

**CITY OF FONTANA  
REGULAR PUBLIC FACILITIES FINANCING AUTHORITY  
March 23, 2021  
AVAILABLE REMOTELY  
8353 Sierra Avenue  
Fontana, CA 92335  
7:00 PM**

Due to the evolving situation with the COVID-19 Novel Coronavirus and the health recommendations for social distancing from the Centers for Disease Control (CDC)

**THE FONTANA PUBLIC FACILITIES FINANCING AUTHORITY**

**MEETING SHALL**

**BE AVAILABLE TO THE PUBLIC REMOTELY.**

The public is encouraged to watch and participate from the safety of their home while practicing social distancing.

The meeting can be viewed:

On Local Cable: KFON Channel 3

Streaming Online: [live.fontana.org](https://live.fontana.org)

To speak during the meeting, you must register at [live.fontana.org/RegisterCouncil](https://live.fontana.org/RegisterCouncil). Once registered, you will be emailed the call-in information. This registration form will be available after the Agenda is posted publicly.

To speak on items only listed under Closed Session, members of the public must call in at 6:00 p.m.

To speak during the City Council meeting, members of the public must call in at 7:00 p.m.

**Welcome to a meeting of the Fontana Public Facilities Financing Authority.** To speak during the meeting, you must register at [live.fontana.org/RegisterCouncil](https://live.fontana.org/RegisterCouncil). Once registered, you will be emailed the call-in information. This registration form will be available after the Agenda is posted publicly. Members of the public must call in at 7:00 p.m. to speak during the meeting. In compliance with Section 202 of the Americans with Disabilities Act of 1990 42 U.S.C. Sec. 12132 and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerks Department by calling 909 350-7602. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número (909) 350-7602.

## **CALL TO ORDER/ROLL CALL:**

- A. 7:00 P.M. Call the Meeting to Order**

## **PUBLIC COMMUNICATIONS:**

**This is an opportunity** for citizens to speak to the Facilities Financing Authority for up to 3 minutes on items **not** on the Agenda, but within the Authority's jurisdiction. The Authority is prohibited by law from discussing or taking immediate action on non-agendized items.

- A. Public Communications**

## **CONSENT CALENDAR:**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below - there will be no separate discussion on these items prior to the time the Authority votes on them, unless a member of the Authority requests a specific item be removed from the Consent Calendar for discussion. **Does any member of the public wish to address the Authority regarding any item on the Consent Calendar before the vote is taken?**

- A. Approval of Minutes**

Approve the Minutes of the October 14, 2014, Regular Public Facilities Financing Authority Meeting.

- B. Reimbursement Resolution**

Adopt **Resolution No. FPFFA 2021-\_\_\_\_\_** of the Board of Directors of the Fontana Public Facilities Financing Authority regarding its intention to issue tax-exempt lease revenue bonds

**Approve Consent Calendar Item(s).**

## **ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:**

- A. Elected Officials Communications/Committee Reports**

## **EXECUTIVE DIRECTOR'S COMMUNICATIONS:**

- A. Executive Director Communications**

## **ADJOURNMENT:**

- A. Adjournment**

**MINUTES OF THE CITY OF FONTANA  
REGULAR PUBLIC FACILITIES FINANCING AUTHORITY  
October 14, 2014  
Grover W. Taylor Council Chambers**

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**CALL TO ORDER/ROLL CALL:**

**A. 7:00 P.M. Call the Meeting to Order**

The Regular Meeting of the City of Fontana Public Facilities Financing Authority was held on Tuesday, October 14, 2014, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Authority Member Warren called the meeting to order at 11:17 p.m.

**ROLL CALL:**

Present: Authority Members Warren, Roberts, Tahan, Wibert and Sandoval.

Absent: None.

Authority Member Warren confirmed that under the Joint Powers Authority's Agreement, the Mayor served as Chair of the board, the Mayor Pro Tem served as Vice Chair, the City Clerk served as Secretary, the Management Services Director served as Treasurer, and the City Manager served as Executive Director.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

There were no Public Communications received.

**CONSENT CALENDAR:**

**ACTION:** Motion was made by Authority Member Tahan, seconded by Authority Member Sandoval, and passed unanimously by a vote of 5-0 to approve Consent Calendar Item "A" (AYES: Warren, Roberts, Tahan, Wibert and Sandoval; NOES: None).

