CITY OF ONTARIO

Regular City Council/Housing Authority Meeting
DECEMBER 20, 2022

City Hall
303 East B Street, Ontario, CA 91764

MAYOR PAUL S. LEON • MAYOR PRO TEM ALAN D. WAPNER
COUNCIL MEMBERS JIM W. BOWMAN, DEBRA DORST-PORADA AND RUBEN VALENCIA

CITY CLERK SHEILA MAUTZ • TREASURER JAMES R. MILHISER
CITY MANAGER SCOTT OCHOA • CITY ATTORNEY RUBEN DURAN

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 in person 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. To comment by email, submit your comments no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record.

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 the chamber will not permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ACCOMODATIONS

If you need special assistance or accommodations to participate in this meeting, please contact

the City Clerk's office at 909-395-2009. Notification of 48 hours prior to the meeting will help the City make reasonable arrangements. Equipment for the hearing impaired is available in the Records Management Office.

ORDER OF BUSINESS

The regular City Council and Housing Authority meeting begins with 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)*

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor pro Tem Wapner

INVOCATION

Pastor Maribel Zacapa Church of God of Prophecy

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.

To comment by email, submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and entered into the record. 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.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

1. CERTIFICATION OF THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION

That the City Council adopt a Resolution certifying the results of the November 8, 2022 General

Municipal Election as it relates to the positions of Mayor and City Council.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2022, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

ATTACHMENT: Election Canvass RESO^01^RM
ATTACHMENT: Exhibit A1 Certification Election Results^02
ATTACHMENT: Exhibit A2 District Total Canvass^03

SPECIAL CEREMONIES

OATH OF OFFICE OF NEWLY ELECTED OFFICIALS

MEETING RECESS

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.

---

2. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council and Housing Authority of November 15, 2022, and adjourned regular meetings of the City Council and Housing Authority of November 22, 2022 and approving same as on file in the Records Management Department.

ATTACHMENT: 20221115 Minutes (Not Official Until Approved).docx
ATTACHMENT: 20221122 Minutes (Adjourned-Not Official Until Approved).docx

3. BILLS & PAYROLL

Bills November 11, 2022 through December 1, 2022, and Payroll November 6, 2022 through November 19, 2022 when audited by the Finance Committee.

4. DESIGN SERVICES AGREEMENT FOR A TRAFFIC SIGNAL SYSTEM, SIGNAL MODIFICATIONS AND BUS STOP IMPROVEMENTS

That the City Council approve a Design Services Agreement (on file in the Records Management Department) with AGA Engineers, Inc., of Fullerton, California, to provide Design Services for a Traffic Signal System at San Antonio Avenue at Francis Street, signal modifications at Campus Avenue at Mission Blvd and Sultana Avenue at Mission Blvd, and ADA-compliant bus stop improvements at various locations in the amount $117,766 plus a 10% contingency of $11,776 for a total authorized amount expenditure of $129,542; and authorize the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

5. A DESIGN SERVICES AGREEMENT FOR THE EDISON AVENUE/ONTARIO RANCH ROAD WIDENING PROJECT

That the City Council approve a Design Services Agreement (on file in the Records Management Department) with Wood Rodgers, Inc., of San Diego, California, to provide engineering design services for the Edison Avenue/Ontario Ranch Road Widening Project in the amount of $191,347; and authorize the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

ATTACHMENT: ST2308 Edison ORR Location Map.pdf

6. A RESOLUTION APPROVING FINAL TRACT MAP NO. 20303, LOCATED AT THE NORTHEAST CORNER OF VIA ALBA AND ONTARIO CENTER PARKWAY

That the City Council adopt a Resolution approving Final Tract Map No. 20303, located at the northeast corner of Via Alba and Ontario Center Parkway within the Ontario Center Specific Plan area.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 20303 LOCATED AT THE NORTHEAST CORNER OF VIA ALBA AND ONTARIO CENTER PARKWAY.

ATTACHMENT: 20221220_Tract_Map_20303_1_Exhibit_A.pdf
ATTACHMENT: 20221220 Tract Map 20303^2 RESO^RM

7. AN AMENDMENT TO THE PROFESSIONAL SERVICES AND EQUIPMENT PURCHASE AGREEMENT FOR THE ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT

That the City Council authorize the City Manager to execute an amendment to the professional services and equipment purchase agreement with Axon Enterprise, Inc., of Scottsdale, Arizona, for the purchase of new and replacement equipment, including tasers and body-worn camera

systems for frontline police personnel, Fusus, Axon Air, Fleet 3 Advanced, as well as maintenance and data management services for 77 months in the amount of $9,254,760.

8. A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH NEW MILLENNIUM CONSTRUCTION SERVICES FOR ADDITIONAL OFFICE IMPROVEMENT PROJECT MATERIALS

That the City Council take the following actions:

A. Authorize a Change Order to the Construction Contract (on file in the Records Management Department) with New Millennium Construction Services of Chino Hills, California, in the amount of $26,674, for the City Hall First Floor Office Improvements Project.
B. Authorize the City Manager or his designee to execute said contract and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

9. AMENDMENTS TO THE DESIGN SERVICES AGREEMENT FOR CITYWIDE ON-CALL ARCHITECTURAL SERVICES WITH HOLT ARCHITECTURE

That the City Council authorize the City Manager or his designee to execute Amendment Nos. 4 and 5 to the existing Design Services Agreement (on file in the Records Management Department) with Holt Architecture of Palm Desert, California in an amount not to exceed $572,514.

10. AUTHORIZE THE PURCHASE OF FLEET VEHICLES

That the City Council take the following actions:

A. Authorize the cooperative sole source purchase and delivery of one LP401 Low-Profile Remote-Control Skid Steer Vehicle in the amount of $160,000 plus a 20% contingency of $32,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $192,000, for the Parks and Maintenance Department from Hard Line USA, Inc. of Draper, Utah.
B. Authorize the cooperative purchase and delivery of one EV Mitsubishi Forklift in the amount of $45,000 plus a 20% contingency of $9,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $54,000, for the Police Department from Naumann Hobbs Material Handling of Fontana, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 091520-MCF.
C. Authorize the cooperative purchase and delivery of one Bobcat Skid Steer in the amount of $55,000 plus a 20% contingency of $11,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $66,000, for the Parks and Maintenance Department from Bobcat Company of West Fargo, North Dakota, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 040319-CEC.
D. Authorize the cooperative purchase and delivery of one John Deere Commercial Mower

in the amount of $30,000 plus a 20% contingency of $6,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $36,000, for the Parks and Maintenance Department from Stotz Equipment of Montclair, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 031121-DAC.

E. Authorize the cooperative purchase and delivery of one John Deere Heavy Equipment Loader in the amount of $270,000 plus a 20% contingency of $54,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $324,000, for the Parks and Maintenance Department and one John Deere Heavy Equipment Backhoe in the amount of $175,000 plus a 20% contingency of $35,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $210,000, for the Utilities Department from RDO Equipment of Riverside, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 032119-JDC.

11. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR LEGAL CONSULTING

That the City Council authorize the City Manager to execute Amendment No. 2 to the existing Professional Services Agreement with Jones & Mayer for legal consulting.

12. AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT FOR SAM ALBA MEMORIAL PARK

That the City Council authorize the cooperative purchase of playground equipment for Sam Alba Memorial Park in the amount of $189,898 plus a 5% contingency of $9,495 to mitigate any unforeseen issues with supply chain surcharges and manufactory price increases for a total not to exceed amount of $199,393 from Innovative Playgrounds, of Whittier, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 010521-BUR.

13. AWARD A PROFESSIONAL SERVICES AGREEMENT FOR PRINTING SERVICES RELATED TO THE ONTARIO LIVING MAGAZINE

That the City Council take the following actions:

A. Authorize the City Manager to execute a three-year professional services agreement, with the option to extend for two additional years (on file in the Records Management Department), with Eclipse Printing & Graphics LLC, DBA James Litho located in Ontario, California, for an annual amount of $175,000 and a total compensation not to exceed of $875,000.

B. Authorize the future amendments to the scope of work consistent with City Council approved budgets for additional printing services that may be necessary or desired, related to the Ontario Living Magazine, a quarterly Publication distributed citywide.

14. AWARD OF GOODS & SERVICES AGREEMENT WITH NEXT/NOW FOR BUILT ON WATER EXHIBIT

That the City Council take the following actions:

a. Reject SimInsight Inc.'s protest against Next/Now for the development of a Virtual Reality experience.
b. Authorize the City Manager to execute a Goods & Services Agreement with Next/Now from Chicago, Illinois, for services involving the development of a virtual reality experience for the *Built on Water* exhibit at the Ontario Museum of History and Art in an amount not to exceed $115,000.
c. Authorize a 10% contingency of $11,500 to address any unforeseen issues that may arise during the project.

15. ANNUAL COMPRENHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2022 AND AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2022

That the City Council accept the City of Ontario's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2022, and the City of Ontario's AB1600 Development Impact Fee (DIF) Annual Report (unaudited) for Fiscal Year ended June 30, 2022.

ATTACHMENT: AB1600 DIF ANNUAL REPORT FOR YEAR ENDING JUNE 30, 2022.pdf
ATTACHMENT: Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2022.pdf

16. DESIGNATION OF VOTING DELEGATE FOR THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

That the City Council appoint Mayor Paul Leon as the City Delegate Representative for the West Valley Mosquito and Vector Control District Board of Trustees for the 2023-2024 term.

17. ADOPTION OF AN ORDINANCE ADOPTING A MAP FOR THE DISTRICT-BASED ELECTIONS UNDER THE CALIFORNIA VOTING RIGHTS ACT

That the City Council adopt an Ordinance adding a new article 3 to title 2 of volume 1 of the Ontario Municipal Code to change the city's electoral system from at-large to by-district elections.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW ARTICLE 3 TO TITLE 2 OF VOLUME 1 OF THE ONTARIO MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS AND MAINTAINING AN ELECTIVE MAYOR, ESTABLISHING DISTRICT BOUNDARIES, SCHEDULING ELECTIONS WITHIN THE DISTRICTS, AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

ATTACHMENT: Changing to By-District Election ORD^RM

18. ADOPTION OF ORDINANCES REVISING THE CITY'S MUNICIPAL CODE BY (1) ADDING BARKING DOG VIOLATIONS AND CIVIL FINES, (2) AMENDING VARIOUS CODE

ENFORCEMENT PROCEDURES, (3) ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES, (4) ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE ONTARIO FIRE CODE, (5) AMENDING PARKING RESTRICTIONS RELATED TO STREET SWEEPING AND TRASH COLLECTION, (6) AMENDING AND CLARIFYING PERFORMANCE STANDARDS, REPORTING OBLIGATIONS, AND ENFORCEMENT OUTCOMES RELATED TO THE TRANSIENT OCCUPANCY TAX, (7) IMPLEMENTING REGULATIONS FOR THE SHORT TERM RENTAL OF PROPERTY IN THE CITY, (8) UPDATING PENALTIES FOR THE ILLEGAL CULTIVATION OF CANNABIS, (9) ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY; (10) REFLECTING UPDATES TO THE ONTARIO POLICE DEPARTMENT COMMAND STRUCTURE.

That the City Council consider and take the recommend actions below on Ordinances that were introduced at a regular meeting on December 6, 2022.

A. Adopt an Ordinance to repeal certain sections of the Ontario Municipal Code and add a new Article 2.5 to Chapter 1 of Title 6, relating to the City's regulation of barking dog violations and methods of enforcement related thereto.
B. Adopt an Ordinance to amend certain sections of the Ontario Municipal Code, relating to the City's code enforcement procedures, including administrative civil penalties, citations, and appeals.
C. Adopt an Ordinance to amend Sections 4-6.1009 and 4-6.1016 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code, add Section 4-6.1117 to Article 1 of Chapter 6 of Title 4 of the Ontario Municipal Code, and add Section 4-6.1020 to Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code adopting standards for oversized vehicle parking and further regulating the parking of commercial vehicles.
D. Adopt an Ordinance to add Section 4-4.27 to Chapter 4 of Title 4 of the Ontario Municipal Code, relating to the City's enforcement of the provisions of the Ontario Fire Code.
E. Adopt an Ordinance to amend Section 4-6.1019 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code, relating to parking restrictions on public streets for street sweeping and trash collection.
F. Adopt an Ordinance to amend Chapter 6 of Title 3 of the Ontario Municipal Code, relating to performance standards, reporting obligations, and enforcement outcomes related to the transient occupancy tax.
G. Adopt an Ordinance to add Section 5.03.363 to Division 5.03 of Chapter 5 of the Ontario Development Code, relating to regulations of short-term rentals.
H. Adopt an Ordinance to amend Chapter 18 of Title 6 of the Ontario Municipal Code, relating to penalties for the illegal cultivation of cannabis.
I. Adopt an Ordinance to add Chapter 24 to Title 4 of the Ontario Municipal Code relating to the prohibition of unlawful possession of catalytic converters in the City.
J. Adopt an Ordinance to amend Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code reflecting updates to the Ontario Police Department command structure.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA,

REPEALING SECTIONS 6-1.217 THROUGH 6-1.223 OF ARTICLE 2 OF CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, AND ADDING ARTICLE 2.5, "BARKING DOG AND NOISY ANIMAL VIOLATIONS AND CIVIL FINES," TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1-2, 1-4, 1-5, 2-11, 4-6, AND 5-22 OF THE ONTARIO MUNICIPAL CODE RELATED TO VARIOUS CODE ENFORCEMENT PROCEDURES.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 4-6.1009 AND 4-6.1016 OF ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, ADDING SECTION 4-6.1117 TO ARTICLE 1 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, AND ADDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING SECTION 4-4.27 TO CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE ONTARIO FIRE CODE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-6.1019, "RESTRICTED PARKING FOR STREET SWEEPING SERVICES," OF THE CITY'S MUNICIPAL CODE TO PROVIDE FOR RESTRICTED PARKING FOR PURPOSES OF TRASH COLLECTION.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 6, "TRANSIENT OCCUPANCY TAXES," OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW SECTION 5.03.363, "SHORT TERM RENTALS," TO DIVISION 5.03 OF CHAPTER 5 OF THE ONTARIO DEVELOPMENT CODE, IMPLEMENTING REGULATIONS FOR THE SHORT TERM RENTAL OF PROPERTY IN THE CITY.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 18 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE UPDATING PENALTIES FOR THE ILLEGAL CULTIVATION OF CANNABIS.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 24 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) OF TITLE 4 (PUBLIC SAFETY) OF THE ONTARIO MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-3.210 OF ARTICLE 2 OF CHAPTER 3 OF TITLE 2 OF THE

ONTARIO MUNICIPAL CODE REFLECTING UPDATES TO THE ONTARIO POLICE DEPARTMENT COMMAND STRUCTURE.

