



**PROCEDURES FOR THE FORMATION AND
ELECTION OF THE
PROJECT AREA COMMITTEE
FOR AMENDMENT NO. 9 TO THE
REDEVELOPMENT PLAN FOR THE
SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT AREA**

City of Fontana

July 8, 2009

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I. [100] GENERAL**A. [101] Purpose**

The purpose of this document is to set forth a procedure for formation of a Project Area Committee (“PAC”) to consider the Fontana Redevelopment Agency’s (“Agency”) proposed Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (“SWIP”) Redevelopment Project (“Amendment No. 9”). The PAC would serve in an advisory capacity to the City Council (“City Council”) of the City of Fontana (“City”) on the aspects of the proposed Amendment. The PAC Procedures established herein shall be used to govern formation and election of the PAC.

Section 33385.3 of the California Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*, “CCRL”) provides for the legislative body to establish a procedure for formation of a PAC (the “PAC Procedures”) when an agency proposes to amend a redevelopment plan to add territory in which a substantial number of low and moderate income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added area.

The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project was adopted on July 19, 1977, by Ordinance No. 567. The Redevelopment Plan has been amended eight times since 1977; five of the eight amendments added territory to the SWIP Project Area.

The Agency is proposing to add certain territory that is adjacent to and east of the SWIP Project Area. This area is generally located south of the I-10 Freeway and north of Jurupa Avenue. It is generally bound on the east by Sierra and Juniper Avenues and on the west by Beech, Poplar, and Catawba Avenues (“Added Area”). The Added Area consists of a City territory that was previously a mix of City territory and seven former County islands. The islands were annexed into the City at various times during 2006 and 2007. A map identifying the Added Area is attached hereto as Exhibit A.

If approved, Amendment No. 9 will enable the Agency to implement redevelopment program and tools to eliminate blighting conditions in the Added Area, complete capital improvements to upgrade and improve public infrastructure, enhance property values by encouraging and enabling economic revitalization of commercial and industrial enterprises, and increase, improve, and preserve the area’s supply of affordable housing. Eminent domain authority in the Added Area would only be used as a last resort after every negotiation effort to acquire real property was exhausted.

B. [102] Authority

The PAC Procedures were approved and adopted on July 8, 2009, by Resolution No. 2009-54 by the City Council.

Upon the effectiveness of the PAC Procedures, the Executive Director or his designee shall have the authority to set and conduct PAC formation meetings and to establish due dates and requirements for the receipt of certifications of eligibility to vote and PAC Board of Director applications, all in accordance with the process more particularly set forth in Section 500 herein. This authority shall terminate upon the certification of the PAC election by the City Council.

C. [103] Definitions

For the purposes herein:

1. "Added Area" means the area to be added to the Southwest Industrial Park Redevelopment Project Area as shown on the Added Area map attached hereto as Exhibit A.
2. "Board of Directors" means the governing board of the Project Area Committee.
3. "Board of Directors Application" means the form to be completed by an eligible candidate representing one (1) of the PAC membership categories attached herein as Exhibit C.
4. "Business" or "Businesses" means any lawful activity, whether or not carried on for profit, which is conducted within the Added Area for (i) the purchase, sale, lease, or rental of tangible or intangible personal property (a "Retail Business"); (ii) the manufacture, processing, or marketing of products, commodities, or any other personal property (a "Manufacturing Business"); or (iii) the sale of services to the public (a "Service Business"). Business also includes any property owner that is a Person who owns real property in the Added Area, who does not use the real property for their primary residence. Such real property includes residential non-owner occupied property, industrial property, retail property, and other commercial property.
5. "Certification of Eligibility to Vote" means the form to be completed by a residential owner occupant, residential tenant, business owner, and existing organization within the Added Area to determine the person's eligibility to vote to elect a representative to the Board of Directors attached herein as Exhibit B.
6. "City" means the City of Fontana, California, a municipal corporation.
7. "Fontana Redevelopment Agency" means the City of Fontana's Redevelopment Agency, a public body, corporate and politic, that exercises powers as a redevelopment agency under the CCRL.
8. "City Council" means the City Council of the City of Fontana, exercising powers as the legislative body under the laws of the State of California.
9. "Director" means the elected representative of a certain membership category serving on the Board of Directors of the Project Area Committee.
10. "Executive Director" means an individual appointed by the Fontana Redevelopment Agency.
11. "Existing Community Organization" means any nonprofit association of persons organized for religious, entrepreneurial, scientific, educational, literary, or other purposes, that conducts its regularly scheduled meetings within the boundaries of the Added Area and uses an address located within the Added Area for its office or headquarters and/or specifically serves the Added Area.
12. "Person" means, but is not limited to, an individual, household, family, proprietorship, partnership, business trust, joint venture, syndicate, corporation, or association.
13. "Project Area Committee" or "PAC" means the advisory committee formed and elected in accordance with Section 33385 of the CCRL and the procedure set forth herein.

