SERVICES MANAGER  
MELECIO PICAZO, ECONOMIC DEVELOPMENT COORDINATOR  
**SUBJECT:** ORDINANCE AMENDING SECTION 5.04.470 OF TITLE 5 OF THE  
UPLAND MUNICIPAL CODE PERTAINING TO THE RATE OF LEVY  
FOR THE PARKING AND BUSINESS IMPROVEMENT AREA

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### RECOMMENDED ACTION

It is recommended that subsequent to a public hearing, the Mayor and City Council adopt an Ordinance amending Section 5.04.470 of Title 5 of the Upland Municipal Code pertaining to the rate of levy for the Parking and Business Improvement Area.

### GOAL STATEMENT

The proposed action supports the City's goal to encourage economic development, revitalization, orderly growth and development, and the elimination of blighting conditions within the Downtown area.

### BACKGROUND

Consistent with the provisions therefor within the California Streets and Highways Code (the "SHC"), on November 1, 1966, the City Council adopted Ordinance No. 773 establishing a Parking and Business Improvement Area (the "PBIA") and providing for a tax levy to business licenses for businesses within the PBIA. The SHC §§ 36000 through 36081 describe the PBIA Law of 1965, as amended. On September 26, 1994, the City Council adopted Resolution No. 4560 declaring the intention to disestablish portions of the PBIA, change the rates of the additional tax levy imposed on the businesses with the PBIA and change the uses to which the proceeds from the tax levy shall apply. On November 28, 1994, the City Council adopted Resolution No. 4579, which amended certain provisions of Resolution No. 4560 to

confirm when the public meeting and hearing would take place with respect to the subject of Resolution No. 4560. On December 20, 1994, the City Council passed and adopted Ordinance No. 1612, which codified within the Upland Municipal Code the amendments to the PBIA proposed within Resolution No. 4560 and reconfirmed within Resolution No. 4579. Collectively, Ordinance Nos. 773 and 1612 are referred to herein as the "PBIA Ordinances". The PBIA Ordinances are codified in sections §§ 5.04.430 through 5.04.520 of the Upland Municipal Code.

## **ISSUES/ANALYSIS**

On July 23, 2018, the City Council received a status update from staff with respect to the PBIA, which included staff's intent to conduct a needs and fiscal capability analysis of the PBIA and to provide the City Council with a further status update, including recommendations for improving the implementation of the PBIA on a going forward basis. On November 26, 2018, staff presented to the City Council, the results of the PBIA needs and fiscal capability analysis, including recommendations for improving the implementation of the PBIA on a going forward basis (the PBIA Analysis and Recommendations"). A copy of the analysis is attached, which includes updated information provided by the Public Works Department.

The central theme of the PBIA Analysis and Recommendations is to cease collecting the PBIA tax levy for a period of time beginning during January 2019 and continuing until such time as the City Council adopts, consistent with applicable provisions of California Law, an amending or replacement ordinance or instead takes such other actions or institutes such other programs as may be necessary and appropriate to institute a program or programs and fiscal strategy that are unrelated to a PBIA or are in addition to a PBIA, but are better suited to meeting the needs of Upland's Town Center.

Pursuant to SHC § 36061, changes to the PBIA rate or levy may only be approved by ordinance of the City Council subsequent to conducting a public hearing that is set by resolution of the City Council that is adopted at least fifteen (15) days prior to the public hearing to consider the ordinance and specifies the proposed change and give the time and place of the public hearing to consider the ordinance. Consistent with SHC § 36061, on November 26, 2018, the City Council adopted Resolution No. 6474 setting the public hearing for the purpose of considering an amendment to the PBIA Ordinances for the purpose of reducing the tax levy associated with the PBIA to zero, for 7:00 PM, or as soon thereafter as practicable, on Monday, January 14, 2019 at the City Council's Chambers, 460 North Euclid Avenue, Upland, California (the "Public Hearing"). In conformance with SHC § 36022, on December 3, 2018 notice of the Public Hearing was given by: 1) by causing the publication of Resolution No. 6474 in the Inland Valley Daily Bulletin; and 2) mailing a complete and signed copy of the Resolution to each business in the PBIA.

If adopted, the Ordinance will take effect immediately upon its adoption pursuant to the provisions of California Government Code § 36937 (d) as an ordinance relating to taxes for the usual and current expenses of the City.

## **FISCAL IMPACTS**

All funds attributable to the PBIA and tax levy payments accruing to the PBIA in the City's possession are the property of the City and shall remain with the PBIA and be used for the purposes of the PBIA as the City Council may appropriate, directly or indirectly through delegation of authority per City policies. If the City Council determines that the PBIA Ordinances shall be amended to reduce the tax levy to zero, then during such period of zero tax levy, no new revenue will accrue to the PBIA.

## **ALTERNATIVES**

Provide alternative direction to staff.

## **ATTACHMENTS:**

**Proposed Ordinance amending Section 5.04.470 of Title 5 of the Upland Municipal Code pertaining to the rate of levy for the Parking and Business Improvement Area**

**Exhibit A - PBIA Analysis and Recommendations (November 26, 2018 – Updated January 9, 2019)**

**Exhibit A - Attachment 1 - Public Works Department's assessment of needs within the PBIA**

**Exhibit A - Attachment 2 - Compilation of photographs providing examples of infrastructure deficiencies within the PBIA**

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, AMENDING SECTION 5.04.470 OF TITLE 5 OF THE UPLAND MUNICIPAL CODE PERTAINING TO THE RATE OF LEVY FOR THE PARKING AND BUSINESS IMPROVEMENT AREA.

A. Recitals

(i) consistent with the provisions therefor within the California Streets and Highways Code (the "SHC"), on November 1, 1966, the City Council adopted Ordinance No. 773 establishing a Parking and Business Improvement Area (the "PBIA") and providing for a tax levy to business licenses for businesses within the PBIA; and

(ii) the SHC §§ 36000 through 36081 describe the PBIA Law of 1965, as amended; and

(iii) on September 26, 1994, the City Council adopted Resolution No. 4560 declaring the intention to disestablish portions of the PBIA, change the rates of the additional tax levy imposed on the businesses with the PBIA and change the uses to which the proceeds from the tax levy shall apply; and

(iv) on November 28, 1994, the City Council adopted Resolution No. 4579, which amended certain provisions of Resolution No. 4560 to confirm when the public meeting and hearing would take place with respect to the subject of Resolution No. 4560; and

(v) on December 20, 1994, the City Council passed and adopted Ordinance No. 1612, which codified within the Upland Municipal Code the amendments to the PBIA proposed within Resolution No. 4560 and reconfirmed within Resolution No. 4579; and

(vi) collectively, Ordinance Nos. 773 and 1612 are referred to herein as the "PBIA Ordinances"; and

(vii) the PBIA Ordinances are codified with §§ 5.04.430 through 5.04.520 of the Upland Municipal Code; and

(viii) on July 23, 2018, the City Council received a status update from staff with respect to the PBIA, which included staff's intent to conduct a needs and fiscal capability analysis of the PBIA and to provide the City Council with a further status update, including recommendations for improving the implementation of the PBIA on a going forward basis; and

(ix) on November 26, 2018, staff presented to the City Council, the results of the PBIA needs and fiscal capability analysis, including recommendations for improving the implementation of the PBIA on a going forward basis (the "PBIA Analysis and Recommendations"); and

(x) the central theme of the PBIA Analysis and Recommendations is to cease collecting the PBIA tax levy for a period of time beginning during January 2019 and

continuing until such time as the City Council adopts, consistent with applicable provisions of California Law, an amending or replacement ordinance or instead takes such other actions or institutes such other programs as may be necessary and appropriate to institute a program or programs and fiscal strategy that are unrelated to a PBIA or are in addition to a PBIA, but are better suited to meeting the needs of Upland's Town Center; and

(xi) pursuant to SHC § 36061, changes to the PBIA rate or levy may only be approved by ordinance of the City Council subsequent to conducting a public hearing that is set by resolution of the City Council that is adopted at least fifteen (15) days prior to the public hearing to consider the ordinance and specifies the proposed change and give the time and place of the public hearing to consider the ordinance; and

(xii) consistent with SHC § 36061, on November 26, 2018, the City Council adopted Resolution No. 6474 setting the public hearing for the purpose of considering an amendment to the PBIA Ordinances for the purpose of reducing the tax levy associated with the PBIA to zero, for 7:00 PM, or as soon thereafter as practicable, on Monday, January 14, 2019 at the City Council's Chambers, 460 North Euclid Avenue, Upland, California (the "Public Hearing"); and

(xiii) in conformance with SHC § 36022, on December 3, 2018, notice of the Public Hearing was given by: 1) by causing the publication of Resolution No. 6474 in the Inland Valley Daily Bulletin; and 2) mailing a complete and signed copy of the Resolution to each business in the PBIA; and

(xiv) all of the prerequisites with respect to the approval of this Ordinance have been met.

#### B. Ordinance

NOW, THEREFORE, the City Council of the City of Upland does hereby ordain as follows:

Section 1. Incorporation. Unless otherwise amended or repealed herein, §§ 5.04.430 through 5.04.520 of the Upland Municipal Code related to the Parking and Business Improvement Area, are incorporated herein by this reference.

Section 2. Amendment to Rate of Levy. Section 5.04.470 of the Upland Municipal Code is amended in its entirety to read as follows:

"Effective January 1, 2019, the additional levy of the general business license tax imposed upon businesses within the said area over and above the general business license tax imposed on such businesses commencing with January 1, 1967, with the breakdown by class of business and assessment zone are fixed, levied, determined and established as zero."

Section 3. Public Hearing. The City Council hereby finds and determines that this Ordinance has been considered and adopted after the conclusion of a public

meeting and a public hearing with notice(s) given as required by California Streets and Highways Code § 36022.

Section 4. Effectiveness. The City Council hereby finds and determines that this Ordinance shall take effect immediately upon its adoption pursuant to the provisions of California Government Code § 36937 (d) as an ordinance relating to taxes for the usual and current expenses of the City.

Section 5. Severability. The City Council declares that, should any provision, section, paragraph, sentence or words of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of the Ordinance shall remain in full force and effect.

Section 6. Certification. The City Clerk of the City of Upland shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 14th day of January, 2019.

\_\_\_\_\_  
Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Upland held on the 14<sup>th</sup> day of January, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

ATTEST: \_\_\_\_\_  
Keri Johnson, City Clerk

**PBIA ANALYSIS AND RECOMMENDATIONS  
(November 26, 2018 – Updated January 9, 2019)****Introduction**

On July 23, 2018, the City Council received a written and oral status update from staff with respect to the PBIA, which included a summary of revenues, expenditures, appropriations, funding requests and an overview of the improvements funded and proposed to be completed within the Upland Town Center. Staff also indicated its intent to conduct a needs and fiscal capability analysis of the PBIA and to provide the City Council with a further status update, including recommendations for improving the implementation of the PBIA on a going forward basis.

**Current PBIA Fiscal Summary**

During Fiscal Year 2017-18, the City Council approved a PBIA budget of \$146,000; \$40,000 for the installation of electrical outlet improvements for downtown and \$106,000 for the 1st Avenue Parking Lot Rehabilitation and Striping Project (Northeast corner of 1<sup>st</sup> Avenue and "A" Street). The electrical improvements were completed in July 2018 and actually cost about \$28,000 (a budget savings of \$12,000). The 1st Avenue Parking Lot Rehabilitation and Striping Project is in its design phase and is expected to go out to bid during the second half of FY 2018-19. The project is being managed by the City's Public Works Department. It is now anticipated that the Project will require \$150,000 to complete.

As of July 1, 2018, the fund balance in the PBIA fund was approximately \$160,000, consisting of \$150,000 reserved for the 1st Avenue Parking Lot Rehabilitation and Striping Project and \$10,000 for the installation of bike racks in Downtown. Therefore, the current \$160,000 fund balance is fully reserved.

The PBIA has generated about \$43,400 per year of revenue during the last 5 years. Based on conservative estimates, the PBIA fund is projected to receive \$43,600 of revenue during Fiscal Year 2018-19. The approved \$53,600 Fiscal Year 2018-19 PBIA budget includes \$10,000 for the installation of bike racks in Downtown and \$43,600 for Historic Downtown Upland, Inc. (the "HDU"), a legal entity formed by the merchants in to assist them with their operations. At that time, it was envisioned that the HDU assistance would be funded from PBIA revenues (as received).

