

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
FEBRUARY 7, 2012

Paul S. Leon
Mayor

Sheila Mautz
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member



Chris Hughes
City Manager

John E. Brown
City Attorney

Mary E. Wirtes, MMC
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS: The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

Mautz, Wapner, Bowman, Dorst-Porada, Mayor/Chairman Leon

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0238-152-07, 2175 S. Milliken Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Steve Brown; Under negotiation: Price and terms of payment.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

In attendance: Mautz, Wapner, Bowman, Dorst-Porada, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Miguel De Anda, Montecito Baptist Church

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS: The City Manager will go over all updated materials and correspondence received after the agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

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 Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the Special Meeting of the City Council, Redevelopment Agency, Housing Authority on January 10, 2012, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills December 18, 2011 through January 14, 2012 and **Payroll** December 18, 2011 through January 14, 2012, when audited by the Finance Committee.

3. ACCEPTANCE OF A GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY / U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA/DHS)

That the City Council accept a grant award from the Federal Emergency Management Agency / U.S. Department of Homeland Security (FEMA/DHS) in the amount of \$176,624 for the purchase of fire operations and safety equipment.

4. ACCEPTANCE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY PROVIDED THROUGH THE FY 2011 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM

That the City Council authorize the City Manager to execute all documents necessary to accept a three-year sub-grant award in the amount of \$975,000 from the U.S. Department of Homeland Security and the California Emergency Management Agency provided through the FY 2011 UASI Grant Program.

5. ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY PROVIDED THROUGH THE FY2011 HOMELAND SECURITY GRANT PROGRAM

That the City Council authorize the City Manager to execute all documents necessary to accept a three-year grant award in the amount of \$42,600 from the U.S. Department of Homeland Security (DHS) and the California Emergency Management Agency provided through the FY 2011 Homeland Security Grant Program.

6. A RESOLUTION ESTABLISHING TOW RATES, VEHICLE STORAGE FEES AND THE ADMINISTRATIVE FEE FOR NONCONSENSUAL TOWS

That the City Council adopt a resolution establishing Tow Rates (per hour), Vehicle Storage Fees for nonconsensual towing services, and adjusting the City's Administrative Fee; and rescinding Resolution Nos. 2008-020 and 2009-069.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING TOW RATES AND VEHICLE STORAGE FEES FOR NONCONSENSUAL VEHICLE TOWS AND RESCINDING RESOLUTION NOS. 2008-020 AND 2009-069.

7. A RESOLUTION APPROVING AMENDMENT NO. 4 TO THE CHINO BASIN DESALTER AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

That the City Council adopt a resolution approving Amendment No. 4 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement with the Chino Basin Desalter Authority (CDA), subject to non-substantive changes and approval by all CDA Member Agencies; and authorize the City Manager to execute the Amendment (on file with Records Management Department).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF ONTARIO,
CALIFORNIA APPROVING AN AMENDMENT NO. 4 TO JOINT
EXERCISE OF POWERS AGREEMENT CREATING THE CHINO
BASIN DESALTER AUTHORITY.

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Mautz
Council Member Wapner
Council Member Bowman
Council Member Dorst-Porada

STAFF MATTERS

City Manager Hughes

ADJOURNMENT

CITY OF ONTARIO CLOSED SESSION REPORT

City Council / / Housing Authority / / Other / / (GC 54957.1)

February 7, 2012

ROLL CALL: Mautz __, Wapner __, Bowman __, Dorst-Porada __
Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Mautz __, Wapner __, Bowman __, Dorst-Porada __, Mayor / Chairman Leon __

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0238-152-07, 2175 S. Milliken Avenue; City/Authority Negotiator:
Chris Hughes or his designee; Negotiating parties: Steve Brown; Under negotiation:
Price and terms of payment.

No Reportable Action	Continue	Approved
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Disposition: _____

In attendance: Mautz __, Wapner __, Bowman __, Dorst-Porada __, Mayor / Chairman Leon __

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED
LITIGATION: One or more cases: City of Los Angeles/Los Angeles World Airports
(LAWA).