ATTACHMENT: Barking Dog and Noisy Animal Violations and Civil Fines^ORD^01^RM
ATTACHMENT: Code Enforcement Update Amendment ORD^02^RM
ATTACHMENT: Oversized Vehicle Parking ORD^03^RM
ATTACHMENT: Administrative Citations for Fire Code Violations ORD^04^RM
ATTACHMENT: Trash Collection Parking Restrictions ORD^05^RM
ATTACHMENT: Updating Transient Occupancy Tax Chapter ORD^06^RM
ATTACHMENT: Short Term Rentals^07^ORD^RM
ATTACHMENT: Cannabis Enforcement^08^ORD^RM
ATTACHMENT: Catalytic Converter Possession^09^ORD^RM
ATTACHMENT: Deputy Police Chief Powers and Responsibilities^10^ORD^RM

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision 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 Council at, or prior to the public hearing. Affidavits of posting compliance, for all items below, are on file with the Records Management Department.

---

19. A PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR A PLANNED UNIT DEVELOPMENT (FILE NO. PUD20-001) AT 549 WEST HOLT BOULEVARD

That the City Council introduce and waive further reading of an Ordinance approving a Planned Unit Development, File No. PUD20-001, establishing development standards, design guidelines, and infrastructure requirements to facilitate the development of a mixed-use project located at 549 West Holt Boulevard.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD20-001, A PLANNED UNIT DEVELOPMENT (THE ROOSEVELT TOWER PLANNED UNIT DEVELOPMENT) ESTABLISHING DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE REQUIREMENTS FOR 0.81-ACRE OF LAND LOCATED AT 549 WEST HOLT BOULEVARD, WITHIN THE MU-1/LUA-3 (DOWNTOWN MIXED-USE/HOLT BOULEVARD DISTRICT) ZONING DISTRICT - APN: 1049-021-09.

ATTACHMENT: File No. PUD20-001^01 PC Backup
ATTACHMENT: File No. PUD20-001^02 ORD^RM
ATTACHMENT: File No. PUD20-001^03 ORD-PUD ATTACHMENT A

20. A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA22-005, REVISING DIVISION 5.03 - SUPPLEMENTAL LAND USE REGULATIONS, SECTION 5.03.010 (ACCESSORY RESIDENTIAL STRUCTURES) IN ORDER TO BRING THE CITY'S CURRENT PROVISIONS GOVERNING

ACCESSORY DWELLING UNITS INTO COMPLIANCE WITH THE REQUIREMENTS OF CALIFORNIA SENATE BILL NO. 897 (GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22)

That the City Council consider and adopt an Urgency Ordinance approving File No. PDCA22-005, amending Section 5.03.010 of Division 5.03 of Chapter 5 of the Ontario Development Code relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), consistent with the requirements of California Senate Bill No. 897 (Government Code sections 65852.2 and 65852.22).

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA22-005, AMENDING SECTION 5.03.010 OF DIVISION 5.03 OF CHAPTER 5 OF THE ONTARIO DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

ATTACHMENT: 2022 ADU CC Urgency Ordinance Dec 2022^ORD^01^RM
ATTACHMENT: Urgency Ord. Exhibit A - Amended ODC Sec. 5.03.010 (ADUs - Dec. 2022)-c1 (004)- Final-c1.docx

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

City Council Reorganization - Mayor pro Tem

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

ADJOURNMENT

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**
Department: Records Management Prepared By: Claudia Y Isbell Staff Member Presenting: Claudia Y. Isbell, Assistant City Clerk Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 1

SUBJECT: CERTIFICATION OF THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION

RECOMMENDATION: That the City Council adopt a Resolution certifying the results of the November 8, 2022 General Municipal Election as it relates to the positions of Mayor and City Council.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: There is no direct fiscal impact.

BACKGROUND & ANALYSIS: A General Municipal Election was held in the City of Ontario, California, on Tuesday, November 8, 2022, for the election of the two members of the City of Council and the City Mayor.

The San Bernardino County Registrar of Voters has certified the election results as follows:

City Mayor Elect Paul S. Leon
City Council Member Elect Alan D. Wapner
City Council Member Elect Jim W. Bowman

Copies of the Statement of Certification of Election Results for the 2022 General Municipal Election, Final Certified Election Results, and Total Canvass are attached.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2022, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a General Municipal Election was held and conducted in the City of Ontario, California, on Tuesday, November 8, 2022, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution Nos. 2022-106, 2022-107, and 2022-108 adopted July 5, 2022, the Registrar of Voters canvassed the returns of the election and has certified the results to this City Council, the results are received and the appropriate sections are attached and made a part hereof as "Exhibit A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the whole number of votes cast in the precincts except Vote by Mail ballots was 4,037. That the whole number of Vote by Mail ballots cast in the City was 27,564. That the whole number of provisional ballots cast was 207, making a total of 31,809 votes cast in the City.

SECTION 2. That the names of persons voted for at the election for Mayor are as follows:

Ruben Valencia
Paul S. Leon
Christian Garcia

That the names of persons voted for at the election for Council are as follows:

Michael Duenas
Aaron Bratton
Jim W. Bowman
Norberto Corona
Alan D. Wapner
Celina Lopez

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates are listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that Paul S. Leon was elected Mayor of the City of Ontario for the full term of four years; that Alan D. Wapner was elected as Member of the City Council for the full term of four years; that Jim W. Bowman was elected as Member of the City Council for the full term of four years; and

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted; (4) The number of votes given at each precinct to each person; and (5) The total number of votes given to each person.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That 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 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Sheila Mautz, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2022-_____ was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2022-____ duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT “A”

777 East Rialto Avenue, San Bernardino, CA 92415 | Phone: 909.387.8300 Fax: 909.387.2022
www.SBCounty.gov

SAN BERNARDINO COUNTY

Registrar of Voters

Michael Jimenez
Interim Registrar of Voters

CERTIFICATION OF REGISTRAR OF VOTERS OF THE RESULTS OF THE CANVASS OF THE NOVEMBER 8, 2022, GENERAL ELECTION

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, Stephenie Shea, Interim Assistant Registrar of Voters of San Bernardino County, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 8, 2022, for measures and contests that were submitted to the vote of the voters, and that the Certified Election Results to which this certificate is attached is full, true and correct.

I hereby set my hand and official seal this 8th day of December, 2022, at San Bernardino County.

Stephenie Shea
Interim Assistant Registrar of Voters
San Bernardino County
State of California

						1 City of Ontario Mayor						2 City of Ontario Member, City Council			
						1	1	1	1	1		2	2	2	2
		Registered Voters	Voters Cast	Turnout (%)		RUBEN VALENCIA	PAUL S. LEON	CHRISTIAN GARCIA	Over Votes	Under Votes		MICHAEL DUENAS	AARON BRATTON	JIM W. BOWMAN	NORBERTO CORONA
United States Representative, District 35	Total	87019	31809	36.55 %		10129	15583	3461	41	2595		4283	6172	11562	2739
State Senator, District 22	Total	87019	31809	36.55 %		10129	15583	3461	41	2595		4283	6172	11562	2739
State Senator, District 29	Total	0	0												
State Assembly, District 50	Total	10701	3459	32.32 %		965	1731	437	2	324		514	725	1115	296
State Assembly, District 53	Total	76318	28350	37.15 %		9164	13852	3024	39	2271		3769	5447	10447	2443
State of California, Board of Equalization, District 4	Total	87019	31809	36.55 %		10129	15583	3461	41	2595		4283	6172	11562	2739
San Bernardino County	Total	87019	31809	36.55 %		10129	15583	3461	41	2595		4283	6172	11562	2739
Board of Supervisors, District 4	Total	87019	31809	36.55 %		10129	15583	3461	41	2595		4283	6172	11562	2739
City of Ontario	Total	87019	31809	36.55 %		10129	15583	3461	41	2595		4283	6172	11562	2739

1 City of Ontario Member, City Council

						1	1	1	1
		Registered Voters	Voters Cast	Turnout (%)		ALAN D. WAPNER	CELINA LOPEZ	Over Votes	Under Votes
United States Representative, District 35	Total	87019	31809	36.55 %		12438	9733	170	16521
State Senator, District 22	Total	87019	31809	36.55 %		12438	9733	170	16521
State Senator, District 29	Total	0	0						
State Assembly, District 50	Total	10701	3459	32.32 %		1220	1175	14	1859
State Assembly, District 53	Total	76318	28350	37.15 %		11218	8558	156	14662
State of California, Board of Equalization, District 4	Total	87019	31809	36.55 %		12438	9733	170	16521
San Bernardino County	Total	87019	31809	36.55 %		12438	9733	170	16521
Board of Supervisors, District 4	Total	87019	31809	36.55 %		12438	9733	170	16521
City of Ontario	Total	87019	31809	36.55 %		12438	9733	170	16521

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
NOVEMBER 15, 2022
(Not Official Until Approved)

JOINT MEETINGS

The regular meetings of the Ontario City Council and Housing Authority were held on Tuesday, November 15, 2022 at Ontario City Hall, 303 E. B Street Ontario, California.

CALL TO ORDER

Mayor Leon called the joint meetings to order at 6:30 p.m.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chair:	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada and Ruben Valencia
ABSENT:	Council/Authority Members:	None.

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk / Secretary Sheila Mautz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Valencia.

INVOCATION

The invocation was led by Heather Freeman, Church of Jesus Christ of Latter-Day Saints.

PUBLIC COMMENTS

There were two emailed comments:

Tachera Harrington, regarding local housing programs.

Loree Masonis, regarding Item No. 03 of the agenda.

Mayor Leon called upon the first speaker.

Lizbeth Hernandez, invited City Council to participate in National Walk to School Day on October 12, 2022.

Malyna Mendez, spoke regarding the search of a missing person and homelessness issues.

Maria del Socorro Razón, spoke regarding the search of a missing person.

Miguel Batease, spoke regarding the search of a missing person.

Carla Lopez, spoke regarding the search of a missing person.

Maria Lazarraga, spoke regarding the search of a missing person.

Hope Bilderain, spoke on upcoming fundraiser for the Relay for Life.

Nadya Bahena, Field Representive from Assemblymember Freddy Rodgriguez's office announced upcoming events.

Marcellus McMillan, announced upcoming events with the D'Andre Lampkin Foundation.

Alisa Merchant, spoke on homelessness issues in the community.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa announced an update to Item No. 13, amending the recommended actions to read as follows:

A. Reject Interior Demolition Earthwise Demo JV's bid for D&C21-005 – Grand Park Demolition as nonresponsive;
B. Reject Interior Demolition Earthwise Demo JV's protest against Resource Environmental, Inc for D&C21005 – Grand Park Demolition;
C. Authorize the City Manager to complete and execute Construction Contract No. D&C21-005 - Grand Park Phase 1 Demolition with Resource Environmental, Inc of Cerritos, California for the demolition and debris removal in the Grand Park in the amount of $4,703,540;
D. Authorize a 15% contingency of $705,531 to address any unforeseen issues that may arise during the demolition;
E. Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, assessments, easements, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related activities.

CONSENT CALENDAR

Public Comments:

Val Carrick, gave a brief background on Beverly Cleary's accomplishments.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote 5-0, to approve the Consent Calendar with the amendments to Item No. 13 and, with the exception of Item No 16.

1. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council and Housing Authority of October 18, 2022, and approving same as on file in the Records Management Department.

2. BILLS & PAYROLL

Bills from October 14, 2022 through October 27, 2022 in the amount of $20,427,852.89 and Payroll from October 9, 2022 through October 22, 2022 in the amount of $4,136,451.15, when audited by the Finance Department.

3. A PROFESSIONAL SERVICE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE EUCLID MIXED USE SPECIFIC PLAN (FILE NO. PSP22-001)

The City Council approved and authorized the City Manager to execute an Agreement with Kimley-Horn and Associates, Inc., of Riverside, California, to prepare an Environmental Impact Report (EIR) for the Euclid Mixed Use Specific Plan, in the amount of $396,805, plus a 5% contingency of $19,840, for a total authorized expenditure of $416,645; and authorized the City Manager to approve any future budget adjustments necessary to complete the EIR.

4. NAME THE CHILDREN'S ROOM AT OVITT FAMILY COMMUNITY LIBRARY TO THE BEVERLY CLEARY YOUNG READERS ROOM

The City Council approved naming the children's room at Ovitt Family Community Library, the Beverly Cleary Young Readers Room.

5. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 20016, LOCATED AT THE NORTHEAST CORNER OF EUCLID AVENUE AND MERRILL AVENUE

That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security and Final Parcel Map No. 20016, located at the northeast corner of Euclid Avenue and Merrill Avenue within the Ontario Ranch Business Park Specific Plan area.

RESOLUTION NO. 2022-148 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 20016 LOCATED AT THE NORTHEAST CORNER OF EUCLID AVENUE AND MERRILL AVENUE.

6. REJECT ALL BIDS AND AUTHORIZE RE-BIDDING OF THE ONTARIO POLICE DEPARTMENT LOCKER ROOM AND GYM EXPANSION PROJECT

The City Council rejected all bids received for Bid No. 1558, D&C 20-019 for the Ontario Police Department Locker Room and Gym Expansion project and authorized the City Manager or his designee to solicit new bids for this project.

7. FISCAL YEAR 2022-23 FIRST QUARTER BUDGET UPDATE REPORT

The City Council approved the budget adjustments and recommendations as presented in the Fiscal Year 2022-23 First Quarter Budget Update Report.

8. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF21-006) BETWEEN THE CITY OF ONTARIO AND DPIF3 CA 36 ONTARIO RANCH LLC., FOR FACILITY CONSTRUCTION ASSOCIATED WITH A DEVELOPMENT PLAN (FILE NO. PDEV22-001), LOCATED AT THE NORTHWEST CORNER OF HAMNER AVENUE AND ONTARIO RANCH ROAD, WITHIN PLANNING AREA 7A (LIGHT INDUSTRIAL) LAND USE DISTRICT OF THE RICH HAVEN SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File No. PDIF21-006) between the City of Ontario and DPIF3 CA 36 Ontario Ranch LLC., for facility construction associated with a Development Plan (File No. PDEV22-001), located at the northwest corner of Hamner Avenue and Ontario Ranch Road, within Planning Area 7A (Light Industrial) land use district of the Rich Haven Specific Plan, and authorized the City Manager to execute the Agreement.