**Summary of Needs Analysis**

The Upland Town Center area has significant needs for new and upgraded public infrastructure improvements including, but not limited to street improvements (i.e., surface maintenance and reconstruction), curb, gutter and sidewalk improvements (i.e., surface maintenance, reconstruction and rock curb restoration), water system improvements (i.e., system upgrades and

replacements), sewer improvements (i.e., system upgrades and replacements), parking lot improvements (i.e., maintenance, pavement reconstruction, re-striping, lighting, trash enclosures, etc.). Since November 26, 2018, the Public Works Department has prepared a more in-depth assessment of the specific improvements that are required within the PBIA. A summary of the budget estimates by improvement type are as follows:

Street Improvements:	\$2,401,855
Electrical Improvements:	\$731,100
Water Improvements:	\$2,337,000
Sewer Improvements:	\$205,200
Storm Drain Improvements:	\$927,600
General Improvements:	\$506,000
Total Street Improvements:	\$7,108,755
Parking Lot Improvements:	\$685,000
Contingency @ 20%:	\$1,558,751
Total Construction:	\$9,352,506
Professional Services Estimate:	<u>\$2,019,937</u>
TOTAL DEVELOPMENT ESTIMATE:	\$11,372,443

A copy of the Public Works Department’s assessment of needs within the PBIA is included as Attachment “1” to this report. Attachment “2” to this report is a compilation of photographs providing examples of infrastructure deficiencies within the PBIA. Based on the foregoing, staff believes that \$11.5 million-worth of improvements are needed to fully restore the public infrastructure within PBIA.

**Summary of Fiscal Capability Analysis**

Based on current revenue estimates (using current tax levy amounts), the PBIA is projected to generate about \$43,600 per year on a going forward basis. As noted above, staff has roughly estimated that the PBIA’s public infrastructure needs are \$11.5 million (in current dollars). If the PBIA were to be the sole funding source for these improvements, it would take between 261 years to raise such amounts without factoring inflation. As a result, it is practically impossible for the PBIA to solely fund such improvements. Further, the foregoing evidences that in terms of the PBIA’s capability of funding its infrastructure needs, it is incapable of doing so. In other words, the only way that the infrastructure needs of the Upland Town

Center can be met within a reasonable period of time is to consider amending or replacing the PBIA Ordinances or instead to take such other actions or institute such other programs as may be necessary and appropriate to institute a program or programs and fiscal strategy that may be unrelated to a PBIA, but are better suited to meeting the needs of Upland's Town Center.

### **Recommendations**

Based on the foregoing, staff is recommending that the City Council consider alternative ways of meeting the needs of Upland's Town Center. This would include the preparation of a specific infrastructure deficiency study by professional engineers and an assessment of financing and funding mechanisms that are better suited to meeting the needs of Upland's Town Center. The specifics of the work program needed for this purpose would be included within a future City budget. In the interim, staff recommends that the City cease collecting the PBIA tax levy for a period of time beginning during January 2019 and continuing until such time as the City Council adopts, consistent with applicable provisions of California Law, an amending or replacement ordinance or instead takes such other actions or institutes such other programs as may be necessary and appropriate to institute a program or programs and fiscal strategy that are unrelated to a PBIA or are in addition to a PBIA, but are better suited to meeting the needs of Upland's Town Center.

### **Attachments**

1. Attachment "1" is a copy of the Public Works Department's assessment of needs within the PBIA.
2. Attachment "2" is a compilation of photographs providing examples of infrastructure deficiencies within the PBIA.

<b>DOWNTOWN IMPROVEMENTS</b>																	
<b>PRELIMINARY CONCEPT COST ESTIMATE (Prepared without Plans utilizing Google Maps)</b>																	
				<b>"A" STREET</b>		<b>9TH STREET</b>		<b>"C" STREET</b>		<b>"D" STREET</b>		<b>1ST AVENUE</b>		<b>2ND AVENUE</b>		<b>TOTALS</b>	
				Euclid to 3rd		Euclid to 3rd		Euclid to 3rd		Euclid to 3rd		A St. to D St.		A St. to Arrow Hwy.			
				Length ~ 1,120'		Length ~ 1,120'		Length ~ 1,120'		Length ~ 1,120'		Length ~ 1,350'		Length ~ 1,770'			
				Width ~ 36' C to C		Width ~ 54' C to C		Width ~ 48'		Width ~ 40'		Width ~ 48'		Width ~ 52'			
<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>
<b>STREET IMPROVEMENTS</b>																	
SI-01	Cold Mill Existing AC Pavement, 2" Depth	SF	\$ 0.75	40,320	\$ 30,240	60,480	\$ 45,360	53,760	\$ 40,320	44,800	\$ 33,600	64,800	\$ 48,600	92,040	\$ 69,030	356,200	\$ 267,150
SI-02	Construct Dense Graded Asphalt Concrete (DGAC) Base Course Type B PG 64-10	TON	\$ 77.00	0				400	\$ 30,800							400	\$ 30,800
SI-03	Construct 2" Asphalt Rubber Hot Mix (ARHM-GG-C PG 64-16) Overlay.	TON	\$ 93.00	600	\$ 55,800	850	\$ 79,050	750	\$ 69,750	625	\$ 58,125	900	\$ 83,700	1,300	\$ 120,900	5,025	\$ 467,325
SI-04	R&R P.C.C. Curb & Gutter	LF	\$ 70.00	225	\$ 15,750	1,220	\$ 85,400	300	\$ 21,000					540	\$ 37,800	2,285	\$ 159,950
SI-05	R&R Rock Curb & Std. Gutter per City of Upland Std.	LF	\$ 115.00					750	\$ 86,250	1,560	\$ 179,400	1,700	\$ 195,500	880	\$ 101,200	4,890	\$ 562,350
SI-06	R&R Sidewalk (30-inch square score marking or match existing)	SF	\$ 10.00	1,200	\$ 12,000	2,700	\$ 27,000	4,500	\$ 45,000	3,360	\$ 33,600	5,400	\$ 54,000	2,600	\$ 26,000	19,760	\$ 197,600
SI-07	R&R P.C.C. Curb Ramp & Yellow Detectable Warning Devices (Truncated Domes)	EA	\$ 4,000.00	4	\$ 16,000	8	\$ 32,000	6	\$ 24,000	5	\$ 20,000			4	\$ 16,000	27	\$ 108,000
SI-08	R&R P.C.C. Driveway Approach and/or Alley Approach	SF	\$ 12.00	2,000	\$ 24,000	1,500	\$ 18,000	2,500	\$ 30,000	1,900	\$ 22,800	5,200	\$ 62,400	3,000	\$ 36,000	16,100	\$ 193,200
SI-09	R&R Decorative Brick/Stamped Concrete Driveway Approach, Alley Approach, or Flatwork	SF	\$ 15.00	2,400	\$ 36,000	5,700	\$ 85,500	450	\$ 6,750					1,344	\$ 20,160	9,894	\$ 148,410
SI-10	R&R P.C.C. Cross Gutter / Spandrel	SF	\$ 16.00	3,200	\$ 51,200	1,050	\$ 16,800	3,400	\$ 54,400	2,910	\$ 46,560					10,560	\$ 168,960
SI-11	Adjust Manhole to Finish Grade	EA	\$ 1,500.00	6	\$ 9,000	4	\$ 6,000	3	\$ 4,500	2	\$ 3,000	1	\$ 1,500			16	\$ 24,000
SI-12	Install 12" Thermoplastic Crosswalk / Limit Line per Caltrans Std. Plan A24E (White / Yellow)	LF	\$ 3.50			500	\$ 1,750	950	\$ 3,325	950	\$ 3,325	90	\$ 315	255	\$ 893	2,745	\$ 9,608
SI-13	Install 24" wide Thermoplastic Crosswalk Striping Ladder Style ( white or yellow)	LF	\$ 6.00			0	\$ -					450	\$ 2,700	450	\$ 2,700	900	\$ 5,400
SI-14	Install 8" Thermoplastic Channelizing Line	LF	\$ 2.50			70	\$ 175	360	\$ 900					45	\$ 113	475	\$ 1,188
SI-15	Install Painted (two coats) 4" White Lane Line with type G Markers	LF	\$ 1.25			3,305	\$ 4,131					800	\$ 1,000			4,105	\$ 5,131
SI-16	Install Painted (two coats ) Double Yellow Lines with Type D Markers	LF	\$ 1.75			350	\$ 613	1,125	\$ 1,969			800	\$ 1,400	265	\$ 464	2,540	\$ 4,445
SI-17	Install 4" Yellow Centerline with Type D Markers	LF	\$ 1.00							925	\$ 925			464	\$ 464	1,389	\$ 1,389
SI-18	Install Thermoplastic Type IV (L) Arrow - Left Arrow	EA	\$ 200.00			1	\$ 200	5	\$ 1,000					2	\$ 400	8	\$ 1,600
SI-19	Install Thermoplastic Type VII (L) Arrow - Straight Arrow & Left Arrow	EA	\$ 350.00			1	\$ 350									1	\$ 350
SI-20	Install Thermoplastic "STOP" Legend	EA	\$ 400.00			4	\$ 1,600	11	\$ 4,400	10	\$ 4,000	9	\$ 3,600	7	\$ 2,800	41	\$ 16,400
SI-21	Install Thermoplastic "YIELD" Legend	EA	\$ 400.00			2	\$ 800							2	\$ 800	4	\$ 1,600
SI-22	Install Thermoplastic "SIGNAL AHEAD" Legend	EA	\$ 600.00	1	\$ 600	1	\$ 600	1	\$ 600	1	\$ 600			1	\$ 600	5	\$ 3,000
SI-23	Install Thermoplastic "SCHOOL XING AHEAD" Legend	EA	\$ 1,000.00														\$ -
SI-24	Install Thermoplastic "PED XING AHEAD" Legend	EA	\$ 1,000.00									2	\$ 2,000	2	\$ 2,000	4	\$ 4,000
SI-25	Install Parking Lot Striping (Double Striped)	LS	\$ 10,000.00			1	\$ 10,000							1	\$ 10,000	2	\$ 20,000
					<b>Subtotal</b>		<b>\$ 250,590</b>		<b>\$ 415,329</b>		<b>\$ 424,964</b>		<b>\$ 405,935</b>		<b>\$ 456,715</b>		<b>\$ 2,401,855</b>
<b>ELECTRICAL IMPROVEMENTS</b>																	
E-01	Furnish & Install Street Light Pole (Ameron Corsican 20CT15) & King LED Luminaire (KCK118 Washington)	EA	\$ 13,500.00					6	\$ 81,000	8	\$ 108,000	7	\$ 94,500	6	\$ 81,000	27	\$ 364,500
E-02	Furnish and Install 2-inch Dia. Electrical Conduit with Pull Rope	LF	\$ 50.00					1,120	\$ 56,000	1,120	\$ 56,000	850	\$ 42,500	750	\$ 37,500	3,840	\$ 192,000
E-03	Furnish and Install Electrical Conductors (Wires)	LS	\$ 8,000.00					1	\$ 8,000	1	\$ 8,000	1	\$ 8,000	1	\$ 8,000	4	\$ 32,000
E-04	Furnish and Install Caltrans No. 3-1/2 Pull Box w/Conduit Sweeps	EA	\$ 1,800.00					8	\$ 14,400	8	\$ 14,400	6	\$ 10,800	5	\$ 9,000	27	\$ 48,600
E-05	Furnish and Install Type III BF Electric Service, including foundation and appurtenances	EA	\$ 11,000.00					1	\$ 11,000	1	\$ 11,000	1	\$ 11,000	1	\$ 11,000	4	\$ 44,000
E-06	Furnish and Install Traffic Signal Video Detection System (Itevis Vector Cameras, Processors, Extension Modules, Color LCD Module, cables, etc.)	LS	\$ 50,000.00			1	\$ 50,000									1	\$ 50,000
					<b>Subtotal</b>		<b>\$ 50,000</b>		<b>\$ 170,400</b>		<b>\$ 197,400</b>		<b>\$ 166,800</b>		<b>\$ 146,500</b>		<b>\$ 731,100</b>
<b>WATER IMPROVEMENTS</b>																	
W-01	Trench Shoring and Safety (Water Improvements)	LF	\$ 15.00			1,120	\$ 16,800	1,120	\$ 16,800	1,120	\$ 16,800	1,350	\$ 20,250	1,770	\$ 26,550	6,480	\$ 97,200
W-02	Furnish & Install 8" CML&C Class 300 Steel Water Line & Fittings (Joints Fully Welded)	LF	\$ 150.00			1,120	\$ 168,000	1,120	\$ 168,000	1,120	\$ 168,000	1,350	\$ 202,500	1,770	\$ 265,500	6,480	\$ 972,000
W-03	Furnish & Install 8" Gate Valve including fittings	EA	\$ 3,000.00	3	\$ 9,000	14	\$ 42,000	14	\$ 42,000	14	\$ 42,000	7	\$ 21,000	8	\$ 24,000	60	\$ 180,000
W-04	Connect New Water Main to Existing Main, Hot Tap with Full Wrap	EA	\$ 10,000.00			4	\$ 40,000	4	\$ 40,000	4	\$ 40,000	4	\$ 40,000	5	\$ 50,000	21	\$ 210,000
W-05	Furnish & Install 6" Fire Hydrant Assembly	EA	\$ 10,000.00	3	\$ 30,000	4	\$ 40,000	4	\$ 40,000	4	\$ 40,000	5	\$ 50,000	6	\$ 60,000	26	\$ 260,000
W-06	Furnish & Install 1" Service Lateral and Box and Connect to Existing Customer Service	EA	\$ 3,000.00			16	\$ 48,000	11	\$ 33,000	13	\$ 39,000	18	\$ 54,000	61	\$ 183,000	119	\$ 357,000
W-07	Cut, Plug and Install Blind Flange or Abandon Existing Water Main	LS	\$ 9,000.00			5	\$ 45,000	5	\$ 45,000	5	\$ 45,000					15	\$ 135,000
W-08	Furnish & Install 2" Air Release Valve (Location as Directed by the Engineer in the Field)	EA	\$ 7,000.00			1	\$ 7,000	1	\$ 7,000	1	\$ 7,000	2	\$ 14,000	2	\$ 14,000	7	\$ 49,000
W-09	Adjust Existing Water Valve Can and Cover to Finish Grade.	EA	\$ 800.00	6	\$ 4,800	20	\$ 16,000	20	\$ 16,000	20	\$ 16,000	14	\$ 11,200	16	\$ 12,800	96	\$ 76,800
					<b>Subtotal</b>		<b>\$ 43,800</b>		<b>\$ 422,800</b>		<b>\$ 407,800</b>		<b>\$ 413,800</b>		<b>\$ 412,950</b>		<b>\$ 2,337,000</b>
<b>SEWER IMPROVEMENTS</b>																	
SS-01	Trench Shoring and Safety (Sewer Improvements)	EA	\$ 5,000.00	4	\$ 20,000	3	\$ 15,000	1	\$ 5,000	1	\$ 5,000					9	\$ 45,000