14. "Agency Staff" means any personnel of the Redevelopment Department or other City personnel assigned as staff to the Fontana Redevelopment Agency.
15. "Redevelopment Department" means a separate operating division of the City of Fontana.
16. "Resident" means a Residential Owner-Occupant or Residential Tenant.
17. "Residential Owner-Occupant" means a person who owns a dwelling unit in the Added Area and occupies such dwelling unit as the person's permanent residence and usual place of abode.
18. "Residential Tenant" means a person who rents a dwelling unit in the Added Area pursuant to a rental agreement and has occupied such dwelling unit as a permanent residence and usual place of abode for not less than twenty-nine (29) days prior to the submittal of a completed PAC application as described in Section 502 herein.

II. [200] PUBLIC MEETINGS

A. [201] Meetings

Agency Staff shall conduct at least one public informational meeting to explain the establishment and functions of the PAC and the opportunity to serve on the PAC, and shall conduct a meeting to elect the PAC Board of Directors. It is contemplated that the election will take place within three weeks after the informational meeting. At the informational meeting, the Agency Staff shall distribute and make available to each attendee: (i) a copy of Article 6.5 of the CCRL (Sections 33385-33388); (ii) a copy of Sections 33347.5 and 33366 of the CCRL; (iii) a copy of this procedure; (iv) a copy of Amendment No. 9 and the Project Description for Amendment No. 9 to the Plan; (v) applications for Certification of Eligibility to Vote and PAC Board of Directors membership; and (vi) any other materials the Agency determines would be useful.

It is contemplated that the **PAC Formation and Election meetings** will be held on **August 13, 2009, at 7:00 pm and September 3, 2009, at 7:00 pm**, respectively, at the **Hilton Garden Inn Fontana, 10543 Sierra Avenue, Fontana, California**, or on such date(s) and location(s) as selected by the Executive Director or his designee, in accordance with the process more particularly set forth in Section 100 and 500 herein.

B. [202] Presentation of PAC Board of Directors to City Council

The Agency shall present the results of the PAC election to the City Council at a regular meeting of the City Council following the PAC election, which date shall be announced at the PAC election meeting. The City Council shall adopt a finding that all the relevant portions of this PAC Procedure regarding the election were followed and shall determine the validity of any properly filed challenges to the PAC election within the time required by the CCRL and as set forth in Section 600 of this Procedure.

III. [300] NOTICE OF MEETINGS, HEARINGS, AND PLEBISCITES

The Agency shall publish notice of all meetings, hearings, or plebiscites conducted by the Agency or the City Council, or on behalf of the City Council or Agency, relative

to the formation and selection of the PAC, and the opportunity to serve on the PAC in the same manner as specified in Subdivision (a) of Section 65090 of the Government Code of the State of California.

A. [301] Publication of Opportunity to Serve

The Agency shall publicize the opportunity to serve on the PAC by mailing written notice of the opportunity to serve to all Residents, Businesses, and Existing Community Organizations in the Added Area. This notice shall be mailed by first-class mail at least thirty (30) days prior to the date of the PAC formation and election meeting.