9. A PROFESSIONAL SERVICES AGREEMENT WITH DANKEN, INC. FOR ON-CALL STRUCTURAL INSPECTION AND CONSTRUCTION MANAGEMENT SERVICES

The City Council approved and authorized the City Manager or designee to execute a five-year Professional Services Agreement (on file in the Records Management Department) with Danken, of Ladera Ranch, California, to provide On-Call Structural Inspection and Construction Management Services for a not-to-exceed amount of $1,600,000.

10. A GOODS AND SERVICES AGREEMENT FOR FURNITURE DESIGN FOR THE BUILT ON WATER EXHIBIT

The City Council authorized the City Manager or designee to execute a Goods and Services Agreement with K2 Design and Fabrication of Norco, California for furniture for the Built on Water exhibit at the Ontario Museum of History and Art, for a total not to exceed amount of $269,563.

11. TWO AMENDMENTS FOR THE EQUIPPING OF WELL NO. 43 PROJECT

The City Council took the following actions:

A. Approved and authorized the City Manager, or designee to execute Amendment No. 3 to the Professional Services Agreement (on file in the Records Management Department) with AKM Consulting Engineers Inc. of Irvine, California, for a total not-to-exceed amount of $39,908 for construction management and inspection services and a term from November 15, 2022 to September 30, 2023.
B. Approved and authorized the City Manager, or designee to execute Amendment No. 4 to the Maintenance Service Agreement (on file in the Records Management Department) with Bay Alarm Company of Ontario, California, for a total not-to-exceed amount of $25,271 for security system installation and a term from November 15, 2022 to June 30, 2025.

12. A PROFESSIONAL SERVICES AGREEMENT WITH 4LEAF, INC. FOR ON-CALL STRUCTURAL PLAN CHECKING SERVICES

The City Council approved and authorized the City Manager or designee to execute a five-year Professional Services Agreement with 4Leaf, of Newport Beach, California, to provide On-Call Structural Plan Checking Services for a not-to-exceed amount of $300,000.

13. DEMOLITION OF THE BUILDINGS AND DEBRIS LOCATED ON THE PROPERTY FOR THE GRAND PARK PHASE 1

The City Council took the following actions:

A. Rejected Interior Demolition Earthwise Demo JV's bid for D&C21-005 – Grand Park Demolition as nonresponsive;
B. Rejected Interior Demolition Earthwise Demo JV's protest against Resource Environmental, Inc for D&C21005 – Grand Park Demolition;
C. Authorize the City Manager to complete and execute Construction Contract No. D&C21-005 - Grand Park Phase 1 Demolition with Resource Environmental, Inc of Cerritos, California for the demolition and debris removal in the Grand Park in the amount of $4,703,540;
D. Authorized a 15% contingency of $705,531 to address any unforeseen issues that may arise during the demolition;

E. Authorized the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, assessments, easements, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related activities.

14. A CONSTRUCTION CONTRACT, A PROFESSIONAL SERVICES AGREEMENT AND TWO AMENDMENTS FOR THE ONTARIO RANCH PHASE 2 WATER MAIN IMPROVEMENTS PROJECT

The City Council took the following actions:

A. Approved the plans and specifications and award Contract No. UT 1050 to Norstar Plumbing and Engineering, Inc. of Alta Loma, California, for the construction of the Ontario Ranch Phase 2 Water Main Improvements, in the amount of $9,906,053 plus a 10% contingency of $990,605, for a total not-to-exceed amount of $10,896,658, a term of 260 calendar days after issuance of notice to proceed, and authorized the City Manager, or his designee, to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.
B. Approved and authorized the City Manager, or his designee, to execute a Professional Services Agreement with GeoTek, Inc. of Las Vegas, Nevada, for a total not-to-exceed amount of $160,918 and a term of 260 calendar days after issuance of notice to proceed for geotechnical and material testing services.
C. Approved and authorized the City Manager, or his designee, to execute Amendment No. 13 to the Professional Services Agreement (on file in the Records Management Department) with Infrastructure Engineering Corporation (IEC), of Irvine, California, for a total not-to exceed amount of $93,401 for construction engineering services and a term of 260 calendar days after issuance of notice to proceed for geotechnical and material testing services.
D. Approved and authorized the City Manager, or his designee, to execute Amendment No. 8 to the Professional Services Agreement with Wallace and Associates Consulting, Inc. of Murrieta, California, for a total not-to exceed amount of $235,013 for construction management services and a term of 260 calendar days.

15. AN AMENDMENT TO ON-CALL DESIGN SERVICES AGREEMENT FOR LAUREL AVENUE, SULTANA AVENUE, AND NOCTA STREET SEWER MAIN IMPROVEMENTS

The City Council approved and authorized the City Manager to execute Amendment No. 14 to the On-Call Design Services Agreement with Infrastructure Engineering Corporation of Irvine, California, for Laurel Avenue Sewer Main Improvements, UT

1069 Sultana Avenue Sewer Main Improvements, and Nocta Street Sewer Main Improvements, in the amount not-to-exceed $372,026.

ITEMS PULLED FOR DISCUSSION

16. AN ORDINANCE ADOPTING A MAP FOR THE DISTRICT-BASED ELECTIONS UNDER THE CALIFORNIA VOTING RIGHTS ACT

An Ordinance adding a new Article 3 to Title 2 of Volume 1 of the Ontario Municipal Code to change the city's electoral system from at-large to by-district elections.

ORDINANCE NO. 3224 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW ARTICLE 3 TO TITLE 2 OF VOLUME 1 OF THE ONTARIO MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS AND MAINTAINING AN ELECTIVE MAYOR, ESTABLISHING DISTRICT BOUNDARIES, SCHEDULING ELECTIONS WITHIN THE DISTRICTS, AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Mayor pulled Item 16 to discuss his concerns regarding sequencing. He expressed the proposed adoption of Map #17 with a revised sequencing of districts 1 and 4 in 2024 and 2 and 3 in 2026.

Council Member Valencia noted he understood there was a desire for districts 2 and 4 in 2026 and districts 1 and 3 in 2026. He asked City Attorney Duran if changing the sequencing could bring legal ramifications.

City Attorney Duran noted sequencing is within the Council's full control and can be changed at the Council's discretion.

PUBLIC COMMENTS:

Ted Burnett, spoke on the districting process.

Chris Robles, stated his desired sequencing of districts 2 and 4 in 2024 and 1 and 3 in 2026.

Mayor Leon closed the public hearing and entertained a motion.

MOTION: Moved by Council Member Leon, seconded by Mayor pro Tem Wapner and carried by a vote 4-1, with Council Member Valencia opposed, to reintroduce Ordinance 3224 to adopt Map #17 with the amended sequencing of districts 1 and 4 in 2024 and 2 and 3 in 2026.

PUBLIC HEARINGS

17. A PUBLIC HEARING TO CONSIDER A MILLS ACT CONTRACT (PRESERVATION AGREEMENT), FILE NO. PHP22-011, FOR A DESIGNATED HISTORIC PROPERTY

The City Council considered and adopted a resolution approving and authorizing the City Manager or designee to enter into a Mills Act contract (Preservation Agreement), for the designated historic property located at 119 East Princeton Street (APN: 1047-531-31), Rafael Marquez and Jacqueline Gonzalez.

RESOLUTION NO. 2022-149 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP22-011, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) WITH RAFAEL MARQUEZ AND JACQUELINE GONZALEZ, FOR THE PROPERTY LOCATED AT 119 EAST PRINCETON STREET (APN: 1047-531-31).

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and inquired if anyone was interested in speaking to the item, hearing no speakers, closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote 5-0, to adopt Resolution No. 2022-149.

18. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE MAURICE JOHNSON HOUSE, LOCATED AT 409 NORTH SAN ANTONIO AVENUE, AS A LOCAL HISTORIC LANDMARK

The City Council adopted a resolution approving File No. PHP21-016, designating 409 North San Antonio (APN: 1048-314-11) as Local Historic Landmark No. 100.

RESOLUTION NO. 2022-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP21-016, THE DESIGNATION OF THE MAURICE JOHNSON HOUSE, LOCATED AT 409 NORTH SAN ANTONIO AVENUE, AS A LOCAL HISTORIC LANDMARK AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 1048-314-11.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and inquired if anyone was interested in speaking to the item, hearing no speakers, closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman, and carried unanimously by a 5-0 vote, to adopt Resolution No. 2022-150.

19. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT AGREEMENT (FILE NO. PDA22-001) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC., TO ESTABLISH THE TERMS AND CONDITIONS ASSOCIATED WITH TENTATIVE TRACT MAP 20529 (FILE NO. PMTT22-010), AN 11.11-ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE, APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL - SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN (APN: 0218-161-14).

The City Council introduced and waived further reading of an Ordinance approving a Development Agreement (File No. PDA22-001) between the City of Ontario and BrookCal Ontario LLC., to establish the terms and conditions associated with Tentative Tract Map 20529 (File No. PMTT22-010), an 11.11-acre property generally located on the east side of Twinkle Avenue, approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential - SFD/Attached) land use district of the Rich Haven Specific Plan.

ORDINANCE NO. 3225 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA22-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20529 (FILE NO. PMTT22-010), AN 11.11 ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL – SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-14.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing.

Tim Roberts, stated he attended the Planning Commission for the review and approval of the item. He wanted to be sure City Council was aware that when the Planning Commission approved the item, there was an agreement between Brookcal Ontario, LLC and City Staff to defer the phase two improvements until the Right of Way easements from Southern California Edison acquired.

Hearing no other speakers, Mayor Leon closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried unanimously by a 5-0 vote, to introduce Ordinance No. 3225.

20. A PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE APPROVING THE 2021 INTERNATIONAL FIRE CODE AND THE 2022 CALIFORNIA BUILDING AND FIRE CODES ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION IN THE CALIFORNIA CODE OF REGULATIONS

The City Council introduced and waived further reading of:

A. An Ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2021 International Fire Code and the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9); and
B. An Ordinance amending Chapters 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, and 14 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code by reference, with certain amendments, additions, and deletions.

ORDINANCE NO. 3226 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2022 CALIFORNIA FIRE CODE AND THE 2021 INTERNATIONAL FIRE CODE, PROVIDING FOR THE RECOVERY OF COSTS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 3062 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

ORDINANCE NO. 3227 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, AND 14 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2022 CALIFORNIA ADMINISTRATIVE CODE, THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 1997 CALIFORNIA HOUSING CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA PLUMBING CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2022 HISTORIC BUILDING CODE, 2022 CALIFORNIA EXISTING BUILDING CODE, AND THE 2022 CALIFORNIA REFERENCED STANDARDS, TOGETHER WITH CERTAIN AMENDMENTS THERETO.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor Leon opened the public hearing and inquired if anyone was interested in speaking to the item, hearing no speakers, he opened the item for Council discussion.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried unanimously by a 5-0 vote, to introduce Ordinance No. 3226 and Ordinance No. 3227.

21. RESOLUTIONS OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTIES LOCATED ON EAST HOLT BOULEVARD, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOs. 1048-481-27; 1048-481-07; 1048-481-28; AND 1048-481-29

The City Council conducted a public hearing and adopted Resolutions of Necessity declaring that the acquisition of fee interests in certain real properties located on East Holt Boulevard, more particularly described as Assessor Parcel Nos. 1048-481-27; 1048-481-07; 1048-481-28; and 1048-481-29, is necessary for the construction of affordable housing.

RESOLUTION NO. 2022-151 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON EAST HOLT BOULEVARD, MORE PARTICULARLY DEFINED AS ASSESSOR PARCEL NO. 1048-481-27.

RESOLUTION NO. 2022-152 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON EAST HOLT BOULEVARD, MORE PARTICULARLY DEFINED AS ASSESSOR PARCEL NO. 1048-481-07.

RESOLUTION NO. 2022-153 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON EAST HOLT BOULEVARD, MORE PARTICULARLY DEFINED AS ASSESSOR PARCEL NO. 1048-481-28.

RESOLUTION NO. 2022-154 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF FEE INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON EAST HOLT BOULEVARD, MORE PARTICULARLY DEFINED AS ASSESSOR PARCEL NO. 1048-481-29.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There was was written communication from the Law Office of David J. Habib requesting a postponement.

Economic Development Director Jennifer Hiramoto gave a short presentation on the matter.

Mayor Leon opened the public hearing and inquired if anyone was interested in speaking to the item, hearing no speakers, he closed the public hearing and opened the item for Council discussion.

City Council discussed the matter.

MOTION: Moved by Council Member Dorst-Porada seconded by Council Member Bowman and carried unanimously by a 5-0 vote, to adopt Resolution Nos. 2022-151, 2022-152, 2022-153, and 2022-154.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

22. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE) SPECIAL TAX BONDS, SERIES 2022, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $11 MILLION AND RELATED MATTERS

The City Council considered and adopted a Resolution authorizing the issuance of City of Ontario Community Facilities District No. 55 (Parklane) Special Tax Bonds, Series 2022, and took the following actions:

A. Authorized the issuance of special tax bonds for public improvements required to facilitate the development of the Parklane project and the Ontario Ranch development;
B. Approved the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
C. Authorized a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated in accordance with the terms of the Bond Purchase Agreement; and
D. Authorized the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

RESOLUTION NO. 2022-155 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 55 (PARKLANE) SPECIAL TAX BONDS, SERIES 2022, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $11,000,000.00, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT, AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE

EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

23. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA22-001) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC., TO ESTABLISH THE TERMS AND CONDITIONS ASSOCIATED WITH TENTATIVE TRACT MAP 20529 (FILE NO. PMTT22-010), AN 11.11-ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE, APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL - SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN (APN: 0218-161-14).

The City Council considered adopting an Ordinance approving a Development Agreement (File No. PDA22-001) between the City of Ontario and BrookCal Ontario LLC., to establish the terms and conditions associated with Tentative Tract Map 20529 (File No. PMTT22-010), an 11.11-acre property generally located on the east side of Twinkle Avenue, approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential -SFD/Attached) land use district of the Rich Haven Specific Plan.

ORDINANCE NO. 3225 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA22-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20529 (FILE NO. PMTT22-010), AN 11.11 ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL – SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-14.

Mayor Leon announced the item needed to be adjourned to November 22, 2022 at 9:00 a.m. He added that the notice of the adjourned meeting would be posted on the City's website and bulletin board.

STAFF MATTERS

City Manager Ochoa made no comments.