<b>DOWNTOWN IMPROVEMENTS</b>																	
<b>PRELIMINARY CONCEPT COST ESTIMATE (Prepared without Plans utilizing Google Maps)</b>																	
				<b>"A" STREET</b>		<b>9TH STREET</b>		<b>"C" STREET</b>		<b>"D" STREET</b>		<b>1ST AVENUE</b>		<b>2ND AVENUE</b>		<b>TOTALS</b>	
				Euclid to 3rd		Euclid to 3rd		Euclid to 3rd		Euclid to 3rd		A St. to D St.		A St. to Arrow Hwy.			
				Length ~ 1,120'		Length ~ 1,120'		Length ~ 1,120'		Length ~ 1,120'		Length ~ 1,350'		Length ~ 1,770'			
				Width ~ 36' C to C		Width ~ 54' C to C		Width ~ 48'		Width ~ 40'		Width ~ 48'		Width ~ 52'			
<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>	<b>Quantity</b>	<b>Total</b>
2	#38 Armocast Water Box (for 1-inch meters)	EA	146.00			16	\$ 2,336	11	\$ 1,606	13	\$ 1,898	18	\$ 2,628	61	\$ 8,906	119	\$ 17,374
				<b>Subtotal</b>			<b>\$ 9,696</b>		<b>\$ 6,666</b>		<b>\$ 7,878</b>		<b>\$ 10,908</b>		<b>\$ 36,966</b>		<b>\$ 72,114</b>



#1 Euclid Ave. (City Hall)



#2 Euclid Ave. (City Hall)



#5 Euclid Ave. and Arrow Hwy.



#6 Euclid Ave. and Arrow Hwy.



#7 Euclid Ave. and Arrow Hwy.



#8 Euclid Ave.



#9 Euclid Ave.



#10 Euclid Ave. and F St.



#11 F St. and 1<sup>st</sup> Ave.



#12 F St. and 1<sup>st</sup> Ave.



#13 F St. and 1<sup>st</sup> Ave.



#14 1<sup>st</sup> Ave. and Arrow Hwy.



#15 1<sup>st</sup> Ave. and Arrow Hwy.



#16 2<sup>nd</sup> Ave. and Arrow Hwy.



#17 2<sup>nd</sup> Ave.



#18 2<sup>nd</sup> Ave.



#19 2<sup>nd</sup> Ave.



#20 D St.



#21 D St.



#22 D St.



#23 D St. and 3<sup>rd</sup> Ave.



#24 D St. and 3<sup>rd</sup> Ave.



#25 D St. and 3<sup>rd</sup> Ave.



#26 D St.



#27 D St. and C Ave.



#28 D St. and C Ave.



#29 3<sup>rd</sup> Ave. and C St. and (Parking Lot)



#30 3<sup>rd</sup> Ave. and C St. and (Parking Lot)



#31 3<sup>rd</sup> Ave. and C St. and (Parking Lot)



#32 C St. and Alley



#33 C St. and Alley



#34 C St. and Alley



#35 C St. and Alley (Parking Lot)



#36 C St. and Alley (Parking Lot)



#37 C St. and Alley



#38 C St. and Alley



#39 9<sup>th</sup> St and Alley Crosswalk



#40 9<sup>th</sup> St and Alley Crosswalk



#41 9<sup>th</sup> St. and 3<sup>rd</sup> Ave.



#42 9<sup>th</sup> St. and 3<sup>rd</sup> Ave.



#43 3<sup>rd</sup> Ave.



#44 3<sup>rd</sup> Ave.



#45 3<sup>rd</sup> Ave.



#46 3<sup>rd</sup> Ave. and A St. (Parking Lot)



#47 3<sup>rd</sup> Ave. and A St. (Parking Lot)



#48 3<sup>rd</sup> Ave. and A St. (Parking Lot)



#49 A St. and 4<sup>th</sup> Ave.



#50 A St.



#51 A St. and 5<sup>th</sup> Ave.



#52 5<sup>th</sup> Ave.



#53 A St. (Abandoned Edison Substation)



#54 A St. (Abandoned Edison Substation)



#55 A St. (Train Depot)



#56 A St. (Train Depot)



#57 2<sup>nd</sup> Ave (Glover's Mall Parking Lot Access Passageway)



#58 2<sup>nd</sup> Ave (Treewell at Yeh Building)



#59 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Traffic Circle)



#60 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#61 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#62 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#63 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#64 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#65 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#66 9<sup>th</sup> St. and 2<sup>nd</sup> Ave. (Gazebo)



#67 9<sup>th</sup> St. and 2<sup>nd</sup> Ave.



#68 9<sup>th</sup> St. (Kiosk)



#69 9<sup>th</sup> St. (Kiosk)



#70 9<sup>th</sup> St. (Kiosk)



#71 9th St. and A St. (Alley Approach)



#72 9<sup>th</sup> St. and A St. (Alley)



#73 9<sup>th</sup> St. and A St. (Alley)



#74 A St. and 1<sup>st</sup> Ave (Parking Lot)



#75 9<sup>th</sup> St. and A St. (Alley)



#76 9<sup>th</sup> St. and A St. (Alley)



#77 A St. and 1<sup>st</sup> Ave (Parking Lot)



#78 A St. and 1<sup>st</sup> Ave (Parking Lot)



#79 9<sup>th</sup> St. and A St. (Alley)



#80 A St. (Parking Lot)



#81 A St. (Parking Lot)



#82 A St.



#83 A St. and 1<sup>st</sup> Ave.



#84 A St. and 1<sup>st</sup> Ave.



#85 1<sup>st</sup> Ave.



#86 1<sup>st</sup> Ave.



#87 1<sup>st</sup> Ave.



#88 1<sup>st</sup> Ave.



#89 1<sup>st</sup> Ave.



#90 1<sup>st</sup> Ave.



#91 1<sup>st</sup> Ave.



#92 1<sup>st</sup> Ave. (Parking Lot)



#93 1<sup>st</sup> Ave. (Parking Lot)



#94 1<sup>st</sup> Ave. (Parking Lot)



#95 1<sup>st</sup> Ave.



#96 1<sup>st</sup> Ave. (Parking Lot)



#97 1<sup>st</sup> Ave (Roy's Bikeshop)



#98 1<sup>st</sup> Ave. (Roy's Bikeshop)



#99 1<sup>st</sup> Ave. and 9<sup>th</sup> St.



#100 1<sup>st</sup> Ave. and 9<sup>th</sup> St.



#101 1<sup>st</sup> Ave. and 9<sup>th</sup> St.



#102 1<sup>st</sup> Ave. and 9<sup>th</sup> St.



#103 1<sup>st</sup> Ave. and 9<sup>th</sup> St.



#104 9<sup>th</sup> St. (Upland Archway)



#105 9<sup>th</sup> St. (Alley at Spirit of 76 Gas Station)



#106 Euclid Ave. (1<sup>st</sup> United Methodist Church)



#107 C St. and Euclid Ave.



#108 C St. and Euclid Ave.



#109 C St.



#110 C St.



#111 C St. and 1<sup>st</sup> Ave.



#112 C St. and 1<sup>st</sup> Ave.



#113 C St. and 1<sup>st</sup> Ave.



#114 C St. and 1<sup>st</sup> Ave.



#115 C St. and 1<sup>st</sup> Ave.



#116 C St. and 1<sup>st</sup> Ave.



#117 C St. and 1<sup>st</sup> Ave.



#118 C St. and 1<sup>st</sup> Ave.



#119 1<sup>st</sup> Ave.



#120 1<sup>st</sup> Ave.



#121 1<sup>st</sup> Ave.



#122 1<sup>st</sup> Ave. and C St. (Parking Lot)



#123 1<sup>st</sup> Ave. and C St. (Parking Lot)



#124 1<sup>st</sup> Ave. and C St. (Parking Lot)



#125 1<sup>st</sup> Ave. and C St. (Parking Lot)



#126 1<sup>st</sup> Ave. and C St. (Parking Lot)



#127 C St.



#128 C St.



#129 C St.



#130 C St.



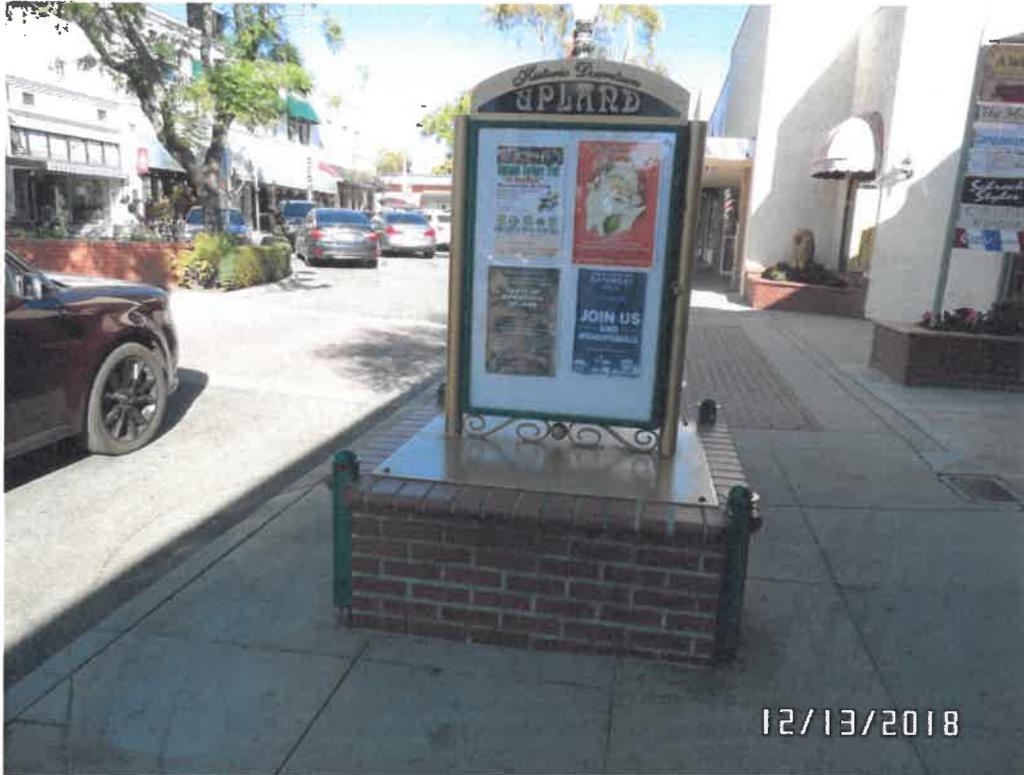
#131 C St. and 2<sup>nd</sup> Ave.



#132 2<sup>nd</sup> Ave. and 9<sup>th</sup> St. (Traffic Circle)



#133 2<sup>nd</sup> Ave.



#134 2<sup>nd</sup> Ave (Kiosk)



#135 2<sup>nd</sup> Ave. (Kiosk)



#136 2<sup>nd</sup> Ave.



#137 2<sup>nd</sup> Ave. and C St.



#138 2<sup>nd</sup> Ave. and C St.



#139 2<sup>nd</sup> Ave. and C St.



#140 2<sup>nd</sup> Ave. and C St.



#141 2<sup>nd</sup> Ave.



#142 2<sup>nd</sup> Ave.



#143 2<sup>nd</sup> Ave. and D St.



#144 2<sup>nd</sup> Ave. and D St.



#145 D St.