**A. Adoption of Conflict of Interest Code**

Adopt **Resolution No. PFFFA 2014-01** of the Board of Directors of the Fontana Public Facilities Financing Authority adopting a Conflict of Interest Code

**NEW BUSINESS:**

**A. Issuance of 2014 Lease Revenue Refunding Bonds**

**ACTION:** Motion was made by Authority Member Roberts, seconded by Authority Member Tahan, and passed unanimously by a vote of 5-0 to approve New Business Item "A" (AYES: Warren, Roberts, Tahan, Wibert and Sandoval; NOES: None) as follows:

Adopt **Resolution No. FPFPA 2014-02** of the Board of Directors of the Fontana Public Facilities Financing Authority authorizing the execution and delivery by the Authority of a Ground Lease, Lease Agreement, Indenture, Assignment Agreement, Escrow Agreement and Bond Purchase Agreement in connection with the issuance of Fontana Public Facilities Financing Authority Lease Revenue Refunding Bonds, Series 2014A, authorizing the issuance of such bonds in an aggregate principal amount of not to exceed \$44,000,000, authorizing the distribution of an official statement in connection with the offering and sale of such bonds and authorizing the execution of necessary documents and certificates and related actions.

## **ELECTED OFFICIALS COMMUNICATIONS/COMMITTEE REPORTS:**

### **A. Elected Officials Communications/Reports**

Authority Secretary Tonia Lewis announced that her grandson, Mr. Shawn Thompson, had been selected to play the saxophone in the 2015 Rose Parade.

No other Elected Officials Communications/Reports were received.

## **EXECUTIVE DIRECTOR'S COMMUNICATIONS:**

### **A. Executive Director Communications**

There were no Executive Director Communications received.

## **ADJOURNMENT:**

The Public Facilities Financing Authority adjourned by consensus at 11:18 p.m.

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Tonia Lewis  
Authority Secretary

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Acquanetta Warren  
Chairperson

**ACTION REPORT**  
**March 23, 2021**

**FROM:** Department of Management Services

**SUBJECT:** Reimbursement Resolution

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**RECOMMENDATION:**

Adopt **Resolution No. FPFPA 2021-\_\_\_\_\_** of the Board of Directors of the Fontana Public Facilities Financing Authority regarding its intention to issue tax-exempt lease revenue bonds

**COMMITTEE GOALS:**

\* To practice sound fiscal management by developing long-term funding and debt management plans.

**DISCUSSION:**

The Authority expects to issue its Lease Revenue Bonds (Fire Station and Training Facility Project) (the “Obligations”) in 2021 or early 2022 to finance the construction of Fire Station No. 81 and a Training Facility to be located at the site of Fire Station No. 80 (collectively, the “Project”). The City of Fontana (the “City”) and the Fontana Fire Protection District (the “District”) may elect to advance certain of their own funds toward the Project. The City and District will advance funds on the understanding that they can be reimbursed for amounts expended on the Project from the subsequent sale of the Obligations

The Internal Revenue Code has certain requirements that need to be satisfied in order for a public agency to reimburse itself for costs incurred for capital projects in advance of the sale of tax-exempt Obligations. In order to qualify the City and District for reimbursement of such costs from the proceeds of the execution and delivery of the Obligations, the Authority Board must adopt a resolution which satisfies all of the requirements of the Internal Revenue Code within 60 days of the date on which the expenditures have been made.

The Authority’s bond counsel has prepared the attached resolution which complies with applicable requirements of the Internal Revenue Code and allows the Authority to reimburse the City and District for any advanced Project costs from the proceeds of the sale of the Obligations. The adoption of this resolution does not obligate the Authority, the City, or the District to ever advance funds toward the Project. The adoption of this resolution preserves the option for the Board to decide at a subsequent date whether or not it would be in the best interests of the Authority, the City, or the District to allocate a portion of any proceeds of the sale of the Obligations towards the reimbursement of the monies the City or the District might spend on the Project.

There is a reference in this resolution to \$20,000,000 as the reasonably expected maximum principal amount of the Obligations. The Internal Revenue Code obligates this resolution to include an estimated size of the borrowing from which the reimbursement will occur. The Authority is not required to maintain this \$20,000,000 amount. It is included to satisfy a legal requirement and constitutes only a rough estimate of the likely size of the Obligations that the Authority Board may consider. If the Board were to sell a smaller borrowing, such decision would not adversely affect its ability to use a portion of the proceeds of the Obligations to reimburse the City or the District for these costs.

**FISCAL IMPACT:**

The proposed resolution preserves the option for the Authority to reimburse the City or District for funds expended for costs of the Project from the proceeds of the Obligations.

**MOTION:**


Approve staff recommendation.