COUNCIL MATTERS

Council Member Dorst-Porada announced upcoming volunteer opportunities.

Mayor pro Tem Wapner spoke on public safety concerns and requested a report on the use of fentanyl and suggestions on how to mitigate the problem.

Council Member Bowman wished all a Happy Thanksgiving.

Mayor Leon spoke on recent events for Veteran's Day and asked Ontario Fire Chief Gayk to provide an update on emergency evacuation of the wash.

Council Member Valencia extended his condolences to families of those who lost their lives in the recent storm and announced upcoming events.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 8:13 p.m. in memory of Katie Roberts and announced the adjourned meeting on November 22, 2022 at 9:00 a.m.

Respectfully submitted,

_____
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
NOVEMBER 22, 2022
(Not Official Until Approved)

JOINT MEETINGS

The adjourned meetings of the Ontario City Council and Housing Authority were held on Tuesday, November 22, 2022 at Ontario City Hall, 303 E. B Street Ontario, California.

CALL TO ORDER

Mayor Leon called the joint meetings to order at 9:01 a.m.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chair:	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada and Ruben Valencia
ABSENT:	Council/Authority Members:	None.

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk / Secretary Sheila Mautz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor pro Tem Wapner.

PUBLIC COMMENTS

There were no public comments

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa made no announcements.

CONSENT CALENDAR

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote 5-0, to approve the Consent Calendar as presented.

1. **AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA22-001) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC., TO ESTABLISH THE TERMS AND CONDITIONS ASSOCIATED WITH TENTATIVE TRACT MAP 20529 (FILE NO. PMTT22-010), AN 11.11-ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE, APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL - SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN (APN: 0218-161-14).**

   The City Council considered and adopted an Ordinance approving a Development Agreement (File No. PDA22-001) between the City of Ontario and BrookCal Ontario LLC., to establish the terms and conditions associated with Tentative Tract Map 20529 (File No. PMTT22-010), an 11.11-acre property generally located on the east side of Twinkle Avenue, approximately 350 feet south of future Chino Avenue, within Planning Areas 4A, 4B, and 4C (Residential -SFD/Attached) land use district of the Rich Haven Specific Plan. Introduction and first reading took place at a regular Council meeting on November 15, 2022.

   ORDINANCE NO. 3225 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA22-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP NO. 20529 (FILE NO. PMTT22-010), AN 11.11 ACRE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF TWINKLE AVENUE APPROXIMATELY 350 FEET SOUTH OF FUTURE CHINO AVENUE, WITHIN PLANNING AREAS 4A, 4B, AND 4C (RESIDENTIAL – SFD/ATTACHED) LAND USE DISTRICTS OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-161-14.

STAFF MATTERS

City Manager Ochoa made no comments.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 9:04 a.m.

Respectfully submitted,

_____
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Engineering Prepared By: Francisco Herrera Staff Member Presenting: Scott Murphy, Executive Director Community Development Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 4

SUBJECT: **DESIGN SERVICES AGREEMENT FOR A TRAFFIC SIGNAL SYSTEM, SIGNAL MODIFICATIONS AND BUS STOP IMPROVEMENTS**

RECOMMENDATION: That the City Council approve a Design Services Agreement (on file in the Records Management Department) with AGA Engineers, Inc., of Fullerton, California, to provide Design Services for a Traffic Signal System at San Antonio Avenue at Francis Street, signal modifications at Campus Avenue at Mission Blvd and Sultana Avenue at Mission Blvd, and ADA-compliant bus stop improvements at various locations in the amount $117,766 plus a 10% contingency of $11,776 for a total authorized amount expenditure of $129,542; and authorize the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Fiscal Year 2022-2023 Adopted Budget includes appropriations for the traffic signal system at San Antonio Avenue at Francis Street signal modifications at Campus Avenue at Mission Blvd and Sultana Avenue at Mission Blvd and bus stop improvements in the amount of $1,025,000 from Road Maintenance and Rehabilitation (RMRA-SB1). The total recommended expenditure authorization with AGA Engineers, Inc. for design services consists of $117,766 plus a ten percent (10%) contingency of $11,776 for a total of $129,542. The remaining $895,458 in RMRA-SB1 funds will be used for the construction phase.

BACKGROUND & ANALYSIS: The Agreement will provide for engineering design services towards preparation of plans, specifications, estimates (PS&E), permit and utility coordination, design support during construction and an optional task of legal and plat preparation for the new traffic signal, signal improvements and ADA compliant passenger boarding improvements.

In September 2022, the City solicited proposals for the project and received 3 responses. A selection

team of 3 City staff members reviewed the proposals. After evaluation of the firms, the selection team recommends AGA Engineers, Inc. based upon the quality of their proposal, past performance on similar projects, and favorable references. AGA Engineers Inc. has agreed to a base fee of $117,766, which is deemed a fair and reasonable fee for the specified scope of work.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Engineering Prepared By: Tricia Espinoza Staff Member Presenting: Scott Murphy, Executive Director Community Development Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 5

SUBJECT: **A DESIGN SERVICES AGREEMENT FOR THE EDISON AVENUE/ONTARIO RANCH ROAD WIDENING PROJECT**

RECOMMENDATION: That the City Council approve a Design Services Agreement (on file in the Records Management Department) with Wood Rodgers, Inc., of San Diego, California, to provide engineering design services for the Edison Avenue/Ontario Ranch Road Widening Project in the amount of $191,347; and authorize the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

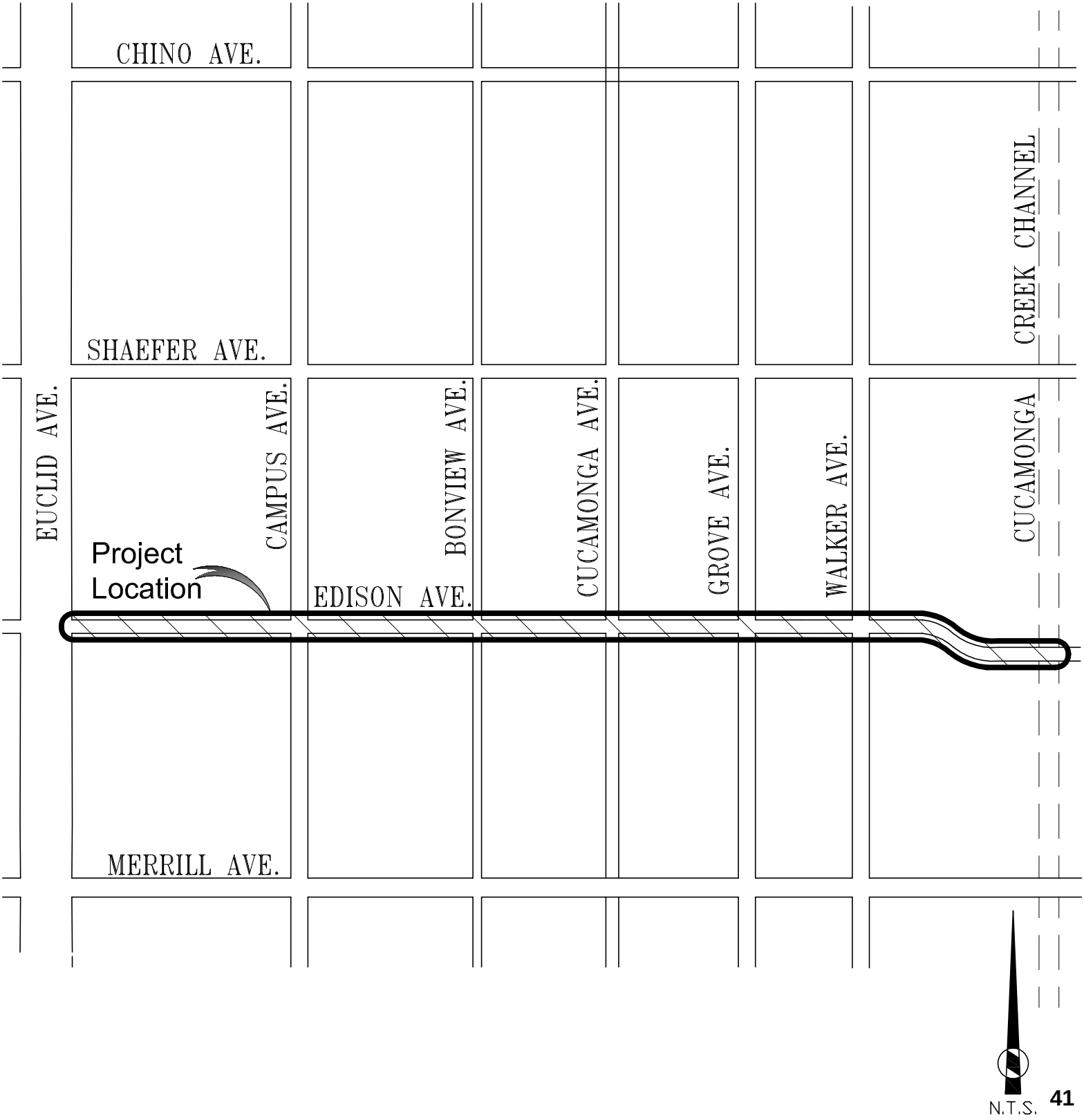
FISCAL IMPACT: The Fiscal Year 2022-23 Adopted Budget appropriated funds in the amount of $100,000 in Road Maintenance and Rehab Account (RMRA-SB1) for the feasibility/preliminary engineering phase of the project (ST2308). The total recommended expenditure authorization for Wood Rodgers, Inc. consists of $173,952, plus a ten percent (10%) contingency of $17,395 for a total amount of $191,347. The additional $91,347 will be funded from RMRA-SB1 fund balance. Upon approval, the additional appropriations from RMRA-SB1 will be included in the Fiscal Year 2022-2023 Mid-year Budget Update.

BACKGROUND & ANALYSIS: Edison Avenue/Ontario Ranch Road is a Truck Route and Principal Arterial. Edison Avenue/Ontario Ranch Road has been greatly impacted by new development and ongoing construction in Ontario Ranch. In its ultimate configuration, Edison Avenue/Ontario Ranch Road will be four lanes in each direction with a raised median and a 160-foot right-of-way. This project will analyze the feasibility of providing an interim widening of a three-mile stretch of Edison Avenue/Ontario Ranch Road from two lanes to four lanes from Euclid Avenue to Cucamonga Creek Channel (see attached project location exhibit).

The Agreement will include engineering design services for the feasibility analysis and preliminary engineering for the interim Edison Avenue/Ontario Ranch Road Widening (Project). This initial phase will include a feasibility analysis of alternates, preliminary engineering, utility and right-of-way impact analysis, environmental determination and traffic analysis. Upon completion of this preliminary phase of the project, the City will have the option to proceed with the final design, including environmental document, utility relocation/coordination, right-of-way appraisal and acquisition, and plans, specifications and estimates (PS&E) as an amendment to this agreement.

In September 2022, the City solicited proposals and received four responses. A selection team comprised of City Staff reviewed the proposals and recommends Wood Rodgers, Inc., based upon the quality of their proposal, past performance on similar projects, and favorable references. Wood Rodgers, Inc., has agreed to a base fee of $173,952, which is deemed a fair and reasonable fee for the specified scope of work.

EDISON AVENUE
ROAD WIDENING
Project No. ST2308
EUCLID AVE. TO CUCAMONGA CREEK CHANNEL



CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Engineering Prepared By: Antonio Alejos Staff Member Presenting: Scott Murphy, Executive Director Community Development Reviewed By: Raymond Lee, Khoi Do Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 6

SUBJECT: **A RESOLUTION APPROVING FINAL TRACT MAP NO. 20303, LOCATED AT THE NORTHEAST CORNER OF VIA ALBA AND ONTARIO CENTER PARKWAY**

RECOMMENDATION: That the City Council adopt a Resolution approving Final Tract Map No. 20303, located at the northeast corner of Via Alba and Ontario Center Parkway within the Ontario Center Specific Plan area.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

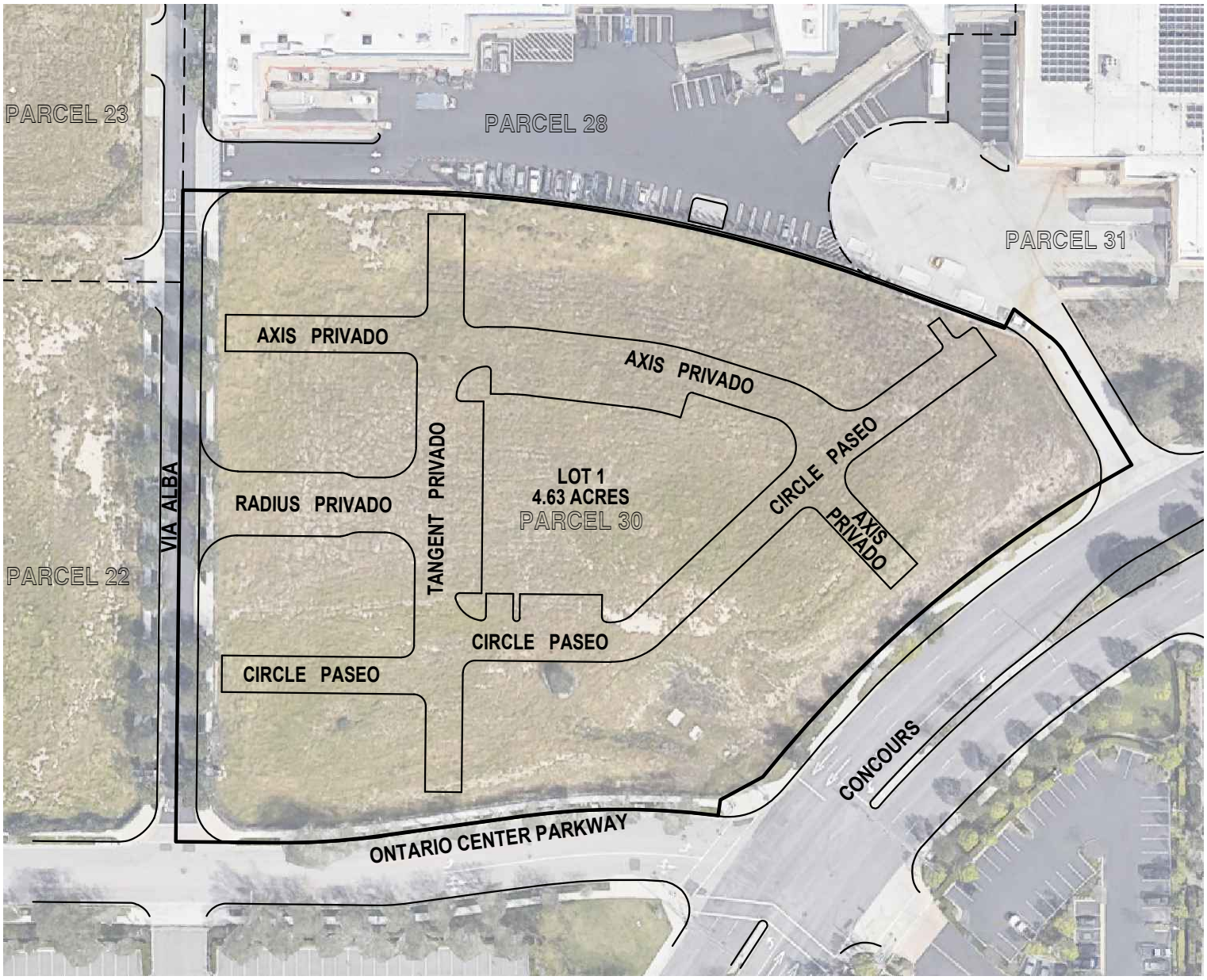
FISCAL IMPACT: There is not a direct fiscal impact associated with this action. All public infrastructure improvements required for this subdivision will be constructed by the Developer at its sole cost.