#146 D St. (Alley)



#147 D St. (Alley)



#148 D St. (Alley)



#149 D St. (Alley)



#150 D St. (Alley at Biketrail)



#151 C St. and 1<sup>st</sup> Ave (Parking Lot)



#152 C St. and 1<sup>st</sup> Ave (Parking Lot)



#153 C St. and 1<sup>st</sup> Ave (Parking Lot)



#154 C St. and 1<sup>st</sup> Ave (Parking Lot)



#155 C St. and 1<sup>st</sup> Ave (Parking Lot)



#156 C St. and 1<sup>st</sup> Ave (Parking Lot)



#157 C St. and 1<sup>st</sup> Ave (Parking Lot)



#158 C St. and 1<sup>st</sup> Ave (Parking Lot)



#159 C St. and 1<sup>st</sup> Ave.



#160 1<sup>st</sup> Ave.



#161 1<sup>st</sup> Ave.



#162 1<sup>st</sup> Ave.



#163 1<sup>st</sup> Ave.



#164 1<sup>st</sup> Ave.



#165 1<sup>st</sup> Ave.



#166 1<sup>st</sup> Ave. and D St.



## STAFF REPORT

**ITEM NO. 12.B.**

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**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** JEANNETTE VAGNOZZI, CITY MANAGER  
**SUBJECT:** UPLAND - SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT PROPERTY TAX EXCHANGE CORRECTION

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### RECOMMENDED ACTION

It is recommended that City Council:

1. Conduct a public hearing pursuant to Revenue and Taxation Code 99.02 to consider the effect of the proposed transfer of property tax from the San Bernardino County Fire Protection District to the City of Upland on fees, charges, assessments, other taxes, or other revenues.
2. Adopt a Resolution approving the transfer of property tax revenue from the San Bernardino County Fire Protection District to the City of Upland to effectively revise the property tax transfer approved in LAFCO 3216.

### GOAL STATEMENT

The proposed action supports the Council's goal to be fiscally responsible and good stewards of the City's resources.

### BACKGROUND

In April 2017 both the Upland City Council and the San Bernardino County Board of Supervisors acting on behalf of the San Bernardino County Fire Protection District (SBCFPD) accepted the property tax revenue transfer with LAFCO 3216. LAFCO 3216 transferred responsibility for fire protection and emergency medical services within the boundaries of the City of Upland from the City to SBCFPD. This LAFCO action, commonly referred to as the fire annexation, took effect in July 2017.

During the first year of the annexation, Finance Officer Londa Helms monitored the tax exchange and determined that 54% tax exchange was being applied to the City of Upland Property Tax Allocation as well as the Other Property Tax categories that are considered ad

valorem taxes, but were not included in the original projections used for negotiating the tax exchange. This resulted in excess property tax being transferred to County Fire. Staff worked with County Fire and the County Chief Executive Officer Gary McBride and his staff to revise the calculation, return the excess tax revenue transferred from fiscal year 2017-18, and correct the exchange for fiscal year 2018-19 and future years.

**ISSUES/ANALYSIS**

The property tax transfer amounts approved in April 2017 are shown in the table below. These amounts reflect the transfer of 54% of the City’s ad valorem property taxes to the SBCFPD:

<b>AFFECTED AGENCY</b>	<b>TRANSFER TO</b>	<b>TRANSFER FROM</b>
City of Upland		\$6,771,586 (1)
San Bernardino County Fire Protection District – Administration	\$406,294	
San Bernardino County Fire Protection District – Valley Service Zone	\$6,365,292	

*(1) Tax base in 2016-17 was \$12,539,974. A transfer of \$6,771,586 represents 54% of the tax base.*

Since this time it has been determined that the calculation of the property tax revenue transfer excluded certain revenues, which meant unanticipated revenue was transferred to SBCFPD. These excluded revenues consist of supplemental property taxes, property taxes from the unitary roll, and pass-throughs and residual revenue from former redevelopment agencies. By excluding these revenues in the property tax transfer calculation, SBCFPD was given a higher percentage of the City’s ad valorem property taxes than was needed to fund services.

The property tax revenue transfer has been recalculated to include the previously excluded revenue, and results in the recommended transfer of \$1,019,420 to the City of Upland.

Because LAFCO 3216 has been completed, the proposed correction, which will result in a transfer of property tax revenues back to the City, will be under the authority granted in the Revenue and Taxation Code 99.02, which allows a local agency to transfer property tax revenue to another local agency if the agencies share the same tax rate areas. Revenue and Taxation Code 99.02 also requires that a public hearing be held by each local agency affected by the proposed transfer to consider the impact on fees, charges, assessments, other taxes, or other revenues. The proposed property tax transfer will have no impact on fees, charges, assessments, other taxes, or other revenues of the SBCFPD, as the proposed transfer will correct an error in the calculation of the original transfer amount and the resulting revenues are sufficient to fund the projected cost of services provided by SBCFPD in the boundaries of the City.

The County adopted a similar resolution on December 18, 2018. By approving this resolution the property tax transfer will be implemented with the effective transfer rate reduced from 54% to 46.5%.

**FISCAL IMPACTS**

The proposed transfer to the City is intended to correct the calculation of the property tax transfer associated with the LAFCO action, which excluded certain revenues available to fund services, and as a result, the amount of property taxes transferred from the City to SBCFPD was too high. In addition to the transfer of ongoing property tax revenue to the City, SBCFPD

will make a payment to the City for excess revenues received in 2017-18, and 2018-19 if necessary. The net annual difference for 2018-19 is \$1,019,420.

It should be noted that this should not be seen as a new revenue source. This correction to the tax revenue transfer corrects the transfer of funds and aligns it to the amount that was initially projected in the LAFCO 3216 reorganization of fire services.

**ALTERNATIVES**

Provide alternative direction to staff.

**ATTACHMENTS:**

**Resolution approving tax transfer**  
**Exhibit A - property tax transfer**  
**Revenue and Taxation Code Section 99.02**  
**Resolution 6380 (LAFCO 3216)**  
**LAFCO 3216 Upland Property Tax Exchange EXHIBIT A**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND APPROVING THE TRANSFER OF PROPERTY TAX REVENUE FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT TO THE CITY OF UPLAND

Intent of the Parties and Findings

(i) Acting pursuant to Revenue and Taxation Code section 99, the City of Upland and the County Board of Supervisors, on behalf of the San Bernardino County Fire Protection District, previously agreed upon the amount of property tax revenue to be exchanged for LAFCO 3216, which transferred responsibility for fire protection and emergency medical services within the boundaries of the City of Upland from the City of Upland to the San Bernardino County Fire Protection District. This LAFCO action took effect in July 2017; and

(ii) It has since been determined that the property tax revenue transfer associated with LAFCO 3216 inadvertently excluded certain revenues from the property tax revenue transfer calculation; and

(iii) Pursuant to Section 99.02 (b) of the Revenue and Taxation Code, a governing body of a local agency may determine to transfer any portion of property tax revenues allocable to one or more tax rate areas within the local agency to other local agencies having the same tax rate areas; and

(iv) The Board of Directors of the San Bernardino County Fire Protection District and the City of Upland desire to correct the property tax revenue transfer to include the previously excluded revenues in the calculation.

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. The exchange of property tax revenue between the City of Upland, the San Bernardino County Fire Protection District and its Valley Service Zone, attached hereto as Exhibit A and incorporated herein by reference is approved and accepted.

Section 2. The annual tax increment generated in the area subject to the jurisdictional change and attributable to the San Bernardino County Fire Protection District and its Valley Service Zone, and the City of Upland shall be allocated in future years pursuant to the provisions of Section 98 of the Revenue and Taxation Code.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 14th day of January, 2019.

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Debbie Stone, Mayor

Resolution No.  
Page

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 14th day of January, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

ATTEST: \_\_\_\_\_  
Keri Johnson, City Clerk

**EXHIBIT A**  
**Property Tax Transfer - R&T Code 99.02**  
**FY 2018-19 Base Year**

	8000	8001	8002	8003	8004	8005
Assessed Value	\$ -	\$ 3,391,807,026	\$ -	\$ 487,854,006	\$ 10,863,639	\$ 53,750,103
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ 10,863,639	\$ -
Net Value After RDA / TRA Frozen Base	\$ -	\$ 3,391,807,026	\$ -	\$ 487,854,006	\$ -	\$ 53,750,103
Tax Revenue	\$ -	\$ 33,918,070	\$ -	\$ 4,878,540	\$ -	\$ 537,501
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ -	\$ 444,707	\$ -	\$ 63,979	\$ -	\$ 7,073
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 444,707</b>	<b>\$ -</b>	<b>\$ 63,979</b>	<b>\$ -</b>	<b>\$ 7,073</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ (418,025)	\$ -	\$ (60,141)	\$ -	\$ (6,648)
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ (26,683)	\$ -	\$ (3,839)	\$ -	\$ (424)
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (444,707)</b>	<b>\$ -</b>	<b>\$ (63,979)</b>	<b>\$ -</b>	<b>\$ (7,073)</b>

	8006	8007	8008	8009	8010	8011
Assessed Value	\$ 1,473,070,218	\$ 303,305,381	\$ -	\$ 112,179,720	\$ 11,739,620	\$ 35,309,846
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ 1,473,070,218	\$ 303,305,381	\$ -	\$ 112,179,720	\$ 11,739,620	\$ 35,309,846
Tax Revenue	\$ 14,730,702	\$ 3,033,054	\$ -	\$ 1,121,797	\$ 117,396	\$ 353,098
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ 193,832	\$ 39,775	\$ -	\$ 14,761	\$ 1,552	\$ 4,482
<b>Total Transfers To</b>	<b>\$ 193,832</b>	<b>\$ 39,775</b>	<b>\$ -</b>	<b>\$ 14,761</b>	<b>\$ 1,552</b>	<b>\$ 4,482</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ (182,202)	\$ (37,389)	\$ -	\$ (13,875)	\$ (1,459)	\$ (4,213)
SAN BDNO CNTY FIRE - ADMIN	\$ (11,630)	\$ (2,387)	\$ -	\$ (886)	\$ (93)	\$ (269)
<b>Total Transfers From</b>	<b>\$ (193,832)</b>	<b>\$ (39,775)</b>	<b>\$ -</b>	<b>\$ (14,761)</b>	<b>\$ (1,552)</b>	<b>\$ (4,482)</b>

**EXHIBIT A**  
**Property Tax Transfer - R&T Code 99.02**  
**FY 2018-19 Base Year**

	8012	8013	8014	8015	8016	8017
Assessed Value	\$ 19,811,044	\$ 69,992,698	\$ 9,593,832	\$ 241,775,181	\$ 63,014,396	\$ -
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ 19,811,044	\$ 69,992,698	\$ 9,593,832	\$ 241,775,181	\$ 63,014,396	\$ -
Tax Revenue	\$ 198,110	\$ 699,927	\$ 95,938	\$ 2,417,752	\$ 630,144	\$ -
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ 2,609	\$ 9,256	\$ 1,263	\$ 31,702	\$ 8,291	\$ -
<b>Total Transfers To</b>	<b>\$ 2,609</b>	<b>\$ 9,256</b>	<b>\$ 1,263</b>	<b>\$ 31,702</b>	<b>\$ 8,291</b>	<b>\$ -</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ (2,453)	\$ (8,701)	\$ (1,187)	\$ (29,800)	\$ (7,794)	\$ -
SAN BDNO CNTY FIRE - ADMIN	\$ (157)	\$ (555)	\$ (76)	\$ (1,902)	\$ (497)	\$ -
<b>Total Transfers From</b>	<b>\$ (2,609)</b>	<b>\$ (9,256)</b>	<b>\$ (1,263)</b>	<b>\$ (31,702)</b>	<b>\$ (8,291)</b>	<b>\$ -</b>

	8018	8019	8020	8021	8022	8024
Assessed Value	\$ -	\$ 562,620,330	\$ 25,266,836	\$ 29,245,298	\$ 82,427,926	\$ -
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ -	\$ 562,620,330	\$ 25,266,836	\$ 29,245,298	\$ 82,427,926	\$ -
Tax Revenue	\$ -	\$ 5,626,203	\$ 252,668	\$ 292,453	\$ 824,279	\$ -
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ -	\$ 73,986	\$ 3,325	\$ 3,833	\$ 10,809	\$ -
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 73,986</b>	<b>\$ 3,325</b>	<b>\$ 3,833</b>	<b>\$ 10,809</b>	<b>\$ -</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ (69,547)	\$ (3,125)	\$ (3,603)	\$ (10,161)	\$ -
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ (4,439)	\$ (199)	\$ (230)	\$ (649)	\$ -
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (73,986)</b>	<b>\$ (3,325)</b>	<b>\$ (3,833)</b>	<b>\$ (10,809)</b>	<b>\$ -</b>