No Reportable Action	Continue	Approved
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Disposition: _____

CITY OF ONTARIO

Agenda Report
February 7, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: ACCEPTANCE OF A GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY / U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA/DHS)

RECOMMENDATION: That the City Council accept a grant award from the Federal Emergency Management Agency / U.S. Department of Homeland Security (FEMA/DHS) in the amount of \$176,624 for the purchase of fire operations and safety equipment.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies


FISCAL IMPACT: Proceeds from the \$176,624 grant are recommended for the purchase of upgraded Electrocardiogram (EKG) monitor/defibrillator equipment on the City's frontline fire vehicles. The FEMA/DHS grant award is for \$176,624 and requires a 20% City match of \$35,324. The required matching funds will be provided from approved appropriations in the current Fiscal Year 2011-12 vehicle replacement fund. Grant revenue and associated appropriations will be included in the next quarterly budget report to City Council. The ongoing maintenance and replacement of this equipment will be incorporated into the Fire Department's existing annual maintenance and equipment replacement programs.

BACKGROUND: Rapid recognition and treatment of individuals suffering from certain cardiac conditions, such as an ST segment elevation myocardial infarction (STEMI) has become a top priority in San Bernardino County emergency medicine and is now widely recognized to be the standard of care in the region. If recognized and treated in its early stages, this type of heart attack can often be corrected with routine medical procedures. When recognition and treatment is delayed, the patient's condition can rapidly deteriorate, resulting in permanent cardiac damage.

STAFF MEMBER PRESENTING: Floyd E. Clark, Fire Chief

Prepared by: Nick Stepanian

Department: Fire Department

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 02/07/2012

Approved: _____

Continued to: _____

Denied: _____

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The Ontario Fire Department prides itself on providing industry leading emergency medical services, and after careful consideration and prioritization has identified a need to improve its existing cardiac monitoring capabilities.

Maintaining EMS capabilities is both costly and technology-dependent. As with any technology, obsolescence is inevitable. In 2009, the manufacturer the cardiac monitors currently in use announced that they would no longer provide support for the City's cardiac monitors and would only support the latest version cardiac monitors. The recommended upgraded equipment provides the benefits of rhythm transmission, capnography, CPR assistance, carbon monoxide, and carbon dioxide monitoring, but it also carries a significant cost.

Recognizing the importance of these tools in the pre-hospital setting, the Fire Department developed a phased capital replacement program for EKG monitor/defibrillators, upgrading to the currently supported version over several years so as to reasonably allocate costs.

The Fire Department successfully applied for and received federal grant funds offered through the FY2011 FEMA/DHS Assistance to Firefighters grant (AFG) program to purchase six EKG monitor/defibrillators. This grant award, together with the approved Fiscal Year 2011-12 budget appropriations, will expedite the capital replacement program and provide the Fire Department with continuity of equipment on all frontline apparatus.

CITY OF ONTARIO

Agenda Report
February 7, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: ACCEPTANCE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY PROVIDED THROUGH THE FY 2011 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM


RECOMMENDATION: That the City Council authorize the City Manager to execute all documents necessary to accept a three-year sub-grant award in the amount of \$975,000 from the U.S. Department of Homeland Security and the California Emergency Management Agency provided through the FY 2011 UASI Grant Program.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The City, through the Riverside Urban Area Security Initiative (RUASI) grant, has been awarded \$975,000 covering two projects enhancing the City of Ontario's regional emergency response capabilities. The funded projects are the procurement of a SWAT Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Vehicle (\$350,000) and the procurement of additional equipment and services supporting the Regional Aviation Downlink Project (\$625,000). The associated grant revenue and expenditure adjustments will be presented in the Fiscal Year 2011-12 Mid-Year Budget Report to the City Council. The City is not required to provide matching funds for this reimbursable grant.

BACKGROUND: The UASI program provides financial assistance to address multi-discipline planning, operations, equipment, training, and exercise needs unique to high-threat, high density urban areas, and to assist them in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism and weapons of mass destruction. The intent of the UASI program is to enhance regional preparedness and expand collaboration efforts.

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Donna Bailey
Department: Police
City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 02/07/2012
Approved: _____
Continued to: _____
Denied: _____

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The RUASI includes the cities of Riverside, San Bernardino and Ontario, and the counties of Riverside and San Bernardino. Projects are recommended for consideration by the RUASI Steering Group and local Approval Authority which are comprised of staff from the three cities and two counties. Recommendations are made based upon the ability to match project benefits to the UASI program guidelines, which include a focus on regional coordination and collaboration. The Riverside Regional UASI's recommended projects are then subject to review and approval at the State and Federal levels.