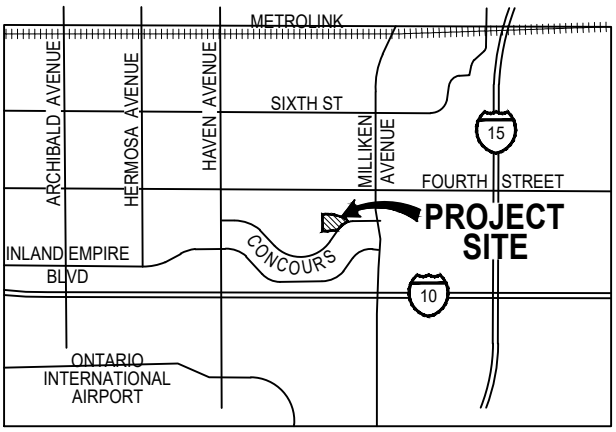
BACKGROUND & ANALYSIS: Final Tract Map No. 20303, consisting of one numbered lot on approximately 4.63 acres of land, as shown on Exhibit A, has been submitted by Taylor Morrison of California, LLC, a California Limited Liability Company. Tentative Tract Map No. 20303 was approved by the Planning Commission on December 22, 2020.

Improvements will include domestic water main, sewer main, recycled water services, fiber optic conduits and parkway landscaping with irrigation. All landscape improvements will be consistent with current City approved drought measures.

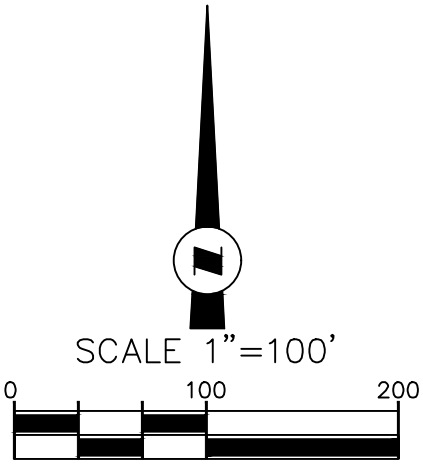
The Developer has posted adequate security to ensure construction of the required improvements. This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT 'A'





VICINITY MAP
NTS



PREPARED BY:
MADOLE & ASSOCIATES, INC.
Engineering Communities for Life
9302 PITTSBURGH AVE., SUITE 230
RANCHO CUCAMONGA, CA. 91730
PHONE: 909.481.6322
FAX: 909.481.6320

RADIUS @ PIEMONTE
TRACT NO. 20303
CITY OF ONTARIO

EXHIBIT
A

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 20303 LOCATED AT THE NORTHEAST CORNER OF VIA ALBA AND ONTARIO CENTER PARKWAY.

WHEREAS, Tentative Tract Map No. 20303 submitted for approval by LCD Residential at Ontario, LLC, was approved by the Planning Commission of the City of Ontario on December 22, 2020; and

WHEREAS, Tentative Tract Map No. 20303 consists of one numbered lot, being a subdivision of Parcel 30 of Parcel Map No. 17550, recorded in Book 216 of Parcel Maps, Pages 7 through 20, in the office of the County Recorder of San Bernardino County; and

WHEREAS, Tentative Tract Map No. 20303 was subsequently sold to Taylor Morrison of California, LLC, a California Limited Liability Company; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 20303, Taylor Morrison of California, LLC, a California Limited Liability Company has posted sufficient improvement security; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&R's), approved by the City Attorney's Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners has been deferred to a date that coincides with the recordation of the subject Tract Map.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, that Final Tract Map No. 20303, be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____
BEST, BEST & KREIGER, LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2022- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2022- duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Police Department Prepared By: Nicole Alvarez Staff Member Presenting: Mike Lorenz, Chief of Police Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 7

SUBJECT: **AN AMENDMENT TO THE PROFESSIONAL SERVICES AND EQUIPMENT PURCHASE AGREEMENT FOR THE ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT**

RECOMMENDATION: That the City Council authorize the City Manager to execute an amendment to the professional services and equipment purchase agreement with Axon Enterprise, Inc., of Scottsdale, Arizona, for the purchase of new and replacement equipment, including tasers and body-worn camera systems for frontline police personnel, Fusus, Axon Air, Fleet 3 Advanced, as well as maintenance and data management services for 77 months in the amount of $9,254,760.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The proposed Amendment to the Professional Services and Equipment Purchase Agreement increases the existing five-year term and $3,802,634 contract amount to a new not-to-exceed contract amount of $9,254,760. The Information Technology Fund includes appropriations for $803,675 per year for the Axon Agreement. Additional appropriations of $1,736,699 will be included in the General Fund on the next quarterly budget update.

Additionally, by allowing the longer term for the Agreement, the City will save $1,710,555 over the term of the contract. If approved, appropriations will be added to Information Technology's fund for future years' budgets consistent with the annual adoption process.

BACKGROUND & ANALYSIS: The Police Department currently has an Agreement with Axon Enterprise, Inc. (formerly known as TASER International, Inc.) for body-worn cameras, maintenance and data management services for Police field and Airport personnel which expires April 2, 2026. Axon is combining three current contracts to streamline into one to support multiple products across the Axon ecosystem. Upon execution of an updated contract referred to as "the Officer Safety Plan 7 Plus" or OSP, Axon will grant a refund to prorate the final years of the existing contract. The OSP is structured to support programs for body worn cameras, dash cameras, air drones, interview rooms, and real time information centers. With emerging technology and

systems, it is necessary to upgrade and provide frontline personnel with up-to-date equipment. All equipment will utilize Axon' s Evidence.com data storage and management feature which protects the integrity of video and data files captured using tasers, body-worn cameras and interview rooms to provide security, tracking and redaction assistance of file viewing, and integrates with a proposed County-wide initiative under the San Bernardino County District Attorney' s Office.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Adrian Escamilla Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Bonnie Tam, Vanny Khu Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 8

SUBJECT: **A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH NEW MILLENNIUM CONSTRUCTION SERVICES FOR ADDITIONAL OFFICE IMPROVEMENT PROJECT MATERIALS**

RECOMMENDATION: That the City Council take the following actions:

A. Authorize a Change Order to the Construction Contract (on file in the Records Management Department) with New Millennium Construction Services of Chino Hills, California, in the amount of $26,674, for the City Hall First Floor Office Improvements Project.
B. Authorize the City Manager or his designee to execute said contract and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The proposed change order will include the 10% contingency of $11,600 plus the additional funding of $15,074 for a total amount of $26,674. This will increase the current not-to-exceed authorization for the Construction Contract from $116,000 to $142,674. The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Capital Projects Fund for this project.

BACKGROUND & ANALYSIS: On August 16, 2022, the City Council approved a Construction Contract with New Millennium Construction Services for the City Hall First Floor Office Improvements project in the amount of $116,000 plus a 10% contingency of $11,600 for a total amount of $127,600. As the work progressed, the contractor found certain materials specified on the plans were discontinued. This alters the scope of work and cost to match existing materials (i.e., office doors, office blinds and tempered obscured glass) and all contingency funds have been exhausted. This Change Order will allow the funding needed to complete the City Hall First Floor Office improvements project.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Adrian Escamilla Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Bonnie Tam, Vanny Khu Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 9

SUBJECT: AMENDMENTS TO THE DESIGN SERVICES AGREEMENT FOR CITYWIDE ON-CALL ARCHITECTURAL SERVICES WITH HOLT ARCHITECTURE

RECOMMENDATION: That the City Council authorize the City Manager or his designee to execute Amendment Nos. 4 and 5 to the existing Design Services Agreement (on file in the Records Management Department) with Holt Architecture of Palm Desert, California in an amount not to exceed $572,514.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: Holt Architecture will be compensated for on-call, as-needed services at the fixed hourly rates set forth in their Design Services Agreement for the work it performs on City Council approved capital improvement projects. The proposed Amendment No. 4 in the amount of $98,992 is for the design cost of the John Galvin Park Restroom Facilities. The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Capital Projects Fund for this project. The proposed Amendment No. 5 in the amount of $152,202 is for the design cost of the Police Department Real Time Information Center and Training Division Renovations. The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Grants Fund and Law Enforcement Impact Fund for this project. The total compensation paid by the City under the original term and any subsequent term extensions will not exceed $572,514.

BACKGROUND & ANALYSIS: On January 21, 2020, the City Council authorized executing a three-year, on-call Design Services Agreement with Holt Architecture. Utilizing the on-call agreement with Holt Architecture, the City has exceeded the $100,000 threshold. At this time, staff recommends authorizing a not to exceed amount of $572,514 with Holt Architecture for on-call architectural services including design for the Police Department Real Time Information Center and Training Division Renovation and the John Galvin Park Restroom Facilities.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Fleet Services Prepared By: Manuel Rebolledo Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Bonnie Tam, Vanny Khu Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 10

SUBJECT: **AUTHORIZE THE PURCHASE OF FLEET VEHICLES**

RECOMMENDATION: That the City Council take the following actions:

A. Authorize the cooperative sole source purchase and delivery of one LP401 Low-Profile Remote-Control Skid Steer Vehicle in the amount of $160,000 plus a 20% contingency of $32,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $192,000, for the Parks and Maintenance Department from Hard Line USA, Inc. of Draper, Utah.
B. Authorize the cooperative purchase and delivery of one EV Mitsubishi Forklift in the amount of $45,000 plus a 20% contingency of $9,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $54,000, for the Police Department from Naumann Hobbs Material Handling of Fontana, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 091520-MCF.
C. Authorize the cooperative purchase and delivery of one Bobcat Skid Steer in the amount of $55,000 plus a 20% contingency of $11,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $66,000, for the Parks and Maintenance Department from Bobcat Company of West Fargo, North Dakota, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 040319-CEC.
D. Authorize the cooperative purchase and delivery of one John Deere Commercial Mower in the amount of $30,000 plus a 20% contingency of $6,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $36,000, for the Parks and Maintenance Department from Stotz Equipment of Montclair, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 031121-DAC.
E. Authorize the cooperative purchase and delivery of one John Deere Heavy Equipment Loader in the amount of $270,000 plus a 20% contingency of $54,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $324,000, for the Parks and Maintenance Department and one John Deere Heavy Equipment Backhoe in the amount of $175,000 plus a 20% contingency of $35,000 to

mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $210,000, for the Utilities Department from RDO Equipment of Riverside, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 032119-JDC.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Equipment Services Fund for the purchase of replacement vehicles. The total cost of the vehicles recommended for purchase is $735,000 plus a 20% contingency of $147,000 to mitigate any unforeseen issues with supply chain surcharges and manufactures price increases, for a total not to exceed amount of $882,000.

BACKGROUND & ANALYSIS: The vehicles recommended for replacement in this action have outlived their useful life and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment, while ensuring safe and reliable operations. This procurement action will result in the replaced vehicles being available to surplus, with any auction sale proceeds returning to the Equipment Service Fund.

Fleet Services and Parks and Maintenance Staff evaluated the LP 401 Low-Profile Remote-Control Skid Steer that can be used in a variety of restrictive areas where a normal man-operated machine cannot operate and recommends the purchase from Hard-Line USA Inc., the sole source manufacturer and provider of LP401 Low-Profile Remote-Control Skid Steer.

In general conformation with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.29 allows for the purchase of supplies and equipment through cooperative purchasing programs, pursuant to California Government Code Section 6502 and City of Ontario Resolution No. 91-141. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain lower pricing than otherwise might be possible.

QUANTITY	TYPE	DEPARTMENT	PRICE
1	LP401 Low Profile Remote Skid Steer	PKS/MT	$192,000
1	EV Mitsubishi Forklift	PD	$54,000
1	Bobcat Skid Steer	PKS/MT	$66,000
1	John Deere Commercial Mower	PKS/MT	$36,000
1	John Deere Heavy Equipment Loader	PKS/MT	$324,000

1	John Deere Heavy Equipment Backhoe	PU	$210,000
TOTAL			**TOTAL**
6			$882,000

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Police Department Prepared By: Lizceth Zazueta Staff Member Presenting: Mike Lorenz, Chief of Police Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 11

SUBJECT: **AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR LEGAL CONSULTING**

RECOMMENDATION: That the City Council authorize the City Manager to execute Amendment No. 2 to the existing Professional Services Agreement with Jones & Mayer for legal consulting.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The estimated annual cost for legal services is $200,000 per Fiscal Year (FY) not to exceed $400,000 for the two (2) year term. Appropriations of $200,000 will be included in the General Fund on the next quarterly budget update for FY 2022-23. Appropriations for the future fiscal year will be included in the respective fiscal year budgets for City Council consideration and approval. A request for any additional budget appropriations will occur should the Department experience an increase in legal services far more than anticipated.

BACKGROUND & ANALYSIS: Jones & Mayer provides services to public entities and serves as City Attorney to various cities throughout Southern California. Periodically, the Police Department finds it necessary to retain counsel for litigation and various other legal review to best protect the City's interest. In 2019, the City established a contract with Jones & Mayer to provide consulting, representational, and legal services pertaining to representation in litigation proceedings.