**EXHIBIT A**  
**Property Tax Transfer - R&T Code 99.02**  
**FY 2018-19 Base Year**

	8025	8026	8027	8028	8029	8030
Assessed Value	\$ 47,185,717	\$ 111,413,573	\$ 52,947,818	\$ -	\$ 265,863,017	\$ 81,344,034
RDA Increment	\$ 46,429,225	\$ 110,914,573	\$ 52,402,566	\$ -	\$ 258,756,811	\$ 81,062,171
Net Value After RDA / TRA Frozen Base	\$ 756,492	\$ 499,000	\$ 545,252	\$ -	\$ 7,106,206	\$ 281,863
Tax Revenue	\$ 7,565	\$ 4,990	\$ 5,453	\$ -	\$ 71,062	\$ 2,819
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ 99	\$ 66	\$ 72	\$ -	\$ 934	\$ 37
<b>Total Transfers To</b>	<b>\$ 99</b>	<b>\$ 66</b>	<b>\$ 72</b>	<b>\$ -</b>	<b>\$ 934</b>	<b>\$ 37</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ (93)	\$ (62)	\$ (67)	\$ -	\$ (878)	\$ (34)
SAN BDNO CNTY FIRE - ADMIN	\$ (6)	\$ (4)	\$ (4)	\$ -	\$ (56)	\$ (2)
<b>Total Transfers From</b>	<b>\$ (99)</b>	<b>\$ (66)</b>	<b>\$ (72)</b>	<b>\$ -</b>	<b>\$ (934)</b>	<b>\$ (37)</b>

	8031	8032	8033	8034	8035	8036
Assessed Value	\$ -	\$ 65,897,547	\$ 37,615,151	\$ 67,492,015	\$ 235,260,207	\$ 9,454,800
RDA Increment	\$ -	\$ 61,474,425	\$ 34,796,272	\$ 60,243,046	\$ 185,038,531	\$ 8,952,673
Net Value After RDA / TRA Frozen Base	\$ -	\$ 4,423,122	\$ 2,818,879	\$ 7,248,969	\$ 50,221,676	\$ 502,127
Tax Revenue	\$ -	\$ 44,231	\$ 28,189	\$ 72,490	\$ 502,217	\$ 5,021
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ -	\$ 574	\$ 371	\$ 941	\$ 6,529	\$ 66
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 574</b>	<b>\$ 371</b>	<b>\$ 941</b>	<b>\$ 6,529</b>	<b>\$ 66</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ (540)	\$ (348)	\$ (885)	\$ (6,137)	\$ (62)
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ (34)	\$ (22)	\$ (56)	\$ (392)	\$ (4)
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (574)</b>	<b>\$ (371)</b>	<b>\$ (941)</b>	<b>\$ (6,529)</b>	<b>\$ (66)</b>

**EXHIBIT A**  
**Property Tax Transfer - R&T Code 99.02**  
**FY 2018-19 Base Year**

	<b>8037</b>		<b>8038</b>		<b>8039</b>		<b>8040</b>		<b>8041</b>		<b>8042</b>	
<b>Assessed Value</b>	\$	37,201,939	\$	43,574,069	\$	10,056,871	\$	8,028,620	\$	-	\$	146,884,385
<b>RDA Increment</b>	\$	-	\$	22,855,741	\$	6,835,578	\$	3,555,712	\$	-	\$	-
<b>Net Value After RDA / TRA Frozen Base</b>	\$	37,201,939	\$	20,718,328	\$	3,221,293	\$	4,472,908	\$	-	\$	146,884,385
<b>Tax Revenue</b>	\$	372,019	\$	207,183	\$	32,213	\$	44,729	\$	-	\$	1,468,844
		<b>CHANGE IN</b>										
		<b>BASE YEAR</b>										
		<b>2018-19</b>										

**TRANSFER TO**

CITY OF UPLAND	\$	4,947	\$	2,696	\$	406	\$	586	\$	-	\$	18,828
<b>Total Transfers To</b>	\$	<b>4,947</b>	\$	<b>2,696</b>	\$	<b>406</b>	\$	<b>586</b>	\$	<b>-</b>	\$	<b>18,828</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	(4,650)	\$	(2,534)	\$	(382)	\$	(551)	\$	-	\$	(17,698)
SAN BDNO CNTY FIRE - ADMIN	\$	(297)	\$	(162)	\$	(24)	\$	(35)	\$	-	\$	(1,130)
<b>Total Transfers From</b>	\$	<b>(4,947)</b>	\$	<b>(2,696)</b>	\$	<b>(406)</b>	\$	<b>(586)</b>	\$	<b>-</b>	\$	<b>(18,828)</b>

	<b>8043</b>		<b>8044</b>		<b>8045</b>		<b>8046</b>		<b>8047</b>		<b>8048</b>	
<b>Assessed Value</b>	\$	35,411,925	\$	82,612,058	\$	1,086,462	\$	27,872,263	\$	216,216,592	\$	29,599,525
<b>RDA Increment</b>	\$	18,617,850	\$	75,998,416	\$	-	\$	-	\$	-	\$	28,475,705
<b>Net Value After RDA / TRA Frozen Base</b>	\$	16,794,075	\$	6,613,642	\$	1,086,462	\$	27,872,263	\$	216,216,592	\$	1,123,820
<b>Tax Revenue</b>	\$	167,941	\$	66,136	\$	10,865	\$	278,723	\$	2,162,166	\$	11,238
		<b>CHANGE IN</b>										
		<b>BASE YEAR</b>										
		<b>2018-19</b>										

**TRANSFER TO**

CITY OF UPLAND	\$	2,194	\$	832	\$	143	\$	3,658	\$	28,491	\$	147
<b>Total Transfers To</b>	\$	<b>2,194</b>	\$	<b>832</b>	\$	<b>143</b>	\$	<b>3,658</b>	\$	<b>28,491</b>	\$	<b>147</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	(2,063)	\$	(782)	\$	(134)	\$	(3,438)	\$	(26,782)	\$	(138)
SAN BDNO CNTY FIRE - ADMIN	\$	(132)	\$	(50)	\$	(9)	\$	(219)	\$	(1,709)	\$	(9)
<b>Total Transfers From</b>	\$	<b>(2,194)</b>	\$	<b>(832)</b>	\$	<b>(143)</b>	\$	<b>(3,658)</b>	\$	<b>(28,491)</b>	\$	<b>(147)</b>

**EXHIBIT A**  
**Property Tax Transfer - R&T Code 99.02**  
**FY 2018-19 Base Year**

	8049	8050	8051	8052	8053	8054
Assessed Value	\$ 3,695,651	\$ 6,153,360	\$ 14,137,074	\$ 306,182,776	\$ 21,132,108	\$ 3,358,351
RDA Increment	\$ 1,758,296	\$ -	\$ 6,994,221	\$ 227,889,006	\$ 4,252,372	\$ 2,645,259
Net Value After RDA / TRA Frozen Base	\$ 1,937,355	\$ 6,153,360	\$ 7,142,853	\$ 78,293,770	\$ 16,879,736	\$ 713,092
Tax Revenue	\$ 19,374	\$ 61,534	\$ 71,429	\$ 782,938	\$ 168,797	\$ 7,131
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ 254	\$ 810	\$ 935	\$ 10,252	\$ 2,212	\$ 91
<b>Total Transfers To</b>	<b>\$ 254</b>	<b>\$ 810</b>	<b>\$ 935</b>	<b>\$ 10,252</b>	<b>\$ 2,212</b>	<b>\$ 91</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ (239)	\$ (761)	\$ (879)	\$ (9,637)	\$ (2,079)	\$ (85)
SAN BDNO CNTY FIRE - ADMIN	\$ (15)	\$ (49)	\$ (56)	\$ (615)	\$ (133)	\$ (5)
<b>Total Transfers From</b>	<b>\$ (254)</b>	<b>\$ (810)</b>	<b>\$ (935)</b>	<b>\$ (10,252)</b>	<b>\$ (2,212)</b>	<b>\$ (91)</b>

	8055	8056	8057	8058	8059	8060
Assessed Value	\$ -	\$ 59,799,775	\$ -	\$ 4,671,172	\$ 2,070,673	\$ -
RDA Increment	\$ -	\$ 59,502,338	\$ -	\$ 2,871,009	\$ 625,577	\$ -
Net Value After RDA / TRA Frozen Base	\$ -	\$ 297,437	\$ -	\$ 1,800,163	\$ 1,445,096	\$ -
Tax Revenue	\$ -	\$ 2,974	\$ -	\$ 18,002	\$ 14,451	\$ -
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ -	\$ 39	\$ -	\$ 235	\$ 184	\$ -
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 39</b>	<b>\$ -</b>	<b>\$ 235</b>	<b>\$ 184</b>	<b>\$ -</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ (37)	\$ -	\$ (221)	\$ (173)	\$ -
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ (2)	\$ -	\$ (14)	\$ (11)	\$ -
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (39)</b>	<b>\$ -</b>	<b>\$ (235)</b>	<b>\$ (184)</b>	<b>\$ -</b>

**EXHIBIT A**  
**Property Tax Transfer - R&T Code 99.02**  
**FY 2018-19 Base Year**

	8061	8062	8063	8065	8066	8067
Assessed Value	\$ 53,264,506	\$ -	\$ 35,703,919	\$ -	\$ 1,260,842	\$ -
RDA Increment	\$ 53,264,506	\$ -	\$ 19,611,707	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ -	\$ -	\$ 16,092,212	\$ -	\$ 1,260,842	\$ -
Tax Revenue	\$ -	\$ -	\$ 160,922	\$ -	\$ 12,608	\$ -
	<b>CHANGE IN BASE YEAR 2018-19</b>					

**TRANSFER TO**

CITY OF UPLAND	\$ -	\$ -	\$ 2,063	\$ -	\$ 165	\$ -
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,063</b>	<b>\$ -</b>	<b>\$ 165</b>	<b>\$ -</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ -	\$ (1,939)	\$ -	\$ (155)	\$ -
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ -	\$ (124)	\$ -	\$ (10)	\$ -
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (2,063)</b>	<b>\$ -</b>	<b>\$ (165)</b>	<b>\$ -</b>

	8068	8069	8070	8071	GRAND TOTAL
Assessed Value	\$ 154,210,985	\$ 3,438,792	\$ 15,012,496	\$ 89,880,713	\$ 9,370,618,881
RDA Increment	\$ 58,025,699	\$ 438,423	\$ 4,923,597	\$ 89,880,713	\$ 1,599,955,657
Net Value After RDA / TRA Frozen Base	\$ 96,185,286	\$ 3,000,369	\$ 10,088,899	\$ -	\$ 7,770,663,224
Tax Revenue	\$ 961,853	\$ 30,004	\$ 100,889	\$ -	\$ 77,706,632
	<b>CHANGE IN BASE YEAR 2018-19</b>	<b>CHANGE IN BASE YEAR 2018-19</b>	<b>CHANGE IN BASE YEAR 2018-19</b>	<b>CHANGE IN BASE YEAR 2018-19</b>	

**TRANSFER TO**

CITY OF UPLAND	\$ 12,611	\$ 393	\$ 1,323	\$ -	\$ 1,019,420
<b>Total Transfers To</b>	<b>\$ 12,611</b>	<b>\$ 393</b>	<b>\$ 1,323</b>	<b>\$ -</b>	<b>\$ 1,019,420</b>

**TRANSFER FROM**

SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ (11,854)	\$ (370)	\$ (1,244)	\$ -	\$ (958,255)
SAN BDNO CNTY FIRE - ADMIN	\$ (757)	\$ (24)	\$ (79)	\$ -	\$ (61,165)
<b>Total Transfers From</b>	<b>\$ (12,611)</b>	<b>\$ (393)</b>	<b>\$ (1,323)</b>	<b>\$ -</b>	<b>\$ (1,019,420)</b>

**State of California**

**REVENUE AND TAXATION CODE**

**Section 99.02**

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99.02. (a) For the purposes of the computations required by this chapter for the 1985–86 fiscal year and fiscal years thereafter, in the case of any transfer of property tax revenues between local agencies that is adopted and approved in conformity with subdivisions (b) and (c), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96.1 or its predecessor section, or the annual tax increment determined pursuant to Section 96.5 or its predecessor section, for those local agencies whose allocation would be altered by the transfer.

(b) Commencing with the 1985–86 fiscal year, any local agency may, by the adoption of a resolution of its governing body or governing board, determine to transfer any portion of its property tax revenues that is allocable to one or more tax rate areas within the local agency to one or more other local agencies having the same tax rate area or tax rate areas. Upon the local agency’s adoption of the resolution, the local agency shall notify the board of supervisors of the county or the city council of the city within which the transfer of property tax revenues is proposed.

(c) If the board of supervisors or the city council concurs with the proposed transfer of property tax revenue, the board or council shall, by resolution, notify the county auditor of the approved transfer.

(d) Upon receipt of notification from the board of supervisors or the city council, the county auditor shall make the necessary adjustments specified in subdivision (a).

(e) Prior to the adoption or approval by any local agency of a transfer of property tax revenues pursuant to this section, each local agency that will be affected by the proposed transfer shall hold a public hearing to consider the effect of the proposed transfer on fees, charges, assessments, taxes, or other revenues. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within each affected local agency.

(f) No local agency shall transfer property tax revenue pursuant to this section unless each of the following conditions exists:

(1) The transferring agency determines that revenues are available for this purpose.