The City of Ontario, as a sub-recipient of the FY 2011 RUASI Grant, has been approved to receive \$975,000 for the acquisition of a SWAT CBRNE Response Vehicle and to provide continued investment in the Regional Aviation Downlink program based upon the following recommended spending plan:

• Regional Aviation HD Video Camera System	\$ 625,000
• SWAT CBRNE Response Vehicle	<u>350,000</u>
TOTAL	\$ 975,000

The SWAT CBRNE Response Vehicle provides an additional resource for the Ontario Police Department SWAT Team to effectively respond to CBRNE and other high-risk incidents within the City and greater RUASI region. Police staff will work with the Equipment Services Department on an ongoing basis to ensure the vehicle's useful life expectancy is maximized. The Equipment Services Department will handle all routine maintenance and upkeep associated with the vehicle. The estimated service life of a vehicle is 10 years or 80,000 miles.

The Regional Aviation Law Enforcement Information Sharing System is an extension of the FY 2009 RUASI Regional Aviation Downlink System to provide real-time aerial imagery from law enforcement aviation assets operated by the RUASI member agencies. The investments made under the FY2011 project will continue to improve camera and receiver equipment as well as provide a regional training and orientation platform for users of the system on the ground. The maintenance and replacement of equipment acquired under this project will be the responsibility of the individual stakeholder agencies.

The City is not obligated to continue with these grant programs beyond the equipment's operational life. Upon termination of the programs, staff will work with the City of Riverside Office of Emergency Services (the designated Riverside Regional UASI Administrative Entity) and the Department of Homeland Security to properly demobilize and surplus the equipment.

CITY OF ONTARIO

Agenda Report
February 7, 2012

**SECTION:
CONSENT CALENDAR**

SUBJECT: ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY PROVIDED THROUGH THE FY2011 HOMELAND SECURITY GRANT PROGRAM


RECOMMENDATION: That the City Council authorize the City Manager to execute all documents necessary to accept a three-year grant award in the amount of \$42,600 from the U.S. Department of Homeland Security (DHS) and the California Emergency Management Agency provided through the FY 2011 Homeland Security Grant Program.

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: The San Bernardino County Board of Supervisors, through the California Office of Emergency Services (pass-through agency for the Department of Homeland Security), is responsible for disbursing the FY2011 Homeland Security Grant Program (HSGP) funds. The City has been approved to receive \$42,600 and is not required to provide matching funds for this reimbursable grant. Staff does not anticipate any recurring costs for this project. The associated grant revenue and expenditure adjustments will be presented in the Fiscal Year 2011-2012 Mid-Year Budget Report to the City Council.

BACKGROUND: The grant award, totaling \$42,600, allows for the purchase of law enforcement equipment which will include personal protection equipment (\$23,400) to facilitate officer safety training and skills development; and radio equipment (\$19,200) to expand current radio capabilities into the 700 MHz public safety spectrum.

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Donna Bailey
Department: Police
City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 02/07/2012
Approved: _____
Continued to: _____
Denied: _____

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CITY OF ONTARIO

Agenda Report
February 7, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION ESTABLISHING TOW RATES, VEHICLE STORAGE FEES AND THE ADMINISTRATIVE FEE FOR NONCONSENSUAL TOWS

RECOMMENDATION: That the City Council adopt a resolution establishing Tow Rates (per hour), Vehicle Storage Fees for nonconsensual towing services, and adjusting the City's Administrative Fee; and rescinding Resolution Nos. 2008-020 and 2009-069.


COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Maintain the Current High Level of Public Safety

FISCAL IMPACT: California Vehicle Code Section 22850.5 authorizes the City to impose a charge equal to its administrative costs relating to the removal, impound, storage, or release of vehicles. The recommended administrative fee per vehicle towed is \$131. This amount was calculated by determining the average time spent by specific employee classifications involved in towing a motor vehicle and the associated personnel cost. Additionally, the recommended action increases the maximum tow rates per hour and vehicle storage fees that maybe collected by the contract towing companies providing nonconsensual towing services within the City of Ontario.

BACKGROUND: On August 17, 2004, the Council adopted Ordinance No. 2803, establishing towing regulations for nonconsensual towing services provided to the City of Ontario's Police Department. Section 4-19.14 of the Ontario Municipal Code states that the City Council will set tow rates annually based upon the recommendation of the Chief of Police and an annual tow rate survey conducted by the Police Department. The City currently has 5-year towing services agreements with Certified Towing Inc.; Dietz Towing, LLC; James Foglesong Towing and Storage Inc.; and United Road Towing, DBA Bill and Wags Inc. The contract tow companies have been supplied with the survey results and do not oppose the proposed tow rates and vehicle storage fee schedule.