The current contract term was for June 30, 2022, with two (2) successive one (1) year extensions. Amendment No. 2 will increase the authorized contract of $200,000 per year and extend the contract term to June 30, 2024. This increase and extension reflects the costs associated with counsel and representation needed for current and pending litigation cases and other legal services.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Community Life & Culture Prepared By: Lacey A Rightmer Staff Member Presenting: Helen McAlary, Executive Director Community Life and Culture Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 12

SUBJECT: AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT FOR SAM ALBA MEMORIAL PARK

RECOMMENDATION: That the City Council authorize the cooperative purchase of playground equipment for Sam Alba Memorial Park in the amount of $189,898 plus a 5% contingency of $9,495 to mitigate any unforeseen issues with supply chain surcharges and manufactory price increases for a total not to exceed amount of $199,393 from Innovative Playgrounds, of Whittier, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 010521-BUR.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The City of Ontario has been awarded a total of $286,906 from the California Department of Parks and Recreation through the Parks, Environment and Water Bond Act of 2018 (Proposition 68). The not-to-exceed amount for this purchase is $199,393, which will be reimbursed through the grant funds. Appropriations and revenues will be included in the Grants Fund on the next FY 2022-23 Quarterly Budget Update. Matching funds are not required for this grant.

BACKGROUND & ANALYSIS: On September 7, 2021, City Council approved the filing of an application for grant funds through the California Department of Parks and Recreation for the Statewide Per Capita Grant Program under the Parks, Environment and Water Bond Act of 2018 (Proposition 68). Under the Proposition 68 Per Capita Grant Program, more than 700 agencies were awarded noncompetitive funds on a per capita basis to support the rehabilitation, creation, and improvement of local parks. State Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructures and to address deficiencies in neighborhoods that lack access to outdoor recreation facilities. The Sam Alba Park Revitalization Project is consistent with the grant program criteria. The grant amount awarded to the City of Ontario is $286,906.

The Playground equipment at Sam Alba Memorial Park is outdated and in need of replacement to keep it in working order and reduce future maintenance expenses. The selected playground vendor

is BCI Burke and the playground will be purchased through their representative Innovative Playgrounds, Inc. The remaining grant funds will be used for other enhancements to the park including the installation of picnic tables and exercise equipment.

In general conformation with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.29 allows for the purchase of supplies and equipment through cooperative purchasing programs. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain lower pricing than otherwise might be possible.

On November 28, 2022, the Recreation & Parks Commission approved the design for the new playground to be installed at Sam Alba Memorial Park with a vote of 6-0 and recommends that the City Council authorize the cooperative purchase.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Community Life & Culture Prepared By: Lacey A Rightmer Staff Member Presenting: Helen McAlary, Executive Director Community Life and Culture Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 13

SUBJECT: **AWARD A PROFESSIONAL SERVICES AGREEMENT FOR PRINTING SERVICES RELATED TO THE ONTARIO LIVING MAGAZINE**

RECOMMENDATION: That the City Council take the following actions:

A. Authorize the City Manager to execute a three-year professional services agreement, with the option to extend for two additional years (on file in the Records Management Department), with Eclipse Printing & Graphics LLC, DBA James Litho located in Ontario, California, for an annual amount of $175,000 and a total compensation not to exceed of $875,000.
B. Authorize the future amendments to the scope of work consistent with City Council approved budgets for additional printing services that may be necessary or desired, related to the Ontario Living Magazine, a quarterly Publication distributed citywide.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Community Life & Culture Adopted Fiscal Year 2022-23 General Fund Budget includes appropriations for printing services related to the Ontario Living Magazine. The proposed Professional Services Agreement provides for 65,500 copies of the magazine to be printed per quarter for an annual not-to-exceed amount of $175,000. As residential units are developed throughout the City, additional appropriations will be included in future years' budgets for printing additional copies for these new residences.

BACKGROUND & ANALYSIS: The Ontario Living Magazine is a quarterly publication providing the residents and businesses in Ontario with the latest news, programs, and community events within the City of Ontario. Ontario prides itself in having a comprehensive publication that provides a modern design and high-quality printing of each issue.

In October 2022, the City solicited proposals from qualified firms for professional printing services related to the Ontario Living Magazine and received one response from the following vendor:

Eclipse Printing & Graphics LLC, DBA James Litho of Ontario, CA

Community Life & Culture requests City Council approval to enter into a three-year agreement with the option to extend for two additional years with Eclipse Printing & Graphics LLC, DBA James Litho for an annual amount of $175,000 and a total compensation not to exceed $875,000.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Community Life & Culture Prepared By: Lacey A Rightmer Staff Member Presenting: Helen McAlary, Executive Director Community Life and Culture Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 14

SUBJECT: **AWARD OF GOODS & SERVICES AGREEMENT WITH NEXT/NOW FOR BUILT ON WATER EXHIBIT**

RECOMMENDATION: That the City Council take the following actions:

a. Reject SimInsight Inc.'s protest against Next/Now for the development of a Virtual Reality experience.
b. Authorize the City Manager to execute a Goods & Services Agreement with Next/Now from Chicago, Illinois, for services involving the development of a virtual reality experience for the *Built on Water* exhibit at the Ontario Museum of History and Art in an amount not to exceed $115,000.
c. Authorize a 10% contingency of $11,500 to address any unforeseen issues that may arise during the project.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The contract has a not to exceed amount of $126,500, which includes $115,000 plus a 10% contingency. Appropriations of $110,000 are included in the General Fund FY 2022-23 Adopted Budget and will be included in subsequent years for Council approval. Appropriations of an additional $16,500 are included in the Museum's CIP Fund.

BACKGROUND & ANALYSIS: In 2018, the Ontario Museum of History & Art received a federal grant from the Institute of Museum and Library Services (IMLS) for a new permanent exhibition, *Built on Water: Ontario and Inland Southern California*. The exhibition focuses on the history and future of water in Ontario and the surrounding region. This multi-year project supports the development of the exhibition, related programming, and technological components. To shape the narrative, the exhibition planning process brought together Museum staff, water conservation districts, researchers, local archives, school districts, as well as the Ovitt Family Community Library, Ontario Municipal Utilities Company, and residents. City Staff consulted with multiple external entities

throughout the planning process to bring this exhibit to fruition.

In October 2021, preliminary designs of the exhibit were presented to the Museum Board of Trustees and a request to add an additional technological component was made. Museum Staff presented various options at the November 2021 Musuem board meeting and a virtual reality (VR) experience was selected. In February 2022, $110,000 was allocated for the project. Over the following months Museum Staff researched various VR experiences and vendors in order to identify goals for the project and develop a Request for Proposals (RFP). Museum staff looked for vendors that could present a semi-immersive VR experience narrated as a storyline that would follow an object, individual, and/or animal and allow museum visitors to interact with and further visualize key themes of the exhibit.

The project was listed in Planet Bids in early October. Ten vendors bid on the project and three finalists were selected for second interviews. Staff selected Next/Now, a full-service marketing and technology company with extensive experience designing VR environments for high profile brands and museums in a range of aesthetic styles, based on their superior understanding of the Museum's needs and goals for the project. On December 7, 2022, a protest letter was submitted by SimInsight Inc. Staff reviewed the protest letter and determined that the protest has no merit and should be denied. Staff recommends City Council authorize awarding the bid and entering a Goods & Services Agreement with Next/Now. Staff is confident in Next/Now's ability to translate Staff's ideas into a fully realized VR experience that will complement the exhibit and stand out as an attraction for visitors.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Financial Services Prepared By: Jialuan Ning Staff Member Presenting: Armen Harkalyan, Executive Director of Finance Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 15

SUBJECT: **ANNUAL COMPRENHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2022 AND AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2022**

RECOMMENDATION: That the City Council accept the City of Ontario's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2022, and the City of Ontario's AB1600 Development Impact Fee (DIF) Annual Report (unaudited) for Fiscal Year ended June 30, 2022.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: There are no direct fiscal impacts as a result of both of these actions. However, the City's receipt of an unqualified audit report with no material internal control weaknesses or significant deficiencies reported, can result in enhanced bond ratings. In addition, the AB1600 Development Impact Fee (DIF) annual report (unaudited) is submitted to the City Council for informational purposes only, as it strictly reports on the DIF funds.

BACKGROUND & ANALYSIS: The primary objectives of a financial audit are: (1) to express an opinion on the fairness of the financial statements in conformity with generally accepted accounting principles; and (2) to determine whether the City has complied with applicable legal requirements in obtaining and expending public funds. The audit for Fiscal Year 2021-22 was performed in accordance with generally accepted auditing standards by the accounting firm of Badawi & Associates. These standards are required to obtain reasonable assurances that the general-purpose financial statements are free from material misstatements.

The opinion given in the Independent Auditors Report states that "the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Ontario, California, as of June 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America." Also, it is

worth noting that Staff did make the audited financial statements available for the public and the City Council review prior to the December 31, 2022, deadline, as required by law.

On July 1, 2003, the City Council adopted Ordinance Nos. 2779 and 2780 approving the collection of Development Impact Fees (DIF) to mitigate the impacts of future development. In accordance with the provisions of Ordinance Nos. 2779 and 2780, the City began collecting DIF on September 1, 2003; and the impact fees have been updated periodically by Resolutions of the City Council. The fees that were used for the attached AB 1600 DIF Annual Report for Fiscal Year Ended June 30, 2022, was authorized by the City Council on September 17, 2019, by Resolution No. 2019-135. This update, as well as the previous update, incorporates the results of the City's 2012 Water, Sewer, Storm Drain and Circulation Master Plan updates, along with the land use assumptions underlying the City's most recently updated General Plan (The Ontario Plan). It is worth noting that the latest DIF update was authorized by the City Council on August 16, 2022, by Resolution No. 2022-133, and will be used for future AB 1600 DIF Reports.

California Government Code Sections §66001 and §66006 require making certain Development Impact Fee information available to the public. The City of Ontario addresses these reporting requirements through issuance of the AB 1600 DIF Annual Report along with the release of periodic updates to the City's development impact fee calculation and nexus schedules. As of the date of preparation of this report, the AB 1600 DIF Annual Report for Fiscal Year Ended June 30, 2022, represents the unaudited DIF financials and is available at www.ontarioca.gov/Building/Fees.

The AB 1600 DIF Annual Report for Fiscal Year Ended June 30, 2022, consists of three schedules. The first schedule reports each DIF category's beginning and ending fund balances, its annual revenue and earnings, and its expenditures for the fiscal year. The second schedule provides a summary listing of DIF expenditure amounts by individual public improvement projects. The third provides the five-year findings with regards to unexpended funds, whether committed or uncommitted, from FY 2017-18 through FY 2021-22. Currently, all unexpended funds are committed to future projects, which are detailed in the September 2019 Master Facilities Plan. The September 2019 Development Impact Fee Calculation and Nexus Report contains the amount and purpose of each DIF, the public improvements the fees will fund, and the reasonable relationship between the fees and the purposes for which they are being assessed.

The City of Ontario's AB 1600 DIF Annual Report for Fiscal Year Ended June 30, 2022 (unaudited), as well as the September 2019 Development Impact Fee Calculation and Nexus Report, and the September 2019 Master Facilities Plan are available for review and reference at the City's Records Management Department and on the City's website at www.ontarioca.gov/Building/Fees.

AB 1600 DEVELOPMENT IMPACT FEE (DIF)

ANNUAL REPORT

For Fiscal Year Ended June 30, 2022

Prepared By:

Development Administration Department of

Community Development Agency

CITY OF ONTARIO
AB 1600 DEVELOPMENT IMPACT FEE ANNUAL REPORT
PURSUANT TO GOVERNMENT CODE SECTION 66006
FOR FISCAL YEAR ENDED JUNE 30, 2022 (unaudited)

			Revenues					
Fund	Development Impact Fee Purpose	Fund Balance July 1, 2021	DIF Fees	Interest/ Gains/Losses	Other Sources/(Uses)	DIF Refunds/ Reimbursements	Project Expenditures	Fund Balance June 30, 2022
007	Park Land Acquisition and Facilities Development	33,310,746	14,133,834	(706,108)	(27,000) [1]	-	5,033,109	41,678,364
101	Law Enforcement Facilities, Vehicles and Equipment	1,447,762	576,381	(18,044)	-	5,907	-	2,000,191
106	Refuse Collection Facilities and Equipment	6,685,424	1,233,098	(131,847)	-	(113)	81,022	7,705,764
107	General Facilities, Vehicles and Equipment	5,963,932	950,841	(116,505)	-	(24)	-	6,798,294
108	Library Facilities and Collection	8,406,089	1,485,226	(165,548)	-	-	-	9,725,767
109	Public Use Facilities	8,951,931	1,700,513	(179,057)	-	-	-	10,473,388
110	Aquatics Facilities	754,866	114,288	(14,600)	-	-	-	854,554
112	NMC Open Space Land Acquisition	6,805,316	1,314,922	(132,145)	-	-	-	7,988,093
170	OMC Regional Circulation (Streets, Bridges and Signals) System	6,702,636	562,074	(113,917)	-	6,310	485,390	6,659,093
171	OMC Local Adjacent Circulation (Streets, Bridges and Signals) System	3,440,916	374,694	(70,118)	-	4,209	2,715,394	1,025,890
172	OMC Regional Storm Drainage Collection Facilities	1,722,224	36,580	(30,130)	-	(99)	-	1,728,773
173	OMC Local Adjacent Storm Drainage Collection Facilities	11,760,390	680,011	(224,966)	3,493 [2]	(1,737)	-	12,220,664
174	OMC Regional Water System	18,627,899	533,211	(327,735)	-	1,280	-	18,832,095
175	OMC Local Adjacent Water System	3,006,227	286,896	(55,390)	-	692	-	3,237,040
176	OMC Regional Sewer Collection System	2,973,258	24,483	(51,546)	-	89	-	2,946,107
177	OMC Local Adjacent Sewer Collection System	6,747,786	217,695	(92,894)	-	1,924,980	225,065	4,722,542
178	OMC Fire Facilities, Vehicles and Equipment	(1,613,917)	50,764	-	-	9,006	512,534	(2,084,692)
180	NMC Regional Circulation (Streets, Bridges and Signals) System	3,035,225	6,815,025	(154,638)	-	2,415,000	938,916 [3]	6,341,695
181	NMC Local Adjacent Circulation (Streets, Bridges and Signals) System	11,693,770	8,613,135	(310,782)	-	1,778,370	-	18,217,753
182	NMC Regional Storm Drainage Collection Facilities	4,713,407	2,696,132	(128,084)	-	3,513,404	-	3,768,050
183	NMC Local Adjacent Storm Drainage Collection Facilities	14,974,244	7,954,729	(295,259)	-	5,832,561	-	16,801,153
184	NMC Regional Water System	1,101,476	10,384,037	(213,984)	20,000 [2]	1,451,248	972,142	8,868,139
185	NMC Local Adjacent Water System	20,419,167	4,574,661	(399,513)	-	918,889	552,339	23,123,087
186	NMC Regional Sewer Collection System	1,224,122	737,625	(33,380)	-	318	368,813	1,559,236
187	NMC Local Adjacent Sewer Collection System	302,536	781,329	(15,569)	-	237,433	390,664	440,198
188	NMC Regional Fiber Optic Telecommunication System	(11,424,650)	525,224	-	-	247,207	306,529	(11,453,161)
189	NMC Local Adjacent Fiber Optic Telecommunication System	219,592	2,079,253	(7,880)	-	145,374	753,310	1,392,282
190	NMC Fire Facilities, Vehicles and Equipment	(4,319,586)	458,882	(89,514)	9,819,324 [4]	166,156	1,764,296	3,938,654
		$ 167,632,789	$ 69,895,541	$ (4,079,154)	$ 9,815,817	$ 18,656,459	$ 15,099,522	$ 209,509,011

[1] Rental of City Property.
[2] Miscellaneous Receipts.
[3] TSR-60 Archibald Interchange, Reimbursement and Settlement Agreements.
[4] Transfer In for Fire Stations 9 &11.