(2) The transfer will not result in any increase in the ratio between the amount of revenues of the transferring agency that are generated by regulatory licenses, use charges, user fees, or assessments and the amount of revenues of the transferring agency used to finance services provided by the transferring agency.

(3) The transfer will not impair the ability of the transferring agency to provide existing services.

(4) The transfer will not result in a reduction of property tax revenues to school entities.

(5) In the case of structural fire fund property tax revenues subject to Section 6503.1 of the Government Code, where the transfer would not violate Section 6503.1 of the Government Code, the transfer is approved by the board of supervisors of the county, the city councils of a majority of member cities, and the agency currently receiving those funds for fire protection services.

(Amended by Stats. 2017, Ch. 807, Sec. 1. (SB 302) Effective January 1, 2018.)

RESOLUTION NO. 6380

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND DETERMINING THE AMOUNT OF PROPERTY TAX REVENUES TO BE EXCHANGED BETWEEN AND AMONG SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, SERVICE ZONE FP-5 AND THE CITY OF UPLAND ENCOMPASSING THE JURISDICTIONAL BOUNDARIES OF THE CITY OF UPLAND

Intent of the Parties and Findings

(i) Pursuant to Section 99 of the Revenue and Taxation Code, prior to the issuance of a Certificate of Filing by the Local Agency Formation Commission Executive Officer, the governing bodies of all local agencies whose service responsibilities will be altered by the change of organization shall negotiate and determine by resolution the amount of property tax revenues to be exchanged between and among such local agencies.; and

(ii) Except as provided in Section 99.1 of the Revenue and Taxation Code, in the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the Board of Supervisors shall, on behalf of all special districts, negotiate any exchange of property tax revenues; and

(iii) The City Council of the City of Upland and the Board of Supervisors of the County of San Bernardino have determined the amount of property tax revenues to be exchanged as a result of the following jurisdictional change:

LOCAL AGENCY FORMATION COMMISSION 3216 – REORGANIZATION TO INCLUDE ANNEXATION TO SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE AND SERVICE ZONE FP-5

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. The negotiated exchange of property tax revenue between the City of Upland, San Bernardino County Fire Protection District and its Valley Service Zone, attached hereto as Exhibit A and incorporated herein by reference, resulting from the above described jurisdictional change, is accepted.

Section 2. The annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change shall be allocated in future years pursuant to the provisions of Section 98 of the Revenue and Taxation Code.

Section 3. Certification. The City Clerk of the City of Upland shall certify to the passage and adoption of this resolution and enter it into the book of original

resolutions and to cause a certified copy to be sent to the Executive Officer of the Local Agency Formation Commission of the County of San Bernardino

PASSED, APPROVED and ADOPTED this 13<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
Debbie Stone, Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 13th day of February, 2017, by the following vote:

AYES: Mayor Stone, Councilmembers Filippi, Elliott, Robinson, Timm  
NOES: None  
ABSENT: None  
ABSTAINED: None

ATTEST:   
\_\_\_\_\_  
Jeannette Vagnozzi, City Clerk

LAFCO 3216  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA	8000	8001	8002	8003	8004
Assessed Value	\$	-	\$ 3,245,256,495	\$ -	\$ 444,595,969	\$ 10,231,019
RDA Increment	\$	-	\$ -	\$ -	\$ -	\$ 10,231,019
Net Value After RDA / TRA Frozen Base	\$	-	\$ 3,245,256,495	\$ -	\$ 444,595,969	\$ -
Tax Revenue	\$	-	\$ 32,452,565	\$ -	\$ 4,445,960	\$ -
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	-	\$ (3,006,815)	\$ -	\$ (412,031)	\$ -
Total Transfers From	\$	-	\$ (3,006,815)	\$ -	\$ (412,031)	\$ -
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	-	\$ 180,409	\$ -	\$ 24,722	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	-	\$ 2,826,406	\$ -	\$ 387,309	\$ -
Total Transfers To	\$	-	\$ 3,006,815	\$ -	\$ 412,031	\$ -
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(46,629)	\$ (1,263,023)	\$ (250,409)	\$ -	\$ (120,339)
Total Transfers From	\$	(46,629)	\$ (1,263,023)	\$ (250,409)	\$ -	\$ (120,339)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	2,798	\$ 75,782	\$ 15,024	\$ -	\$ 7,220
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	43,831	\$ 1,187,241	\$ 235,385	\$ -	\$ 113,119
Total Transfers To	\$	46,629	\$ 1,263,023	\$ 250,409	\$ -	\$ 120,339

LAFCO 3216

Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA	8010	8011	8012	8013	8014
Assessed Value	\$	10,162,228	\$ 32,423,358	\$ 18,420,564	\$ 60,419,312	\$ 893,355
RDA Increment	\$	-	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$	10,162,228	\$ 32,423,358	\$ 18,420,564	\$ 60,419,312	\$ 893,355
Tax Revenue	\$	101,622	\$ 324,234	\$ 184,206	\$ 604,193	\$ 8,934
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(9,497)	\$ (29,083)	\$ (17,145)	\$ (56,462)	\$ (831)
Total Transfers From	\$	(9,497)	\$ (29,083)	\$ (17,145)	\$ (56,462)	\$ (831)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	570	\$ 1,745	\$ 1,029	\$ 3,388	\$ 50
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	8,927	\$ 27,338	\$ 16,116	\$ 53,074	\$ 781
Total Transfers To	\$	9,497	\$ 29,083	\$ 17,145	\$ 56,462	\$ 831
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(206,542)	\$ (55,413)	\$ -	\$ -	\$ (446,714)
Total Transfers From	\$	(206,542)	\$ (55,413)	\$ -	\$ -	\$ (446,714)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	12,392	\$ 3,325	\$ -	\$ -	\$ 26,803
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	194,150	\$ 52,088	\$ -	\$ -	\$ 419,911
Total Transfers To	\$	206,542	\$ 55,413	\$ -	\$ -	\$ 446,714

LAFCO 3216  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

TRA	8020	8021	8022	8024	8025
Assessed Value	\$ 23,982,675	\$ 25,766,152	\$ 59,378,618	\$ -	\$ 43,618,683
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ 42,862,191
Net Value After RDA / TRA Frozen Base	\$ 23,982,675	\$ 25,766,152	\$ 59,378,618	\$ -	\$ 756,492
Tax Revenue	\$ 239,827	\$ 257,662	\$ 593,786	\$ -	\$ 7,565
	Change In Base Year 2016-17				
<b>TRANSFER FROM</b>					
CITY OF UPLAND	\$ (22,302)	\$ (23,866)	\$ (55,026)	\$ -	\$ (702)
<b>Total Transfers From</b>	<b>\$ (22,302)</b>	<b>\$ (23,866)</b>	<b>\$ (55,026)</b>	<b>\$ -</b>	<b>\$ (702)</b>
<b>TRANSFER TO</b>					
SAN BDNO CNTY FIRE - ADMIN	\$ 1,338	\$ 1,432	\$ 3,302	\$ -	\$ 42
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 20,964	\$ 22,434	\$ 51,725	\$ -	\$ 660
<b>Total Transfers To</b>	<b>\$ 22,302</b>	<b>\$ 23,866</b>	<b>\$ 55,027</b>	<b>\$ -</b>	<b>\$ 702</b>
	Change In Base Year 2016-17				
<b>TRANSFER FROM</b>					
CITY OF UPLAND	\$ (463)	\$ (506)	\$ -	\$ (6,598)	\$ (259)
<b>Total Transfers From</b>	<b>\$ (463)</b>	<b>\$ (506)</b>	<b>\$ -</b>	<b>\$ (6,598)</b>	<b>\$ (259)</b>
<b>TRANSFER TO</b>					
SAN BDNO CNTY FIRE - ADMIN	\$ 28	\$ 30	\$ -	\$ 396	\$ 16
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 435	\$ 476	\$ -	\$ 6,202	\$ 243
<b>Total Transfers To</b>	<b>\$ 463</b>	<b>\$ 506</b>	<b>\$ -</b>	<b>\$ 6,598</b>	<b>\$ 259</b>

LAFCO 3216  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA	8031	8032	8033	8034	8035
Assessed Value	\$	-	\$ 54,814,340	\$ 30,210,352	\$ 45,795,175	\$ 171,386,698
RDA Increment	\$	-	\$ 50,391,218	\$ 27,391,473	\$ 38,546,206	\$ 121,165,022
Net Value After RDA / TRA Frozen Base	\$	-	\$ 4,423,122	\$ 2,818,879	\$ 7,248,969	\$ 50,221,676
Tax Revenue	\$	-	\$ 44,231	\$ 28,189	\$ 72,490	\$ 502,217
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	-	\$ (4,059)	\$ (2,619)	\$ (6,653)	\$ (46,138)
<b>Total Transfers From</b>	\$	-	\$ (4,059)	\$ (2,619)	\$ (6,653)	\$ (46,138)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	-	\$ 244	\$ 157	\$ 399	\$ 2,768
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	-	\$ 3,815	\$ 2,462	\$ 6,254	\$ 43,370
<b>Total Transfers To</b>	\$	-	\$ 4,059	\$ 2,619	\$ 6,653	\$ 46,138
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(466)	\$ (33,110)	\$ (19,049)	\$ (2,871)	\$ (4,143)
<b>Total Transfers From</b>	\$	(466)	\$ (33,110)	\$ (19,049)	\$ (2,871)	\$ (4,143)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	28	\$ 1,986	\$ 1,143	\$ 172	\$ 249
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	438	\$ 31,124	\$ 17,906	\$ 2,699	\$ 3,894
<b>Total Transfers To</b>	\$	466	\$ 33,110	\$ 19,049	\$ 2,871	\$ 4,143

LAFCO 3216  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA	8041	8042	8043	8044	8045
Assessed Value	\$	-	\$ 129,942,375	\$ 29,133,707	\$ 25,350,577	\$ 934,964
RDA Increment	\$	-	\$ -	\$ 12,339,632	\$ 18,736,935	\$ -
Net Value After RDA / TRA Frozen Base	\$	-	\$ 129,942,375	\$ 16,794,075	\$ 6,613,642	\$ 934,964
Tax Revenue	\$	-	\$ 1,299,424	\$ 167,941	\$ 66,136	\$ 9,350
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	-	\$ (117,706)	\$ (15,508)	\$ (5,878)	\$ (869)
<b>Total Transfers From</b>	\$	-	\$ (117,706)	\$ (15,508)	\$ (5,878)	\$ (869)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	-	\$ 7,062	\$ 931	\$ 353	\$ 52
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	-	\$ 110,644	\$ 14,577	\$ 5,525	\$ 817
<b>Total Transfers To</b>	\$	-	\$ 117,706	\$ 15,508	\$ 5,878	\$ 869
		Change In Base Year 2016-17				
		171,024	2,068,804	11,238	19,374	11,590
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(15,861)	\$ (192,646)	\$ (1,036)	\$ (1,796)	\$ (1,078)
<b>Total Transfers From</b>	\$	(15,861)	\$ (192,646)	\$ (1,036)	\$ (1,796)	\$ (1,078)
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	952	\$ 11,559	\$ 62	\$ 108	\$ 65
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	14,909	\$ 181,087	\$ 974	\$ 1,688	\$ 1,013
<b>Total Transfers To</b>	\$	15,861	\$ 192,646	\$ 1,036	\$ 1,796	\$ 1,078

LAFCO 3216

Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA	8051	8052	8053	8054	8055
Assessed Value	\$	9,057,438	\$ 252,695,816	\$ 23,894,679	\$ 2,986,373	\$ -
RDA Increment	\$	1,914,585	\$ 174,402,046	\$ 7,014,943	\$ 2,273,281	\$ -
Net Value After RDA / TRA Frozen Base	\$	7,142,853	\$ 78,293,770	\$ 16,879,736	\$ 713,092	\$ -
Tax Revenue	\$	71,429	\$ 782,938	\$ 168,797	\$ 7,131	\$ -
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(6,608)	\$ (72,449)	\$ (15,629)	\$ (640)	\$ -
<b>Total Transfers From</b>	\$	<b>(6,608)</b>	\$ <b>(72,449)</b>	\$ <b>(15,629)</b>	\$ <b>(640)</b>	\$ <b>-</b>
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	397	\$ 4,347	\$ 938	\$ 38	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	6,211	\$ 68,102	\$ 14,691	\$ 602	\$ -
<b>Total Transfers To</b>	\$	<b>6,608</b>	\$ <b>72,449</b>	\$ <b>15,629</b>	\$ <b>640</b>	\$ <b>-</b>
		Change In Base Year 2016-17				
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	(276)	\$ -	\$ (1,662)	\$ (1,297)	\$ -
<b>Total Transfers From</b>	\$	<b>(276)</b>	\$ <b>-</b>	\$ <b>(1,662)</b>	\$ <b>(1,297)</b>	\$ <b>-</b>
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	16	\$ -	\$ 100	\$ 78	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	260	\$ -	\$ 1,562	\$ 1,219	\$ -
<b>Total Transfers To</b>	\$	<b>276</b>	\$ <b>-</b>	\$ <b>1,662</b>	\$ <b>1,297</b>	\$ <b>-</b>

