

RESOLUTION NO. 2024-055

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2003-3 OF THE CITY OF CHINO, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN IMPROVEMENT AREA NO. 11 OF SAID COMMUNITY FACILITIES DISTRICT AND CALLING AN ELECTION THEREIN

WHEREAS, on October 1, 2024, the City Council (the “City Council”) of the City of Chino adopted Resolution No. 2024-049 (the “Resolution of Intention”) stating its intention to form Improvement Area No. 11 (the “Improvement Area”) of Community Facilities District No. 2003-3 of the City of Chino (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, on October 1, 2024, the City Council also adopted Resolution No. 2024-050 stating its intention to incur bonded indebtedness within the proposed Improvement Area in an amount not to exceed \$20,000,000 to finance: (1) the purchase, construction, expansion, improvement or rehabilitation of public improvements identified in Exhibit B to the Resolution of Intention, including all furnishings, equipment and supplies related thereto (collectively, the “Facilities”) and (2) the incidental expenses to be incurred in financing the Facilities and forming and administering the Improvement Area (the “Incidental Expenses”); and

WHEREAS, notice was published as required by law relative to the intention of the City Council to form the proposed Improvement Area and to incur bonded indebtedness for the Improvement Area; and

WHEREAS, on November 5, 2024, the City Council opened a noticed public hearing to determine whether it should proceed to form the Improvement Area, issue bonds to pay for the Facilities and Incidental Expenses and to authorize the rate and method of apportionment of a special tax to be levied within the Improvement Area for the purposes described in the Resolution of Intention; and

WHEREAS, at said public hearing all persons desiring to be heard on all matters pertaining to the formation of the Improvement Area, the levy of a special tax and the issuance of bonds to pay for the cost of the proposed Facilities and Incidental Expenses were heard and a full and fair hearing was held; and

WHEREAS, subsequent to such hearing the City Council adopted a resolution establishing the Improvement Area (the “Resolution of Formation”); and

WHEREAS, the City Council desires to make the necessary findings to incur bonded indebtedness for the Improvement Area, to declare the purpose for said indebtedness, and to authorize the submittal of certain propositions to the voters of the Improvement Area, being the owners of land within the Improvement Area, all as authorized and required by law;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CHINO AS FOLLOWS:

Section 1. It is necessary to incur bonded indebtedness of the Improvement Area in a maximum aggregate principal amount not to exceed \$20,000,000.

Section 2. The indebtedness is to be incurred for the purpose of financing the costs of purchasing, constructing, modifying, expanding, improving, or rehabilitating the Facilities, as described in the Resolution of Intention and the Resolution of Formation, financing the Incidental Expenses, and carrying out the powers and purposes of the Community Facilities District on behalf of the Improvement Area, including, but not limited to, financing the costs of selling the bonds, establishing and replenishing bond reserve funds and paying remarketing, credit enhancement and liquidity facility fees (including such fees for instruments which serve as the basis of a reserve fund in lieu of cash), administrative expenses and other expenses of the type authorized by Section 53345.3 of the Act.

Section 3. The whole of the property within the Improvement Area, other than property exempted from Special Tax A (as defined in the Rate and Method, defined below) pursuant to the provisions of the rate and method of apportionment approved by the City Council as the rate and method of apportionment for the Improvement Area (the "Rate and Method"), shall pay for the bonded indebtedness of the Improvement Area pursuant to the levy of Special Tax A authorized by the Resolution of Formation.

Section 4. The maximum term of the bonds to be issued shall in no event exceed forty (40) years.

Section 5. The bonds shall bear interest at the rate or rates not to exceed the maximum interest rate permitted by law, payable annually or semiannually, or in part annually and in part semiannually, except the first interest payment may be for a period of less than six months, with the actual rate or rates and times of payment to be determined at the time or times of sale thereof.

Section 6. The bonds may bear a variable or fixed interest rate, provided that such variable rate or the fixed rate shall not exceed the maximum rate permitted by Section 53531 of the California Government Code, or any other applicable provision of law limiting the maximum interest rate on the bonds.

Section 7. Pursuant to Section 53351 of the Act, a special election is hereby called for the Improvement Area on the proposition of incurring the bonded indebtedness. The proposition relative to incurring bonded indebtedness for the Improvement Area shall be in the form set forth in Exhibit A to the Resolution of Formation. The election in the Improvement Area on the proposition of incurring bonded indebtedness shall be consolidated with the election and on the propositions to levy Special Tax A and Special Tax B (as defined in the Rate and Method) and to establish an appropriations limit for the Improvement Area, which propositions shall be in the forms set forth in Exhibit A to the Resolution of Formation.

Section 8. The date of the consolidated special election for the Improvement Area shall be November 5, 2024, or such later date as is consented to by the City Clerk of the City of Chino (the "City Clerk") and the owners of land within the Improvement Area. The election shall be conducted by the City Clerk. Except as otherwise provided by the Act, the election shall be conducted in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The City Clerk is authorized to

conduct the election following the adoption of the Resolution of Formation and this resolution; and all ballots shall be received by, and the City Clerk shall close the election by 6:00 p.m. on the election day; provided the election shall be closed at such earlier time as all qualified electors have voted as provided in Section 53326(d) of the Act. It is hereby found that there are fewer than 12 registered voters within the territory of the Improvement Area and, pursuant to Section 53351(j) of the Act, the ballots for the special election shall be distributed in person or by mail with return postage prepaid to the landowners of record within the Improvement Area as of the close of the November 5, 2024 hearing regarding the formation of the Improvement Area. Each landowner shall have one vote for each acre or portion thereof that he, she or it owns within the Improvement Area, as provided in Section 53326 of the Act.

Section 9. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED by the City Council at a regular meeting held on the 5th day of November 2024.

CITY COUNCIL OF THE CITY OF CHINO

By: _____
Eunice M. Ulloa,
Mayor of the City of Chino

ATTEST:

Natalie Gonzaga
City Clerk of the City of Chino

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

I, NATALIE GONZAGA, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Chino at a regular meeting held on the 5th day of November 2024, by the following votes:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

NATALIE GONZAGA, CITY CLERK