CITY OF ONTARIO
DEVELOPMENT IMPACT FEE PROJECTS/EXPENDITURES
FISCAL YEAR ENDED JUNE 30, 2022 (unaudited)

City Project	DIF Project	Description		Annual Expenditure
PA1904	PK-001	Ontario Ranch Great Park		5,011,033
PA1903	PK-001	Skate Park Development		22,076
			Fund 007 Subtotal	5,033,109
N/A	RC-003	Refuse Containers		81,022
			Fund 106 Subtotal	81,022
ST0308	ST-094	S. Milliken Grade Separation		59,200
ST1711	ST-116	I-10 Vineyard Interchange		318,604
ST1712	ST-114	I-10 Euclid Interchange		107,586
			Fund 170 Subtotal	485,390
ST1510	ST-036	Mountain & Holt Intersection Widening		2,565,619
ST1710	ST-129	Fourth Street Bridge Undercrossing		149,775
			Fund 171 Subtotal	2,715,394
SE1701	SW-022	Archibald Ave Sewer Diversion		225,065
			Fund 177 Subtotal	225,065
PF2207	FS-023	Fire Station #1 Relocation & City Hall Expansion		512,534
			Fund 178 Subtotal	512,534
ST0308	ST-094	S. Milliken Grade Separation		20,800
ST1411	ST-106	SR60 @ Archibald Interchange		918,116
			Fund 180 Subtotal	938,916
WA1907	WT-032	Groundwater Wellhead Treatment		52,268
WA2004	WT-009/WT-010	Ontario Ranch Phase 2 Water Main Improvements		198,675
WA9910	WT-002	New Well Number 43		721,200
			Fund 184 Subtotal	972,142
WA1903	WT-016	Haven Recycled Water & Pressure Reducing Station		247,681
WA2004	WT-009/WT-010	Ontario Ranch Phase 2 Water Main Improvements		304,658
			Fund 185 Subtotal	552,339
SE1801	SW-001	Payment to IEUA for Eastern Trunk Sewer [2]		368,813
			Fund 186 Subtotal	368,813
SE1801	SW-001	Payment to IEUA for Eastern Trunk Sewer [2]		390,664
			Fund 187 Subtotal	390,664
MS-0205	FO-001	Head-End Network - Creekside POP		27,714
MS-0205	FO-002	Core Network		40,406
MS-0205	FO-005	High-Speed Telecomm System-NMC		178,656
MS-0205	FO-007	Fiber Equipment for Residential Units		59,753

			Fund 188 Subtotal	306,529
MS-0205	FO-004	Major Steets Conduit System		10,938
MS-0205	FO-005	High-Speed Telecomm System - NMC		48,919
MS-0205	FO-006	The Cabling System Project - NMC		318,613
MS-0205	FO-007	Fiber Equipment for Residential Units		374,839
			Fund 189 Subtotal	753,310
PF0506	FS-001	Fire Station #9 Land Acquisiton and Construction		1,764,296
			Fund 190 Subtotal	1,764,296
				15,099,521.75

[2] Pursuant to Cooperative Agreement For The Sewer Conveyance Facilities Of The Eastern Trunk Sewer, Kimball Interceptor Sewer Extension, And RP-1 Outfall, Dated June 4, 2004.

CITY OF ONTARIO
FIVE-YEAR REVENUE TEST USING FIRST IN FIRST OUT METHOD
FISCAL YEAR ENDED JUNE 30, 2022 (unaudited)

Fund	Development Impact Fee Purpose	Fund Balance June 30, 2017	Project Expenditures 2018	2019	2020	2021	2022	Total	Unexpended Funds (Note 1)	Note
007	Park Land Acquisition and Facilities Development	(5,281,737)	-	-	8,365,863	5,368,994	5,033,109	18,767,966	-	
101	Law Enforcement Facilities, Vehicles and Equipment	(1,032,588)	-	-	-	-	-	-	-	
106	Refuse Collection Facilities and Equipment	2,942,141	98,890	-	93,130	136,914	81,022	409,956	2,532,185	2
107	General Facilities, Vehicles and Equipment	2,680,680	-	-	-	-	-	-	2,680,680	3
108	Library Facilities and Collection	2,744,956	-	-	-	-	-	-	2,744,956	4
109	Public Use Facilities	3,738,916	-	-	1,299,998	-	-	1,299,998	2,438,918	5
110	Aquatics Facilities	316,618	-	-	-	-	-	-	316,618	6
112	NMC Open Space Land Acquisition	2,120,313	-	-	-	-	-	-	2,120,313	7
170	OMC Regional Circulation (Streets, Bridges and Signals) System	8,791,273	439,591	475,531	730,998	641,231	485,390	2,772,741	6,018,532	8
171	OMC Local Adjacent Circulation (Streets, Bridges and Signals) System	10,540,373	3,508,146	317,253	282,242	5,544,150	2,715,394	12,367,185	-	
172	OMC Regional Storm Drainage Collection Facilities	1,349,867	-	-	-	-	-	-	1,349,867	9
173	OMC Local Adjacent Storm Drainage Collection Facilities	16,116,885	1,095,854	2,595,509	2,564,236	3,015,406	-	9,271,005	6,845,880	10
174	OMC Regional Water System	13,398,149	-	-	-	-	-	-	13,398,149	11
175	OMC Local Adjacent Water System	1,685,884	345,321	247,427	-	-	-	592,748	1,093,136	12
176	OMC Regional Sewer Collection System	2,422,471	-	-	-	-	-	-	2,422,471	13
177	OMC Local Adjacent Sewer Collection System	4,027,843	5,708	-	-	105,675	225,065	336,448	3,691,395	14
178	OMC Fire Facilities, Vehicles and Equipment	(135,621)	156,920	343,942	1,518,680	35,291	512,534	2,567,367	-	
180	NMC Regional Circulation (Streets, Bridges and Signals) System	1,517,783	531,606	868,658	1,962,394	8,859,996	938,916	13,161,570	-	
181	NMC Local Adjacent Circulation (Streets, Bridges and Signals) System	2,178,991	-	-	-	-	-	-	2,178,991	15
182	NMC Regional Storm Drainage Collection Facilities	844,931	-	-	-	-	-	-	844,931	16
183	NMC Local Adjacent Storm Drainage Collection Facilities	3,255,279	-	-	-	-	-	-	3,255,279	17
184	NMC Regional Water System	(12,681,792)	-	-	9,878	294,176	972,142	1,276,196	-	18
185	NMC Local Adjacent Water System	14,476,840	-	-	484,614	531,678	552,339	1,568,631	12,908,209	19
186	NMC Regional Sewer Collection System	274,348	163,370	288,203	285,981	144,772	368,813	1,251,139	-	20
187	NMC Local Adjacent Sewer Collection System	248,172	43,141	220,119	345,779	103,222	390,664	1,102,925	-	21
188	NMC Regional Fiber Optic Telecommunication System	(2,943,595)	-	895,273	478,342	287,458	306,529	1,967,602	-	22
189	NMC Local Adjacent Fiber Optic Telecommunication System	3,312,379	-	1,745,459	1,260,891	647,304	753,310	4,406,963	-	23
190	NMC Fire Facilities, Vehicles and Equipment	8,098,877	41,086	1,111,713	3,036,764	8,749,747	1,764,296	14,703,606	-	24

Notes:

1. All unexpended funds indicate the amount being held beyond the five year limit as described by AB1600.
2. The unexpended Refuse Collection Equipment funds will be expended on the Solid Waste projects detailed in the 2019 Master Facilities Plan on pages 403-409.
3. The unexpended General Facilities, Vehicles and Equipment funds will be expended on the General Facilities projects detailed in the 2019 Master Facilities Plan on pages 412-416.
4. The unexpended Library Facilities and Collection funds will be expended on the Library projects detailed in the 2019 Master Facilities Plan on pages 419-420.
5. The unexpended Public Use Facilities funds will be expended on the Public Use Facilities projects detailed in the 2019 Master Facilities Plan on page 423.
6. The unexpended Aquatics Facilities funds will be expended on the Aquatics Centers projects detailed in the 2019 Master Facilities Plan on page 426.
7. The NMC Open Space Land Acquisition Development Impact Fee amount is based on a lawsuit settlement. The unexpended funds will be expended on one of the seven scenarios that were contemplated

to determine the amount needed to be collected to meet the settlement agreeement funding requirement. These scenerios are outlined in the 2019 Development Impact Fee Calcultion and Nexus Report on pages 170-171.

8. The unexpended OMC Regional Circulation (Streets, Bridges and Signals) System funds will be expended on the General City Street Regional Circulation projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 196 and detailed in the 2019 Master Facilities Plan on pages 61-191.
9. The unexpended OMC Regional Storm Drainage Facilities funds will be expended on the General City Regional Storm Drainage projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 198 and detailed in the 2019 Master Facilities Plan on pages 199-303.
10. The unexpended OMC Local Storm Drainage Facilities funds will be expended on the General City Local Storm Drainage projects detailed in the 2019 Master Facilities Plan on pages 199-303.
11. The unexpended OMC Regional Water System funds will be expended on the General City Regional Water projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 200 and detailed in the 2019 Master Facilities Plan on pages 308-345.
12. The unexpended OMC Local Adjacent Water System funds will be expended on the General City Local Adjacent Water projects detailed in the 2019 Master Facilities Plan on pages 308-345.
13. The unexpended OMC Regional Sewer Collection System funds will be expended on the General City Regional Sewer projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 202 and detailed in the 2019 Master Facilities Plan on pages 350-400.
14. The unexpended OMC Local Sewer Collection System funds will be expended on the General City Local Sewer projects identified detailed in the 2019 Master Facilities Plan on pages 350-400.
15. The unexpended NMC Local Adjacent Circulation (Streets, Bridges and Signals) System funds will be expended on the Local Adjacent Ontario Ranch Street projects detailed in the 2019 Master Facilities Plan on pages 61-191.
16. The unexpended NMC Regional Storm Drainage System funds will be expended on the Ontario Ranch Regional Storm Drainage projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 206 and detailed in the 2019 Master Facilities Plan on pages 199-303.
17. The unexpended NMC Local Adjacent Storm Drainage System funds will be expended on the Local Adjacent Ontario Ranch Storm Drainage projects detailed in the 2019 Master Facilities Plan on pages 199-303.
18. The unexpended NMC Regional Water System funds will be expended on the Ontario Ranch Regional Water projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 208 and detailed in the 2019 Master Facilities Plan on pages 308-345.
19. The unexpended NMC Local Adjacent Water System funds will be expended on the Ontario Ranch Local Adjacent Water projects detailed in the 2019 Master Facilities Plan on pages 308-345.
20. The unexpended NMC Regional Sewer Collection System funds will be expended on the Ontario Ranch Regional Sewer projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 210 and detailed in the 2019 Master Facilities Plan on pages 350-400.
21. The unexpended NMC Local Sewer Collection System funds will be expended on the Ontario Ranch Local Sewer projects detailed in the 2019 Master Facilities Plan on pages 350-400.
22. The unexpended NMC Regional Fiber Optic Communication System funds will be expended on the Ontario Ranch Regional Fiber Optic projects identified in the 2019 Development Impact Fee Calculation and Nexus Report on page 212 and detailed in the 2019 Master Facilities Plan on pages 434-441.
23. The unexpended NMC Local Fiber Optic Communication System funds will be expended on the Ontario Ranch Local Fiber Optic projects detailed in the 2019 Master Facilities Plan on pages 434-441.
24. The unexpended NMC Fire Facilities, Vehicles and Equipment funds will be expended on the Fire projects detailed in the 2019 Master Facilities Plan on pages 27-52.

2022

CITY OF ONTARIO

Annual Comprehensive Financial Report

FISCAL YEAR ENDED JUNE 30, 2022

ONTARIO THROUGH THE YEARS
MURAL

Since Ontario's founding in 1882 by the Chaffey Brothers, the "Model Colony" remains distinctive in its commitment to creating opportunity and building value in the community. For over a century, Ontario has attracted settlement, development, and investment which have resulted in a sustainable well-balanced place to live, work, and play. The images included in the exhibit highlight events, people, and places that helped shape Ontario from "The Vision" Era to the "Commitment to Community" Era. Ontario Through the Years commemorates and celebrates Ontario's past and the framework it has established for the future.

The compilation of images is organized into ten periods of history. Each decade is in chronological order and identified by title and date. Selected images within each decade represent milestones that define the period in City's history. While each decade has brought challenges through local, regional, and worldwide events, it has also brought innovation and prosperity. Ontario's resilience, sense of community, and leadership has resulted in an ever thriving "Model" City as envisioned by its founders.

Visit the mural today at the Ontario Town Square or learn more online at www.OntarioTownSquare.org/Mural.