In 2008, the Police Department approved the current tow rates and vehicle storage fee schedule. The following table lists Ontario's current tow and vehicle storage fees, the average tow rate and storage fee

STAFF MEMBER PRESENTING: Eric Hopley, Chief of Police

Prepared by: Darryl Polk
Department: Police
City Manager Approval: 

Submitted to Council/O.R.A./O.H.A. 02/07/2012
Approved: _____
Continued to: _____
Denied: _____

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of the agencies surveyed, and the proposed tow rates per hour and vehicle storage fees for Ontario. The proposed City rates are consistent with the California Highway Patrol guidelines which provide for fees to be within 15% of the survey average.

	Current City Tow & Storage Fees	Survey Average: Tow & Storage Fees	Proposed City Tow & Storage Fees
TOWING:			
Class A	\$175	\$205	\$200
Class B	\$215	\$262	\$260
Class C	\$305	\$320	\$320
Class D	\$320	\$349	\$350
STORAGE:			
Inside:			
Class A	\$41	\$60	\$60
Class B	\$47	\$61	\$60
Class C	\$53	\$57	\$60
Class D	\$53	\$61	\$60
Outside:			
Class A	\$37	\$52	\$52
Class B	\$44	\$53	\$52
Class C	\$51	\$55	\$55
Class D	\$51	\$59	\$59
GATE FEE	\$87	\$108	\$100
Stolen/Illegal Engine/ Trans Removal	\$600		No Change

Required Towing Vehicles

- Class A:** May tow autos, motorcycles, and vehicles weighing up to ¾ ton.
- Class B:** May tow autos, motorcycles, and vehicles weighing up to 1 ton and 2 ½ tons.
- Class C:** May tow vehicles over 2 ½ tons to 33,000 gross vehicle weight.
- Class D:** May tow vehicles over 33,000 gross vehicle weight.

Adjustment to the Administrative Fee is also being recommended (\$131) which will result in the City recovering its actual costs for administering the towing program

CITY OF ONTARIO

Agenda Report
February 7, 2012

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AMENDMENT NO. 4 TO THE CHINO BASIN DESALTER AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

RECOMMENDATION: That the City Council adopt a resolution approving Amendment No. 4 to the Chino Basin Desalter Authority Joint Exercise of Powers Agreement with the Chino Basin Desalter Authority (CDA), subject to non-substantive changes and approval by all CDA Member Agencies; and authorize the City Manager to execute the Amendment (on file with Records Management Department).

COUNCIL GOALS: Develop Strategies and Take Actions to Minimize the Negative Impacts of the Global Financial Downturn on Ontario's Economy and the City's Fiscal Health
Pursue City's Goals and Objectives by Working With Other Governmental Agencies
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: If approved, this action will require each member agency to designate one principal Director and at least one, but up to two, alternate Directors. Amendment No. 4 is not anticipated to have a significant impact on either the overall cost of desalter water or the Desalter Phase III Expansion project. There is no impact to the General Fund.

BACKGROUND: The City is a member of the CDA, which jointly exercises powers to own, operate and maintain water desalting facilities (Chino I and II Desalters). Other current members of the CDA include the Jurupa Community Services District (JCSD), Inland Empire Utilities Agency (IEUA), Western Municipal Water District (WMWD), Santa Ana River Water Company (SARWC), and the cities of Chino, Chino Hills, and Norco. The CDA facilities include two treatment plants, twenty-one groundwater wells, over thirty miles of pipeline and various product water distribution facilities (pump stations, reservoirs and interconnections). The Desalter is being expanded by 10,600 acre-feet per year. Ontario's existing CDA water supply of 5,000 acre-feet per year will increase to 8,533 acre-feet per year with completion of the Desalter Phase III Expansion project (Desalter Expansion project).

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Tom O'Neill
Department: MU/Operations

City Manager
Approval: 

Submitted to Council/O.R.A./O.H.A. 02/07/2012

Approved: _____

Continued to: _____

Denied: _____

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The principal element of Amendment No. 4 is to require each member agency to designate, in writing, one principal Director and at least one, but up to two, alternate Directors. The current designees for Ontario are Council Member Jim Bowman as the principal Director and Utilities General Manager Scott Burton as alternate Director. The CDA Board of Directors approved the proposed JPA Amendment No. 4 on January 5, 2012. The governing bodies of each of the member agencies must now approve JPA Amendment No. 4, by resolution, in order for it to become effective.