**SUBMITTED BY:**

**REVIEWED BY:**

  
\_\_\_\_\_  
Lisa Strong  
Management Services Director

**APPROVED BY:**

  
\_\_\_\_\_  
Mark Denny  
City Manager

**ATTACHMENTS:**

Description:	Type:
<a href="#">Proposed Resolution</a>	Resolution

**ITEM: CC-B**

**RESOLUTION NO. FPFPA 2021-\_\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE FONTANA PUBLIC FACILITIES FINANCING AUTHORITY REGARDING ITS INTENTION TO ISSUE TAX-EXEMPT LEASE REVENUE BONDS**

**WHEREAS**, the Board of Directors of the Fontana Public Facilities Financing Authority (the “Issuer”) desires to finance the costs of acquiring certain public facilities and improvements, as provided in Exhibit A attached hereto and incorporated herein (the “Project”);

**WHEREAS**, the Issuer intends to finance the acquisition of the Project or portions of the Project with the proceeds of the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the “Obligations”); and

**WHEREAS**, prior to the issuance of the Obligations the Issuer desires to incur certain expenditures with respect to the Project from available monies of the Issuer which expenditures are desired to be reimbursed by the Issuer from a portion of the proceeds of the sale of the Obligations;

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE FONTANA PUBLIC FACILITIES FINANCING AUTHORITY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:**

**Section 1.** The Issuer hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the issuance of the Obligations with proceeds of the Obligations. The Project is described in Exhibit A attached hereto.

**Section 2.** The reasonably expected maximum principal amount of the Obligations is \$20,000,000.

**Section 3.** This resolution is being adopted on or prior to the date (the “Expenditures Date or Dates”) that the Issuer will expend monies for the portion of the Project costs to be reimbursed from proceeds of the Obligations.

**Section 4.** Except as described below, the expected date of issue of the Obligations will be within eighteen months of the later of the Expenditure Date or Dates and the date the Project is placed in service; provided, the reimbursement may not be made more than three years after the original expenditure is paid. For Obligations subject to the small issuer exception of Section 148(f)(4)(D) of the Internal Revenue Code, the “eighteen-month limit” of the previous sentence is changed to “three years” and the limitation of the previous sentence beginning with “; provided, . . . .” is not applicable.

**Section 5.** Proceeds of the Obligations to be used to reimburse for Project costs are not expected to be used, within one year of reimbursement, directly or

**Resolution No. PFFFA 2021-**

indirectly to pay debt service with respect to any obligation (other than to pay current debt service coming due within the next succeeding one year period on any tax-exempt obligation of the Issuer (other than the Obligations)) or to be held as a reasonably required reserve or replacement fund with respect to an obligation of the Issuer or any entity related in any manner to the Issuer, or to reimburse any expenditure that was originally paid with the proceeds of any obligation, or to replace funds that are or will be used in such manner.

**Section 6.** This resolution is consistent with the budgetary and financial circumstances of the Issuer, as of the date hereof. No monies from sources other than the Obligation issue are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Issuer (or any related party) pursuant to their budget or financial policies with respect to the Project costs. To the best of our knowledge, this Board is not aware of the previous adoption of official intents by the Issuer that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

**Section 7.** The limitations described in Section 3 and Section 4 do not apply to (a) costs of issuance of the Obligations, (b) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Obligations, or (c) any preliminary expenditures, such as architectural, engineering, surveying, soil testing, and similar costs other than land acquisition, site preparation, and similar costs incident to commencement of construction, not in excess of twenty percent (20%) of the aggregate issue price of the Obligations that finances the Project for which the preliminary expenditures were incurred.

**Section 8.** This resolution is adopted as official action of the Issuer in order to comply with Treasury Regulation § 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Issuer expenditures incurred prior to the date of issue of the Obligations, is part of the Issuer's official proceedings, and will be available for inspection by the general public at the main administrative office of the Issuer.

**Section 9.** All the recitals in this Resolution are true and correct and this Board so finds, determines and represents.

**APPROVED AND ADOPTED** this 23<sup>rd</sup> day of March 2021.

**READ AND APPROVED AS TO LEGAL FORM:**

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Authority Attorney

I, Tonia Lewis, Secretary of the Fontana Public Facilities Financing Authority, do hereby certify that the foregoing resolution is the actual resolution duly and regularly



**Resolution No. FPFPA 2021-**

adopted by the Fontana Public Facilities Financing Authority at a regular meeting on the 23<sup>rd</sup> day of March 2021, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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Secretary of the Fontana Public Facilities Financing Authority

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Chairman of the Fontana Public Facilities Financing Authority

ATTEST:

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Authority Secretary

EXHIBIT A  
DESCRIPTION OF PROJECT

Fire Station No. 81

Training Facility located at Fire Station No. 80