LAFCO 3216  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA	8061	8062	8063	8064	8065
Assessed Value	\$	48,335,904	\$ -	\$ 27,455,552	\$ -	\$ 1,211,883
RDA Increment	\$	48,335,904	\$ -	\$ 11,363,340	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$	-	\$ -	\$ 16,092,212	\$ -	\$ 1,211,883
Tax Revenue	\$	-	\$ -	\$ 160,922	\$ -	\$ 12,119
		Change In Base Year 2016-17				
<hr/>						
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	-	\$ -	\$ (14,576)	\$ -	\$ (1,119)
Total Transfers From	\$	-	\$ -	\$ (14,576)	\$ -	\$ (1,119)
<hr/>						
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	-	\$ -	\$ 875	\$ -	\$ 67
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	-	\$ -	\$ 13,701	\$ -	\$ 1,052
Total Transfers To	\$	-	\$ -	\$ 14,576	\$ -	\$ 1,119
<hr/>						
	TRA	8067	8068	8069	8070	8071
Assessed Value	\$	-	\$ 117,981,278	\$ 3,012,839	\$ 12,799,513	\$ 39,195,397
RDA Increment	\$	-	\$ 21,795,992	\$ 12,470	\$ 2,710,614	\$ 39,195,397
Net Value After RDA / TRA Frozen Base	\$	-	\$ 96,185,286	\$ 3,000,369	\$ 10,088,899	\$ -
Tax Revenue	\$	-	\$ 961,853	\$ 30,004	\$ 100,889	\$ -
		Change In Base Year 2016-17				
<hr/>						
<b>TRANSFER FROM</b>						
CITY OF UPLAND	\$	-	\$ (89,118)	\$ (2,780)	\$ (9,350)	\$ -
Total Transfers From	\$	-	\$ (89,118)	\$ (2,780)	\$ (9,350)	\$ -
<hr/>						
<b>TRANSFER TO</b>						
SAN BDNO CNTY FIRE - ADMIN	\$	-	\$ 5,347	\$ 167	\$ 561	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	-	\$ 83,771	\$ 2,613	\$ 8,789	\$ -
Total Transfers To	\$	-	\$ 89,118	\$ 2,780	\$ 9,350	\$ -

LAFCO 3216

Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

	TRA				GRAND TOTAL			
	Change In Base Year 2016-17							
Assessed Value	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,427,501,017
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,181,233,607
Net Value After RDA / TRA Frozen Base	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,246,267,410
Tax Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 72,462,679
<b>TRANSFER FROM</b>								
CITY OF UPLAND	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (6,717,645)
<b>Total Transfers From</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (6,717,645)
<b>TRANSFER TO</b>								
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 403,061
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,314,584
<b>Total Transfers To</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,717,645

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

	TRA	8000	8001	8002	8003	8004
Assessed Value	\$	-	\$ 3,104,124,944	\$ -	\$ 448,408,302	\$ 10,231,019
RDA Increment	\$	-	\$ -	\$ -	\$ -	\$ 10,231,019
Net Value After RDA / TRA Frozen Base	\$	-	\$ 3,104,124,944	\$ -	\$ 448,408,302	\$ -
Tax Revenue	\$	-	\$ 31,041,249	\$ -	\$ 4,484,083	\$ -
		Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$	-	\$ (2,930,318)	\$ -	\$ (423,405)	\$ -
<b>Total Transfers From</b>	\$	-	\$ (2,930,318)	\$ -	\$ (423,405)	\$ -

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$	-	\$ 175,819	\$ -	\$ 25,404	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	-	\$ 2,754,499	\$ -	\$ 398,001	\$ -
<b>Total Transfers To</b>	\$	-	\$ 2,930,318	\$ -	\$ 423,405	\$ -

	TRA	8005	8006	8007	8008	8009
Assessed Value	\$	50,226,320	\$ 1,362,911,512	\$ 285,344,929	\$ -	\$ 133,297,636
RDA Increment	\$	-	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$	50,226,320	\$ 1,362,911,512	\$ 285,344,929	\$ -	\$ 133,297,636
Tax Revenue	\$	502,263	\$ 13,629,115	\$ 2,853,449	\$ -	\$ 1,332,976
		Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$	(47,585)	\$ (1,291,226)	\$ (269,422)	\$ -	\$ (126,284)
<b>Total Transfers From</b>	\$	(47,585)	\$ (1,291,226)	\$ (269,422)	\$ -	\$ (126,284)

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$	2,855	\$ 77,474	\$ 16,165	\$ -	\$ 7,577
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$	44,730	\$ 1,213,753	\$ 253,257	\$ -	\$ 118,707
<b>Total Transfers To</b>	\$	47,585	\$ 1,291,226	\$ 269,422	\$ -	\$ 126,284

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

TRA	8010	8011	8012	8013	8014
Assessed Value	\$ 10,162,228	\$ 32,295,848	\$ 18,448,309	\$ 66,073,494	\$ 893,355
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ 10,162,228	\$ 32,295,848	\$ 18,448,309	\$ 66,073,494	\$ 893,355
Tax Revenue	\$ 101,622	\$ 322,958	\$ 184,483	\$ 660,735	\$ 8,934
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ (9,676)	\$ (29,515)	\$ (17,494)	\$ (62,911)	\$ (847)
<b>Total Transfers From</b>	<b>\$ (9,676)</b>	<b>\$ (29,515)</b>	<b>\$ (17,494)</b>	<b>\$ (62,911)</b>	<b>\$ (847)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ 581	\$ 1,771	\$ 1,050	\$ 3,775	\$ 51
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 9,095	\$ 27,744	\$ 16,445	\$ 59,137	\$ 796
<b>Total Transfers To</b>	<b>\$ 9,676</b>	<b>\$ 29,515</b>	<b>\$ 17,494</b>	<b>\$ 62,911</b>	<b>\$ 847</b>

TRA	8015	8016	8017	8018	8019
Assessed Value	\$ 209,226,152	\$ 59,660,313	\$ -	\$ -	\$ 509,836,779
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ 209,226,152	\$ 59,660,313	\$ -	\$ -	\$ 509,836,779
Tax Revenue	\$ 2,092,262	\$ 596,603	\$ -	\$ -	\$ 5,098,368
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ (197,526)	\$ (56,520)	\$ -	\$ -	\$ (482,724)
<b>Total Transfers From</b>	<b>\$ (197,526)</b>	<b>\$ (56,520)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (482,724)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ 11,852	\$ 3,391	\$ -	\$ -	\$ 28,963
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 185,675	\$ 53,129	\$ -	\$ -	\$ 453,760
<b>Total Transfers To</b>	<b>\$ 197,526</b>	<b>\$ 56,520</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 482,724</b>

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

TRA	8020	8021	8022	8024	8025
Assessed Value	\$ 24,833,179	\$ 27,529,287	\$ 63,136,550	\$ -	\$ 43,674,246
RDA Increment	\$ -	\$ -	\$ -	\$ -	\$ 42,917,754
Net Value After RDA / TRA Frozen Base	\$ 24,833,179	\$ 27,529,287	\$ 63,136,550	\$ -	\$ 756,492
Tax Revenue	\$ 248,332	\$ 275,293	\$ 631,366	\$ -	\$ 7,565
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ (23,529)	\$ (25,980)	\$ (59,613)	\$ -	\$ (716)
<b>Total Transfers From</b>	<b>\$ (23,529)</b>	<b>\$ (25,980)</b>	<b>\$ (59,613)</b>	<b>\$ -</b>	<b>\$ (716)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ 1,412	\$ 1,559	\$ 3,577	\$ -	\$ 43
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 22,117	\$ 24,421	\$ 56,036	\$ -	\$ 673
<b>Total Transfers To</b>	<b>\$ 23,529</b>	<b>\$ 25,980</b>	<b>\$ 59,613</b>	<b>\$ -</b>	<b>\$ 716</b>

TRA	8026	8027	8028	8029	8030
Assessed Value	\$ 101,463,257	\$ 49,966,466	\$ -	\$ 246,729,210	\$ 73,340,089
RDA Increment	\$ 100,964,257	\$ 49,421,214	\$ -	\$ 239,623,004	\$ 73,058,226
Net Value After RDA / TRA Frozen Base	\$ 499,000	\$ 545,252	\$ -	\$ 7,106,206	\$ 281,863
Tax Revenue	\$ 4,990	\$ 5,453	\$ -	\$ 71,062	\$ 2,819
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ (472)	\$ (516)	\$ -	\$ (6,722)	\$ (263)
<b>Total Transfers From</b>	<b>\$ (472)</b>	<b>\$ (516)</b>	<b>\$ -</b>	<b>\$ (6,722)</b>	<b>\$ (263)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ 28	\$ 31	\$ -	\$ 403	\$ 16
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 444	\$ 485	\$ -	\$ 6,319	\$ 248
<b>Total Transfers To</b>	<b>\$ 472</b>	<b>\$ 516</b>	<b>\$ -</b>	<b>\$ 6,722</b>	<b>\$ 263</b>

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

TRA	8031	8032	8033	8034	8035
Assessed Value	\$ -	\$ 60,669,683	\$ 48,270,658	\$ 55,250,678	\$ 197,223,397
RDA Increment	\$ -	\$ 56,246,561	\$ 45,451,779	\$ 48,001,709	\$ 147,001,721
Net Value After RDA / TRA Frozen Base	\$ -	\$ 4,423,122	\$ 2,818,879	\$ 7,248,969	\$ 50,221,676
Tax Revenue	\$ -	\$ 44,231	\$ 28,189	\$ 72,490	\$ 502,217
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ -	\$ (4,136)	\$ (2,668)	\$ (6,778)	\$ (47,009)
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (4,136)</b>	<b>\$ (2,668)</b>	<b>\$ (6,778)</b>	<b>\$ (47,009)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ 248	\$ 160	\$ 407	\$ 2,821
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ 3,888	\$ 2,508	\$ 6,372	\$ 44,188
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 4,136</b>	<b>\$ 2,668</b>	<b>\$ 6,778</b>	<b>\$ 47,009</b>

TRA	8036	8037	8038	8039	8040
Assessed Value	\$ 6,903,211	\$ 35,031,707	\$ 36,765,072	\$ 10,012,534	\$ 5,672,908
RDA Increment	\$ 6,401,084	\$ -	\$ 16,046,744	\$ 6,791,241	\$ 1,200,000
Net Value After RDA / TRA Frozen Base	\$ 502,127	\$ 35,031,707	\$ 20,718,328	\$ 3,221,293	\$ 4,472,908
Tax Revenue	\$ 5,021	\$ 350,317	\$ 207,183	\$ 32,213	\$ 44,729
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ (475)	\$ (33,540)	\$ (19,408)	\$ (2,925)	\$ (4,221)
<b>Total Transfers From</b>	<b>\$ (475)</b>	<b>\$ (33,540)</b>	<b>\$ (19,408)</b>	<b>\$ (2,925)</b>	<b>\$ (4,221)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ 29	\$ 2,012	\$ 1,165	\$ 176	\$ 253
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 447	\$ 31,528	\$ 18,244	\$ 2,750	\$ 3,968
<b>Total Transfers To</b>	<b>\$ 475</b>	<b>\$ 33,540</b>	<b>\$ 19,408</b>	<b>\$ 2,925</b>	<b>\$ 4,221</b>

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

TRA	8041	8042	8043	8044	8045
Assessed Value	\$ -	\$ 129,512,619	\$ 31,262,687	\$ 25,296,717	\$ 934,964
RDA Increment	\$ -	\$ -	\$ 14,468,612	\$ 18,683,075	\$ -
Net Value After RDA / TRA Frozen Base	\$ -	\$ 129,512,619	\$ 16,794,075	\$ 6,613,642	\$ 934,964
Tax Revenue	\$ -	\$ 1,295,126	\$ 167,941	\$ 66,136	\$ 9,350
	Change In Base Year 2016-17				
<b>TRANSFER FROM</b>					
CITY OF UPLAND	\$ -	\$ (119,530)	\$ (15,800)	\$ (5,988)	\$ (886)
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (119,530)</b>	<b>\$ (15,800)</b>	<b>\$ (5,988)</b>	<b>\$ (886)</b>
<b>TRANSFER TO</b>					
SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ 7,172	\$ 948	\$ 359	\$ 53
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ 112,358	\$ 14,852	\$ 5,629	\$ 833
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 119,530</b>	<b>\$ 15,800</b>	<b>\$ 5,988</b>	<b>\$ 886</b>
	Change In Base Year 2016-17				
<b>TRANSFER FROM</b>					
CITY OF UPLAND	\$ (20,567)	\$ (196,195)	\$ (1,056)	\$ (1,830)	\$ (5,738)
<b>Total Transfers From</b>	<b>\$ (20,567)</b>	<b>\$ (196,195)</b>	<b>\$ (1,056)</b>	<b>\$ (1,830)</b>	<b>\$ (5,738)</b>
<b>TRANSFER TO</b>					
SAN BDNO CNTY FIRE - ADMIN	\$ 1,234	\$ 11,772	\$ 63	\$ 110	\$ 344
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 19,333	\$ 184,423	\$ 992	\$ 1,720	\$ 5,394
<b>Total Transfers To</b>	<b>\$ 20,567</b>	<b>\$ 196,195</b>	<b>\$ 1,056</b>	<b>\$ 1,830</b>	<b>\$ 5,738</b>