B. [302] Publication of Notice

The Agency shall publish notice of each meeting, hearing, or plebiscite relative to the formation and election of the PAC at least one (1) time in a newspaper of general circulation in the City at least ten (10) days prior to the date for each meeting, hearing, or plebiscite. The notice shall include: (1) the date, time, and place of each meeting, hearing, or plebiscite, (2) the identity of the body conducting such meeting, hearing, or plebiscite, (3) a general explanation of the matters to be considered, (4) a general description of the Project Area, in text or by diagram, (5) a statement that a PAC will be formed for the Added Area, (6) a general description of the duties of PAC Board of Directors, and (7) a general statement of the criteria for eligibility to vote for the PAC Board of Directors and to serve on the PAC Board of Directors.

C. [303] Notice by Mail

The Agency shall mail written notice to all Residents, Businesses, and Existing Community Organizations in the Added Area of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or the City Council relative to the formation and election of the PAC (following the approval of these PAC Procedures). This mailed notice requirement shall only apply if mailing addresses of Residents, Businesses, and Existing Community Organizations, or of all occupants, are obtainable by the Agency at a reasonable cost. The notice shall be mailed by first-class mail and may be addressed to "occupant." In lieu of providing separate notice for each meeting, hearing, or plebiscite, the Agency may provide a single notice pursuant to this Section 303 stating all dates, times, and locations of any meetings, hearings, and plebiscites relative to the formation and election of the PAC Board of Directors.

If the Agency has acted in good faith to comply with the notice requirements of this Section 303, the failure of the Agency to provide the required notice to Residents, Businesses, and Existing Community Organizations unknown to the Agency or whose addresses could not be obtained at a reasonable cost, shall not, in and of itself, invalidate the formation or actions of the PAC.

D. [304] Other Forms of Notice

In addition to the notice required by Sections 301, 302, and 303, the Agency may post notices, distribute flyers, mail postcards, FAX, telephone, purchase TV, radio, or newspaper display advertisements, or undertake such other actions as it deems necessary or desirable to further inform Residents, Businesses, and Existing Community Organizations of the formation of the PAC and its meeting dates.

E. [305] Foreign Languages

Any of the notices or announcements required herein may be translated into another language if the Agency determines that such translation is necessary to effectively publicize the opportunity to serve on the PAC, participate in the formation and election of the PAC membership, and the performance of the ongoing PAC activities.

IV. [400] COMPOSITION OF PAC MEMBERSHIP

A. [401] Categories

Subject to the remaining provisions of this Section 401, the PAC Board of Directors is to be composed of seven (7) members, which shall include the number of representatives listed in each of the following categories:

<u>Category</u>	<u>Number of Directors</u>
Residential Owner-Occupant	3
Residential Tenant	1
Business Owner (includes property owner)	2
Existing Community Organization	1
TOTAL	7

This composition of the PAC Board of Directors is representative of the categories in the Added Area. Because of the voluntary nature of participation in the PAC, it is permitted to have one (1) of the above categories be vacant if no candidate is qualified or elected in that category at the time of PAC formation and election meeting. After its election has been confirmed by the City Council and as long as a minimum of three (3) Director positions on the PAC are filled, the PAC may convene its meeting and conduct business. Such vacancy shall be filled as soon as possible and practical pursuant to Section 402 of these PAC Procedures.

B. [402] Vacancies in Membership Categories – Adjustment of Composition of PAC; Succession

If, at the time of formation of the PAC, an insufficient number of candidates are elected to represent each category of membership on the PAC, such seats may remain vacant until qualified and eligible candidates are selected in the manner provided by these PAC Procedures. The existence of any vacancies shall not prevent formation of the PAC or the conduct of business by the PAC, as long as there are at least three (3) Directors on the PAC.

If a vacancy should remain or occur after the formation of the PAC, the PAC shall by a vote of its Board of Directors determine which person(s) shall fill the categories or positions that are vacant. Such determination shall be made pursuant to such process, (1) from the list of candidates that were not elected at the election meeting, (2) from the list of candidates that had applied subsequent to the election or were solicited to fill such vacancy, and (3), as the PAC shall deem appropriate pursuant to the PAC Procedures, all without the mailing of notices required pursuant to Section 303 of these PAC Procedures concerning the original establishment of the PAC. The person(s) selected to fill the vacant categories or positions must be qualified for said categories or positions.

V. [500] ELECTION PROCEDURE

A. [501] Voter Registration

Anyone desiring to vote at the PAC election must register prior to the PAC election by providing satisfactory evidence to Agency staff that he or she is (1) at least eighteen (18) years of age or older and (2) is a Residential Owner-Occupant or Residential Tenant or Business Owner or a representative of an Existing Community Organization in the Added Area by completing the **Certification of Eligibility to Vote** (see Exhibit "B"). Only one individual may vote on behalf of any Residential Owner-Occupant, Residential Tenant, Business or Existing Community Organization. Any of the following documents, where appropriate to the category of the voter, may be provided as evidence of eligibility to vote:

California Driver's License, California Identification Card, Military Identification, or Other Official Documents (i.e., Alien Registration Card, Passport, etc.), and one of the following:

1. Rental Agreement
2. Rent Receipt
3. Grant Deed to Real Property
4. Property Tax Bill
5. Business License Issued by the State of California or City
6. City Business Tax Certificate
7. Utility Bill
8. Voter Registration
9. Resolution of or Letter from Business
10. Resolution of or Official Letter from Existing Community Organization
11. Other Official Documents

B. [502] PAC Board of Directors Applications

A candidate for PAC Director must submit a completed PAC Board of Directors Application, which application must be received by the Redevelopment Agency staff **prior** to the PAC election for certification of eligibility and identification of membership category or on such other dates as selected by the Executive Director or his designee. A copy of the **PAC Board of Directors Application** is attached hereto as Exhibit "C" and incorporated herein by this reference. All PAC Board of Directors Applications submitted shall be available to the general public for review on the day of submittal. All completed PAC Board of Directors Applications shall be available at the election meeting described in Section 201 above and at the Agency offices at the Redevelopment Department after such meeting. Blank applications may be obtained at the following location and address:

**Fontana Redevelopment Agency
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335**

Applications may be submitted in one of the following manners:

1. To the Fontana Redevelopment Agency **prior to 5:00 pm on Thursday, September 3, 2009**, or
2. At the election meeting **between 6:00 pm and 7:00 pm on Thursday, September 3, 2009**.

Blank PAC Board of Directors applications are also available for download from the City website at www.fontana.org.

C. [503] Existing Community Organization/Appointment of Representative

City staff estimates that two (2) community organizations are located within and/or specifically serve the Added Area. The election of the Existing Community Organization shall be by crossover voting by all categories of PAC representation. (This means that a Residential Owner-Occupant, Residential Tenant, or Business Owner may vote to elect an Existing Community Organization candidate to the PAC.)

The Existing Community Organization elected to serve on the PAC pursuant to Part V of this Procedure shall appoint one of its members to serve as its representative on the PAC. An alternate may also be appointed to serve on the PAC in the event that the original representative is unable to attend a PAC meeting. However, in no event shall more than one member of the Existing Community Organization attend the PAC meetings in his/her representative capacity.

VI. [600] ELIGIBILITY REQUIREMENTS FOR PAC DIRECTOR

Upon submittal of a PAC Board of Directors Application, candidates for PAC must present evidence that they are eighteen (18) years of age or older. Candidates are advised that the Fair Political Practices Commission requires elected PAC Directors to complete a "Statement of Economic Interest," which discloses certain personal financial information concerning such PAC Director. Candidates may run for only one category of PAC representation and must present a valid California identification card, driver's license, military identification, or similar identification and the following evidence as eligibility for the applicable category:

1. Residential Owner-Occupant: Recorded grant deed or property tax bill.
2. Residential Tenant: Executed rental agreement or rent receipt.
3. Business Owner: Current business license issued by State of California or City, City Business Tax Certificate, or proof of ownership of real property that is not used for primary residency in the Added Area.
4. Existing Community Organization: Each of the following: (i) proof of existence of the organization as of the time of the PAC election meeting, (ii) proof of existence and operation within the Added Area, such as articles of incorporation, bylaws, or business license, and (iii) a resolution of the Board of Directors or Executive Committee of such organization, or a letter from such organization on their letterhead signed by a director of the organization, authorizing a representative or alternate to act on its behalf.