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

TRA	8051	8052	8053	8054	8055
Assessed Value	\$ 11,765,709	\$ 258,982,035	\$ 18,590,096	\$ 2,986,373	\$ -
RDA Increment	\$ 4,622,856	\$ 180,688,265	\$ 1,710,360	\$ 2,273,281	\$ -
Net Value After RDA / TRA Frozen Base	\$ 7,142,853	\$ 78,293,770	\$ 16,879,736	\$ 713,092	\$ -
Tax Revenue	\$ 71,429	\$ 782,938	\$ 168,797	\$ 7,131	\$ -
	Change In Base Year 2016-17				
<b>TRANSFER FROM</b>					
CITY OF UPLAND	\$ (6,733)	\$ (73,816)	\$ (15,924)	\$ (652)	\$ -
<b>Total Transfers From</b>	<b>\$ (6,733)</b>	<b>\$ (73,816)</b>	<b>\$ (15,924)</b>	<b>\$ (652)</b>	<b>\$ -</b>
<b>TRANSFER TO</b>					
SAN BDNO CNTY FIRE - ADMIN	\$ 404	\$ 4,429	\$ 955	\$ 39	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 6,329	\$ 69,387	\$ 14,969	\$ 613	\$ -
<b>Total Transfers To</b>	<b>\$ 6,733</b>	<b>\$ 73,816</b>	<b>\$ 15,924</b>	<b>\$ 652</b>	<b>\$ -</b>
	Change In Base Year 2016-17				
<b>TRANSFER FROM</b>					
CITY OF UPLAND	\$ (282)	\$ -	\$ (1,694)	\$ (1,322)	\$ -
<b>Total Transfers From</b>	<b>\$ (282)</b>	<b>\$ -</b>	<b>\$ (1,694)</b>	<b>\$ (1,322)</b>	<b>\$ -</b>
<b>TRANSFER TO</b>					
SAN BDNO CNTY FIRE - ADMIN	\$ 17	\$ -	\$ 102	\$ 79	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ 265	\$ -	\$ 1,592	\$ 1,242	\$ -
<b>Total Transfers To</b>	<b>\$ 282</b>	<b>\$ -</b>	<b>\$ 1,694</b>	<b>\$ 1,322</b>	<b>\$ -</b>
	Change In Base Year 2016-17				

LAFCO 3216 - Revised  
 Reorganization to Include Annexation to the San Bernardino County Fire Protection District, Its Valley Service Zone and Service Zone FP-5 (City of Upland)

Exhibit A

Applicable Percentage Rate = 54%

TRA	8061	8062	8063	8065	8066
Assessed Value	\$ 48,626,317	\$ -	\$ 33,143,194	\$ -	\$ 1,211,883
RDA Increment	\$ 48,626,317	\$ -	\$ 17,050,982	\$ -	\$ -
Net Value After RDA / TRA Frozen Base	\$ -	\$ -	\$ 16,092,212	\$ -	\$ 1,211,883
Tax Revenue	\$ -	\$ -	\$ 160,922	\$ -	\$ 12,119
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ -	\$ -	\$ (14,851)	\$ -	\$ (1,140)
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (14,851)</b>	<b>\$ -</b>	<b>\$ (1,140)</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ -	\$ 891	\$ -	\$ 68
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ -	\$ 13,960	\$ -	\$ 1,071
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 14,851</b>	<b>\$ -</b>	<b>\$ 1,140</b>

TRA	8067	8068	8069	8070	8071
Assessed Value	\$ -	\$ 128,701,095	\$ 3,012,839	\$ 12,690,710	\$ 46,091,499
RDA Increment	\$ -	\$ 32,515,809	\$ 12,470	\$ 2,601,811	\$ 46,091,499
Net Value After RDA / TRA Frozen Base	\$ -	\$ 96,185,286	\$ 3,000,369	\$ 10,088,899	\$ -
Tax Revenue	\$ -	\$ 961,853	\$ 30,004	\$ 100,889	\$ -
	Change In Base Year 2016-17				

**TRANSFER FROM**

CITY OF UPLAND	\$ -	\$ (90,800)	\$ (2,832)	\$ (9,526)	\$ -
<b>Total Transfers From</b>	<b>\$ -</b>	<b>\$ (90,800)</b>	<b>\$ (2,832)</b>	<b>\$ (9,526)</b>	<b>\$ -</b>

**TRANSFER TO**

SAN BDNO CNTY FIRE - ADMIN	\$ -	\$ 5,448	\$ 170	\$ 572	\$ -
SAN BDNO CNTY FIRE - VALLEY SERVICE	\$ -	\$ 85,352	\$ 2,662	\$ 8,954	\$ -
<b>Total Transfers To</b>	<b>\$ -</b>	<b>\$ 90,800</b>	<b>\$ 2,832</b>	<b>\$ 9,526</b>	<b>\$ -</b>





## STAFF REPORT

**ITEM NO. 14.A.**

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**DATE:** January 14, 2019  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** JEANNETTE VAGNOZZI, CITY MANAGER  
**PREPARED BY:** ROSEMARY HOERNING, PUBLIC WORKS DIRECTOR  
BOB CRITCHFIELD, ENGINEERING MANAGER  
**SUBJECT:** PARTICIPATION IN SBCTA'S SB 743 COUNTYWIDE  
IMPLEMENTATION STUDY

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### RECOMMENDED ACTION

It is recommended that the City Council authorize participation in the San Bernardino County Transportation Authority's (SBCTA'S) SB743 Countywide implementation study.

### GOAL STATEMENT

The proposed action supports the City's goal to protect and ensure new regulatory requirements are implemented in a reasonable manner.

### BACKGROUND

Governor Brown signed Senate Bill (SB) 743 (Steinberg 2013), which creates a process to change the way that transportation impacts are analyzed under the California Environmental Quality Act (CEQA). The intent is to "more appropriately balance the needs of congestion management with the statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions." The legislation states that when implemented "traffic congestion shall not be considered a significant impact on the environment," within CEQA transportation analysis.

These changes will include elimination of auto delay, "Level of Service" (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts for land use projects and plans in California.

The City will need to address the requirements of SB 743 for new land use projects that will require the preparation of CEQA documents after July 1, 2020.

## **ISSUES/ANALYSIS**

SB 743 requires the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. For land use projects, OPR identified Vehicle Miles Traveled (VMT) per capita, VMT per employee, and net VMT as new metrics for transportation analysis. For transportation projects, lead agencies for roadway capacity projects have discretion, consistent with CEQA and planning requirements, to choose which metric to use to evaluate transportation impacts.

OPR released a revised Technical Advisory in April 2018. In December 2018, the California Natural Resources Agency adopted regulatory changes to CEQA. The CEQA Guidelines updated package includes the Guidelines section implementing SB 743. Beginning on July 1, 2020 the CEQA Guidelines update that implements SB 743 shall apply statewide.

SBCTA submitted detailed comments to OPR on SB 743 implementation in a letter dated February 29, 2016 and provided input at SB 743 workshops. While SBCTA expressed support for making transit oriented development (TOD) easier, SBCTA expressed opposition to the statewide application of SB 743 for a variety of reasons, particularly citing the challenges with mitigating VMT impacts. Nevertheless, the CEQA guidelines updates have been adopted to require statewide implementation of SB 743 by July 1, 2020.

The use of "Vehicle Miles Traveled" (VTM) is a departure from the past practice of evaluating traffic impacts based on "Level of Service" (LOS) when evaluating development traffic congestion impacts and their mitigation. As part of SB 743 each agency will need to develop and establish baselines and thresholds to evaluate new development impacts. The SBCTA Technical Advisory Committee (SBCTA member agencies) expressed interest in developing a consistent methodology that will be understood and recognized by the various players in the land development process: development community, environmental consultants, transportation consultants, Caltrans, and other state/local agencies that may be involved in reviewing CEQA documents.

Participation in a countywide collaborative effort is voluntary. However, the City will need to ensure the requirements of SB 743 are addressed for projects requiring the preparation of CEQA documentation after July 1, 2020.

Staff believes it beneficial to participate in the collaborative study. At the end of the study, the City can choose to adopt the methodology outcome from the study or may choose a different methodology for compliance with the new SB 743 requirements.

Failure to address the requirements of SB 743 could result in CEQA challenges for new development projects that are considered after the July 1, 2020 effective date.

## **FISCAL IMPACTS**

The cost sharing formula is based on the percentage population of each jurisdiction. Assuming all jurisdictions participate, Upland's cost for the Phase I work effort has been estimated at 3.85% or approximately \$7,708 of the \$200,000 project study cost. Participating in this collaborative effort is more cost effective than individually retaining a consultant to assist the City with addressing these requirements. Sufficient funds are included in the budget and no additional appropriation is required.

On November 15, 2018, a Southern California Association of Governments (SCAG) for the Sustainable Communities grant application was submitted which would address Phase 2 of the work plan. This grant application did not require a local match. The City can determine, at a future time, if it would like to participate in the Phase 2 work effort. Phase 2 is expected to provide implementation tools for local jurisdictions and explore additional options for cost effective mitigation of VMT impacts.

The requirements of SB 743 will impact the development community is unknown at this time.

**ALTERNATIVES**

Provide alternative direction to staff.

**ATTACHMENTS:**

**Funding Commitment Letter**



**CITY MANAGER'S OFFICE**  
Telephone (909) 931-4106  
Facsimile (909) 931-4107

January 14, 2019

Steve Smith, Director of Planning  
San Bernardino County Transportation Authority  
1170 W. Third Street, Second Floor  
San Bernardino, CA 92410

Subject: Local Funding Commitment for Participation in the SB 743 Countywide Implementation Study

Dear Mr. Smith:

The City of Upland (City) is responding to the San Bernardino County Transportation Authority's (SBCTA's) offer in its letter dated December 6, 2018 for the City to participate in SBCTA's SB 743 Countywide Implementation Study (Project). We believe this will be a cost-effective approach to prepare the City for implementation of the requirements under SB 743, and the City agrees to participate in the Project.

It is understood that the project will be conducted in two phases. Phase 1 would involve an early start to build a foundation for implementation that can be adapted across jurisdiction sizes and geographic areas. This would result in an umbrella SB 743 program available for local jurisdictions to adopt, with possible variations in Vehicle Miles Traveled (VMT) baselines and thresholds at a jurisdiction level, or across groups of jurisdictions.

We understand that the second phase would be funded primarily by a grant through the Southern California Association of Governments' (SCAG's) Sustainable Communities Program under the SB 743 Implementation Assistance category, if the SBCTA application is successful. Phase 2 would generally involve refinement of implementation tools for local jurisdictions and exploration of additional options for cost-effective mitigation of VMT impacts. There is no local in-kind match needed or expected in the Phase 2 SCAG grant. If the application is unsuccessful, further discussions will occur on funding options at that point, and SBCTA will solicit City input on whether to proceed further. However, the City understands that the products from Phase 1 will still have direct applicability to local SB 743 implementation, and the City will be under no obligation to provide additional funding.

The City will commit \$7,708 toward Phase 1 of this Project, representing the City's population-based Proportional Share of costs for the countywide portion of the study (City's Proportional Share), as calculated by SBCTA. It is understood that the additional scope of work and funding attributable to City's proportional share will be added to the current contract between the City of Rancho Cucamonga and Fehr & Peers. The

City will pay its Proportional Share up front as a one-time payment to the City of Rancho Cucamonga for express use on study expenses. The City will make this payment to the City of Rancho Cucamonga within 30 days of receiving an invoice from Rancho Cucamonga/SBCTA. SBCTA will manage the countywide portion and keep all participating jurisdictions informed and engaged throughout the effort, in coordination with the City of Rancho Cucamonga.

The City understands and agrees to fund City's Proportional Share based upon SBCTA's representations that SBCTA will: review consultant invoices for the countywide portion and assist in ensuring that the anticipated products are delivered by the City of Rancho Cucamonga's consultant; make consultant deliverables available to the City; collect timely feedback from the City on those deliverables; and include the City in the countywide project meetings and communications.

The City authorizes SBCTA to forward this letter to the City of Rancho Cucamonga, as the City of Upland's commitment to fund its Proportional Share. If you have any questions, please do not hesitate to contact our technical point person Rosemary Hoerning, Public Works Director at (909) 291-2931 or by email at [Rhoerning@ci.upland.ca.us](mailto:Rhoerning@ci.upland.ca.us)

Sincerely,

Jeannette Vagnozzi  
City Manager

Cc: Jason Welday, City Engineer, City of Rancho Cucamonga  
Bob Critchfield, Engineering Manager, City of Upland