A. [601] Candidate Speeches

All candidates for each PAC membership category, (i) Residential Owner-Occupant, (ii) Residential Tenant, (iii) Business, and (iv) Existing Community Organization, shall be given an opportunity to make a speech at the PAC election meeting. A time limit of three (3) minutes is established for each speech. Reasonable rules of order (in the event of dispute, Roberts Rules of Order are to be used) will be applied, considering the number of candidates running in the PAC election.

B. [602] Voting Categories

Each voter may cast ballots for representatives of that voter's PAC membership category. Voters who have qualified to vote as Residential Owner-Occupants shall be entitled to vote for representatives of the Residential Owner-Occupant category. Voters who have qualified to vote as Residential Tenants shall be entitled to vote for representatives of the Residential Tenant category. Voters who have qualified to vote as representatives of Businesses shall be entitled to vote for representatives of the Business category. Each voter may only vote in that voter's specific category and may only cast one ballot in that category. Except for the Existing Community Organization category, crossover voting is prohibited. For example, voters who have qualified to vote as representatives of Businesses may not vote in any category except the Business category. Residential Owner-Occupants, Residential Tenants, and Businesses shall also be entitled to vote for the Existing Community Organization category. Voters who have qualified to vote as representatives of Existing Community Organizations are entitled to vote for that category only.

C. [603] Balloting

Ballots shall be provided to registered voters for each PAC membership category, i.e., a Residential Owner-Occupant ballot, a Residential Tenant ballot, a Business ballot, and an Existing Community Organization ballot. Voting shall be conducted by secret ballot. Registered voters cannot vote by proxy. The Redevelopment Agency staff shall have election assistants to collect and tally the ballots. A representative of the City Clerk's office shall ensure secrecy of the ballot by requiring each ballot to be folded and passed to an election assistant or inserted into a ballot box. The election assistants shall tally the ballots at the PAC election meeting and the representative from the City Clerk's office shall provide official verification of the results of the PAC.

D. [604] Results/Runoffs

The Redevelopment Agency staff shall announce the results of the PAC election at the PAC election meeting when the ballots are tallied. If a runoff is necessary, it shall be announced immediately. Also at the PAC election meeting, Redevelopment Agency staff shall announce that the results and ballots shall be maintained by the representative of the City Clerk's office for presentation to the City Council at a regular meeting of the City Council following the PAC election, which date shall be announced at the PAC election meeting.

E. [605] Challenges/Validity

Any challenge to the PAC election or to the electoral procedures followed in connection with the PAC election shall be filed with the City Council within fifteen (15) calendar days following the PAC election by submitting a written and signed statement to the City Clerk's Office. The City Council shall review disputed elections

by considering all challenges so filed and will determine the validity of those challenges within thirty (30) days following the PAC election.

VII. [700] SPECIAL PROVISIONS

A. [701] Compensation of PAC Board of Directors

The Directors of the PAC shall serve without compensation.

B. [702] Amendment of PAC Procedures

The PAC Procedures established herein may be amended from time to time by resolution of the City Council.

C. [703] Duration of PAC

The provisions of the PAC Procedures shall apply throughout the process of adopting the Amendment No. 9 and for a three-year period after the adoption of Amendment No. 9.

APPENDIX A
MAP OF AMENDMENT NO. 9 ADDED AREA

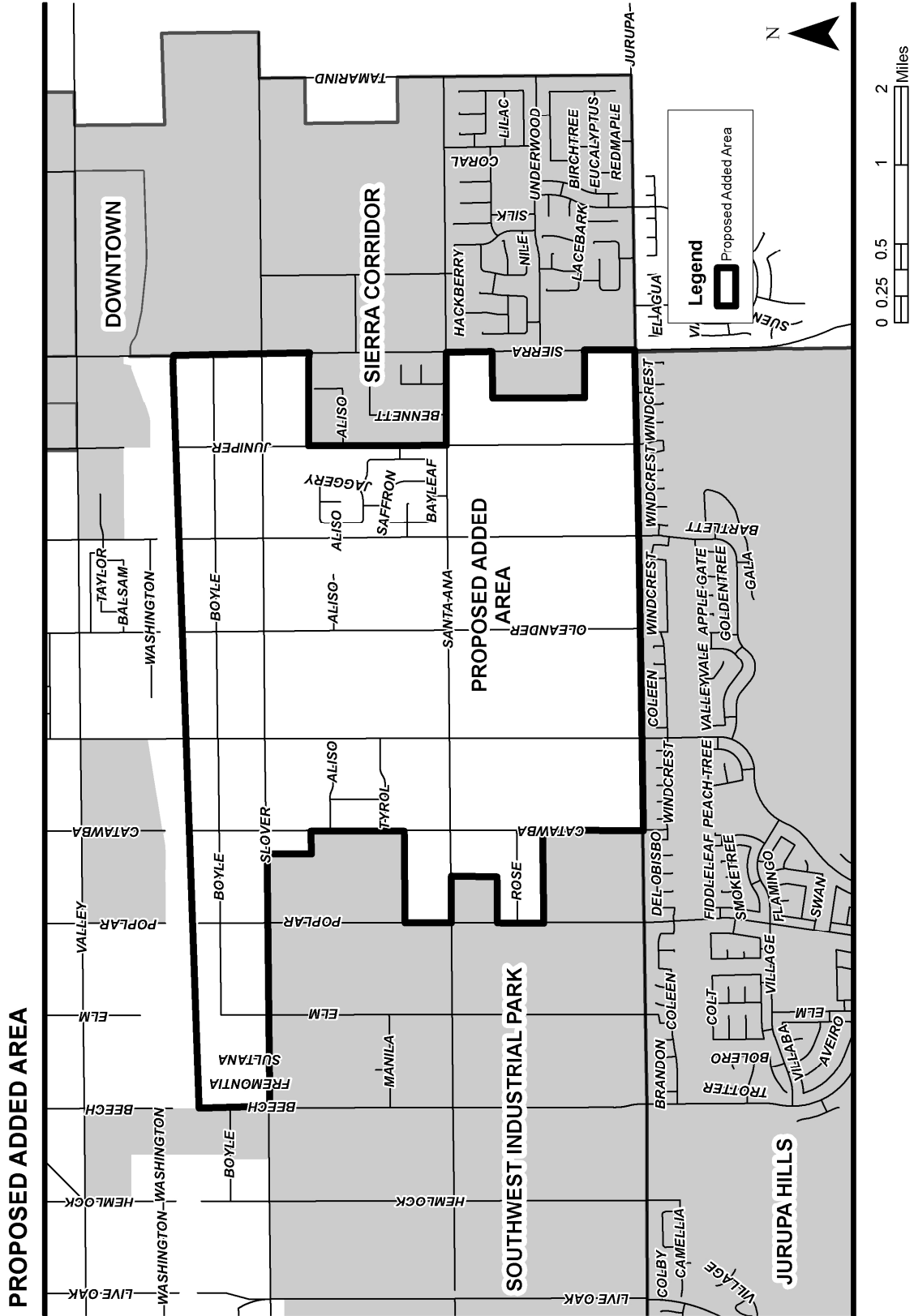


EXHIBIT B
PROJECT AREA COMMITTEE
CERTIFICATION OF ELIGIBILITY TO VOTE APPLICATION

**PROJECT AREA COMMITTEE (“PAC”)
AMENDMENT NO. 9 TO THE REDEVELOPMENT PLAN
FOR THE SWIP REDEVELOPMENT PROJECT**

CERTIFICATION OF ELIGIBILITY TO VOTE

(Please print and check the appropriate box)

I, _____, certify that I am at least 18 years of age and that within the Added Area boundaries,

I am a Residential Owner-Occupant with property located at:

I am a Residential Tenant with property located at:

I am a Business Owner with a business located within the Added Area (name and address of business):

I am a representative of an Existing Community Organization within the Added Area (name and address of organization):

Signed: _____ Date: _____

Any of the following documents, where appropriate to the category of the voter, may be provided as evidence of eligibility to vote:

California Driver’s License, California Identification Card, Military Identification, Voter Registration, or Other Official Documents (i.e., Alien Registration Card, Passport, etc.), and one of the following:

- | | |
|--|---|
| 1. Rental Agreement (Residential Tenant) | 6. City Business Tax Certificate (Business Owner) |
| 2. Rent Receipt (Residential Tenant) | 7. Utility Bill (Residential Tenant/Owner or Business Owner) |
| 3. Grant Deed (Residential Owner) | 8. Resolution of or Letter from Business (Business Owner) |
| 4. Property Tax Bill (Residential/Business Owner) | 9. Resolution of or Letter from Existing Community Organization |
| 5. Business License Issued by the State of California or City (Business Owner) | 10. Other Appropriate Official Documents |

Questions: Please call Evelyne Ssenkoloto at (909) 350-6792.

FOR CITY OF FONTANA OFFICIAL USE ONLY

Approved by:

Signed: _____ Date: _____



EXHIBIT C
PROJECT AREA COMMITTEE
BOARD OF DIRECTORS APPLICATION

PROJECT AREA COMMITTEE ("PAC")
AMENDMENT NO. 9 TO THE REDEVELOPMENT PLAN
FOR THE SWIP REDEVELOPMENT PROJECT

BOARD OF DIRECTORS APPLICATION
STATEMENT OF INTEREST AND QUALIFICATIONS

(Please print and check the appropriate box)

To the City Council of the City of Fontana:

I, _____,

would like to volunteer to run for election to the PAC Board of Directors at the election meeting to be held on Thursday, September 3, 2009, at 7:00 pm.

I would like to be elected for the following category:

[CHOOSE ONE ONLY]

- [] Residential Owner-Occupant
[] Residential Tenant
[] Business Owner (includes Property Owner)
[] Existing Community Organization

I CERTIFY THAT WITHIN THE ADDED AREA BOUNDARIES:

[CHOOSE ONE ONLY]

- 1. I am a Residential Owner-Occupant because I own and reside in residential property located at the following address:
2. I am a Residential Tenant because I rent a dwelling unit and have occupied the dwelling unit as my permanent residence and usual place of abode for not less than twenty-nine (29) days. I reside at the following address:
3. I am a Business Owner, or authorized representative of such business, or own real property, which is not my residence. The name and address of the business is:
4. I am a member of an Existing Community Organization for either a service club [], a church group [], a neighborhood organization [], or other nonprofit community organization [], which conducts its regularly scheduled meetings within and uses an address located within the Added Area, and I am eligible to vote as a unit member. I have an official letter or resolution from the organization, on their letterhead, authorizing me to represent them. The name, address, and description of this community organization is:



The reasons I would like to serve on the Project Area Committee are as follows (include prior experience in community affairs, activities, and/or other qualifications to serve on the Project Area Committee):

I acknowledge that if elected to the PAC Board of Directors, I will be required to complete a Statement of Economic Interest, which discloses certain personal financial information concerning any financial interests I (and my family and spouse, if applicable) have in the Project Area. I possess all the necessary qualifications to serve on the PAC Board of Directors and will participate in the regular PAC meetings. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date and Place	Signature
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Residence Address

Qualifying Address (Address of Residence/Business/Existing Community Organization, whichever is applicable)

Mailing Address

Daytime Telephone Number, Fax, and Email Address

Evening Telephone Number, Fax, and Email Address

To be eligible for Project Area Committee membership, this completed application and the "Certification of Eligibility to Vote" must be returned to and received by **7:00 pm on Thursday, September 3, 2009**. Any applications received after that time will be put on file for consideration for future Project Area Committee Board of Director vacancies.

Questions: Please call Evelyne Ssenkoloto at (909) 350-6792.