City of Ontario, California

ANNUAL COMPREHENSIVE FINANCIAL REPORT

For Fiscal Year Ending June 30, 2022

Prepared By:
Financial Services Agency

CITY OF ONTARIO CALIF.
SCHOOLS & CHURCHES
BUSINESS & AGRICULTURE
BALANCED COMMUNITY
INCORPORATED 1891

City of Ontario
Annual Comprehensive Financial Report
For the year ended June 30, 2022
Table of Contents

Page

INTRODUCTORY SECTION

Table of Contents i
Letter of Transmittal v
Principal Officers xiii
Citywide Organizational Chart xiv

FINANCIAL SECTION

Independent Auditor's Report 1

Management's Discussion and Analysis 5

Basic Financial Statements:

Government-wide Financial Statements:
Statement of Net Position 39
Statement of Activities 40

Fund Financial Statements:

Governmental Fund Financial Statements:
Balance Sheet – Governmental Funds 44
Reconciliation of the Governmental Funds Balance Sheet to the Government-Wide Statement of Net Position 46
Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds 48
Reconciliation of the Governmental Funds Statement of Revenue, Expenditures, and Changes in Fund Balances to the Government-Wide Statement of Activities 50

Proprietary Fund Financial Statements:
Statement of Net Position – Proprietary Funds 52
Statement of Revenues, Expenses and Changes in Fund Net Position – Proprietary Funds 53
Statement of Cash Flows – Proprietary Funds 54

Fiduciary Fund Financial Statements:
Statement of Fiduciary Net Position – Fiduciary Funds 56
Statement of Changes in Fiduciary Net Position – Fiduciary Funds 57

Notes to Basic Financial Statements 61

Page

FINANCIAL SECTION, Continued

Required Supplemental Information:

Budget and Comparison Information – General Fund Budget Policies 141
Schedule of Revenues, Expenditures and Changes in Fund Balances – Budget and Actual:
General Fund 142
Measure I 146
Ontario Housing Authority 147
Modified Approach for Infrastructure Capital Assets 149

Schedule of Changes in the Net Pension Liability and Related Ratios:
Miscellaneous Plan 152
Safety Police Plan 154
Safety Fire Plan 156
Schedule of Pension Plan Contributions 158
Schedule of Changes in the OPEB Liability and Related Ratios 160
Schedule of OPEB Contributions 161

Supplementary Information:

Combining and Individual Fund Statements and Schedules:

Combining Balance Sheet – Nonmajor Governmental Funds 166
Combining Statements of Revenues, Expenditures and Changes in
Fund Balances – Nonmajor Governmental Funds 170

Schedules of Revenue, Expenditures, and Changes in Fund Balance – Budget and Actual:
Nonmajor Special Revenue Funds:
Special Gas Tax 174
Quiet Home Program 175
Park Impact/Quimby 176
Community Development 177
Asset Seizure 178
Mobile Source Air Pollution 179
Special Assessment/Fee Districts 180
Grants 181
Cable Access 182
Storm Drain Maintenance 183
Historic Preservation 184
NMC Public Services 185
Broadband/Fiber 186
Affordability in Lieu 187
Fire Mutual Aid 188
NMC CFD 189
OMC CFD 190

Page

FINANCIAL SECTION, Continued

Supplementary Information (Continued):

Schedules of Revenue, Expenditures, and Changes in Fund Balance – Budget and Actual:
Capital Project Funds:
Capital Projects 191
Impact Fees 192
Combining Statement of Net Position – Internal Service Funds 194
Combining Statement of Revenues, Expenses and Changes in Fund Net Position – Internal Service Funds 196
Combining Statement of Cash Flows – Internal Service Funds 198
Combining Statement of Fiduciary Net Position – Custodial Funds 202
Combining Statement of Changes in Fiduciary Net Position – Custodial Funds 210

STATISTICAL SECTION

Financial Trends:
Schedule 1 – Net Position by Component 223
Schedule 2 – Changes in Net Position 224
Schedule 3 – Changes in Fund Balances, Governmental Funds 226
Schedule 4 – Fund Balances, Governmental Funds 228

Revenue Capacity:
Schedule 5 – Assessed Value and Estimated Actual Value of Taxable Property 229
Schedule 6 – Direct and Overlapping Property Tax Rates 230
Schedule 7 – Principal Property Taxpayers 231
Schedule 8 – Property Tax Levies and Collections 232
Schedule 9 – Taxable Sales by Category 233
Schedule 10 – Direct and Overlapping Sales Tax Rates 234
Schedule 11 – Sales Tax Revenue Payers by Industry 235

Debt Capacity:
Schedule 12 – Ratio of Outstanding Debt by Type 236
Schedule 13 – Ratio of General Bonded Debt Outstanding 237
Schedule 14 – Direct and Overlapping Governmental Activities Debt 238
Schedule 15 – Legal Debt Margin Information 239
Schedule 16 – Pledged Revenue Coverage 240

Demographic and Economic Information:
Schedule 17 – Demographic and Economic Statistics 241
Schedule 18 – Principal Employers 242

Operating Information:
Schedule 19 – Full-Time City Government Employees by Function 244
Schedule 20 – Operating Indicators by Function/Program 245
Schedule 21 – Capital Asset Statistics by Function/Program 246

This page intentionally left blank.

CITY OF ONTARIO
303 EAST B STREET | ONTARIO, CALIFORNIA 91764
(909) 395-2000 FAX (909) 395-2070 OntarioCA.gov

PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA DORST-PORADA
RUBEN VALENCIA
COUNCIL MEMBERS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT OCHOA
CITY MANAGER

December 13, 2022

To the Honorable Mayor, City Council, City Manager, and Citizens of the City of Ontario:

State law requires that all general-purpose local governments publish, within six months of the close of each fiscal year, a complete set of financial statements presented in conformity with Generally Accepted Accounting Principles (GAAP) and audited in accordance with auditing standards generally accepted in the United States of America by a firm of licensed certified public accountants. Pursuant to that requirement, we hereby issue the Annual Comprehensive Financial Report (ACFR) of the City of Ontario for the fiscal year ended June 30, 2022. This report provides a broad view of the City's financial activities for the Fiscal Year 2021-22 and its financial position as of June 30, 2022. Although addressed to the elected officials and the citizens of the City, this report has several other users. Foremost among these other users are bondholders of the City, financial institutions, credit rating agencies, educational institutions, and other governmental entities. In producing an ACFR, the City of Ontario has chosen to provide financial information that is significantly greater than that which is required under state law.

Responsibility for both the accuracy of the information presented in the ACFR as well as the completeness and fairness of the presentation, including all disclosures, rests with the City. We believe that the information, as presented, is accurate in all material respects; that it is presented in a manner designed to fairly set forth the financial position of the City and the results of its operations; and that all disclosures necessary to enable the reader to gain the maximum understanding of the City's financial affairs have been included.

The management of the City has established a system of internal control that is designed to assure that the assets of the City are safeguarded against loss, theft, or misuse. The system of internal control also assures that the accounting system compiles reliable financial data for the preparation of financial statements in conformity with Generally Accepted Accounting Principles (GAAP). Internal accounting controls are designed to provide reasonable, but not absolute, assurance that these objectives will be met. The concept of reasonable assurance recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the evaluation of the costs and benefits requires estimates and judgments by management. As management, we assert that,

FINANCIAL SERVICES | Armen Harkalyan, Executive Director
200 North Cherry Avenue • Ontario, CA 91764 | (909) 395-2442 | OntarioCA.gov/Financial Services

to the best of our knowledge and belief, this financial report is complete and reliable in all material respects.

The City of Ontario's financial statements have been audited by Badawi & Associates, CPAs, a firm of licensed certified public accountants. The goal of the independent audit was to provide reasonable assurance that the financial statements of the City of Ontario for the fiscal year ended June 30, 2022, are free from material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The independent auditor concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion that the City of Ontario's financial statements for the fiscal year ended June 30, 2022, are fairly presented in conformity with GAAP. The independent auditor's report is presented as the first component of the financial section of this report.

The independent audit of the financial statements of the City of Ontario was part of a broader, federally mandated "Single Audit" designed to meet the special needs of federal grantor agencies. The standards governing Single Audit engagements require the independent auditor to report not only on the fair presentation of the financial statements, but also on the audited government's internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of federal awards. These reports are available in the City of Ontario's separately issued Single Audit Report.

Profile of the Government

The City of Ontario was founded as a "Model Colony" and incorporated on December 10, 1891. Ontario is located approximately 35 miles east of downtown Los Angeles and encompasses nearly 50 square miles. Ontario is one of the 150 largest cities in the United States and is home to more than 12,000 businesses, 119,000 jobs and a population of 179,516

Ontario is ideally situated as a gateway to Southern California and beyond, with direct access to the I-10, I-210, and I-15 freeways, State Routes 60 and 83, and two major railways. Ontario International Airport (ONT) was recently ranked as both the fastest growing airport in the United States and the largest outbound cargo gateway. Today, ONT offers nonstop commercial jet service to 18 major airports in the U.S., Mexico and Taiwan, including the only transpacific services from a Southern California airport other than LAX.

The City of Ontario operates under the council-manager form of government. Policy-making and legislative authority are vested in a governing council consisting of the mayor and four other members. The governing council is responsible, amongst other things, for passing ordinances, adopting the budget, appointing committees, and hiring both the City's manager and attorney. The City Manager is responsible for carrying out the policies and ordinances of the governing council, for overseeing the day-to-day operations of the government and for appointing the heads of the various agencies. The council is elected on a non-partisan basis. Council members serve four-year staggered terms, with two council members elected every two years. The mayor is elected to serve a four-year term. The mayor and the four council members are elected at large.

The City of Ontario is a full-service city with approximately 1,219 full-time employees. Services provided include police and fire protection; development including the construction and maintenance of streets, parks, water and sewer lines, traffic signals and other infrastructure; water, sewer and integrated waste services; recreation and community services; and arts, cultural, and social programs. In addition to general government activities, the City Council also serves as the Board of Directors for the Ontario Industrial Development Authority, the Ontario Redevelopment Financing Authority, Ontario Public Financing Authority, and the Ontario Housing Authority. These activities have therefore been included as an integral part of the City of Ontario's financial statements. Additional information on these entities can be found in Note 1 in the notes to the financial statements.

The Ontario Municipal Code requires that the City Manager present the Annual Operating Budget to the City Council for approval. The Financial Services Agency, under the direction of the Executive Director of Finance, is responsible for compiling the estimated revenues and appropriations for the City Manager. Prior to the beginning of the new fiscal year, the City Council adopts the Annual Operating Budget at a public budget workshop.

The development of the Fiscal Year Annual Operating Budget begins in February with the dissemination of the budget preparation guidelines. The guidelines include policies and procedures to ensure that the preparation of the budget conforms to fiscal policies and guidelines established by the City Council. Before the Agency budget requests are submitted to the City Manager, the Financial Services staff reviews and analyzes all Agency requests. This review includes comparative analysis of historical and current expenditure levels. The City Manager and the Financial Services staff then hold meetings with each Agency Executive Director to discuss the budget requests and obtain additional information to assist in the assessment of the requests. A proposed budget is then submitted to City Council for consideration in June. The budget must be approved by City Council before the start of the new fiscal year: July 1st.

The City's budget policy is that all appropriations lapse at fiscal year-end. Outstanding encumbrance balances at fiscal year-end require re-approval by City Council at the First Quarter Budget Update. City Council may amend the budget at any time during the fiscal year. Budget reports are presented to City Council and the public on a quarterly basis. They include appropriations adjustments and revised revenue projections as needed. The City Manager may authorize budget transfers between line items, programs and agencies as long as the total budget does not exceed the amount approved by City Council. Budgetary changes between funds require City Council approval. The level of budgetary controls is set at the Agency level by fund to ensure compliance with the budget as approved by City Council. Budget-to-actual comparisons are provided in this report for each individual governmental fund for which an appropriated annual budget has been adopted. Additional information regarding the City's general budget policies can be found in the Required Supplementary Information.

Economic Condition and Outlook

Economic indicators suggest a slow recovery over the next several years. Although it is unlikely to realize structural balance until the crisis is resolved; the City has been able to sustain its operationally balance structure with continued expenditure restraint, ongoing fiscal monitoring, and the use of additional fund balance reserves. The City joined California Employers' Retiree Benefit Trust (CERBT) to pre-fund its Other Post Employment Benefit (OPEB) liability. Section 115 Trust was established in Fiscal Year 2019-20 with the initial deposit of $140 million and a contribution of $5,077,000 for Fiscal Year 2021-22 paid from the OPEB Internal Service Fund. The contribution amount, at the City's discretion, may increase each year by the Annual CPI Index with a 5% cap. The balance in the OPEB trust fund as of June 30, 2022 was $155,487,072.

The California State Public Employees Retirement System (CalPERS) is considerably underfunded, primarily due to the lower than projected earning rates combined with significant investment losses incurred during the Great Recession. Over the last several years, CalPERS has made significant changes to the assumptions used in the calculations of local agencies' pension liabilities. These changes have resulted in (1) an increased overall unfunded pension liability as the discount rate has been lowered from 7.0 percent to 6.8 percent in July 2021, and (2) sharp increase in annual payments to CalPERS in earlier years followed by declining payments in later years due to the method of amortizing the Unfunded Accrued Liability (UAL) payments. In addition, as a result of offering a two-year service credit as a retirement incentive during the COVID pandemic, the City estimates the additional UAL for this incentive will be approximately $50 to $60 million.

The City issued pension obligation bonds on May 12, 2020, in the amount of $236.6 million for the CalPERS Safety Plans (Police and Fire) per City Council direction. The pay down of the City's CalPERS safety plans UAL will potentially save the city up to $110 million over the life of the bond financing. Also, to stabilize future pension cost increases for its Miscellaneous employee group, on May 19, 2020, City Council authorized staff to utilize the City's Investment Portfolio with available cash balances to pay down the current UAL amount of $102.5 million for this group. This will result in the City saving approximately $60 million, with a combined savings of about $170 million for all three CalPERS pension plans: Fire Safety, Police Safety and Miscellaneous. The issuance of pension obligation bonds help the City achieve General Fund goals to stabilize existing CalPERS cost, but it will come at heightened levels in the coming years.

Other major challenges are the City's revenues which will soon be outpaced in the forthcoming fiscal years by increasing pension expenses, rising medical benefits costs, and the overall cost of labor. Moreover, the City should be mindful that in providing service to Ontario International Airport Authority (OIAA) and Ontario Ranch, there is an absorption factor to consider as service demands continue to grow and evolve. Additionally, it is crucial that recurring operating expenditures are strategically contained and are not outpacing recurring revenues. In addition, funding of the Internal Service Allocations for Equipment Services, Information Technology Services, Facilities Maintenance, and Risk Liability have not increased to levels that ensure the sustainability of these services. For the City to successfully manage these significant fiscal issues, while coping with a lean organization as a result of the retirement separation incentive program for the recent budget balancing strategies, it is recommended that the City continue to practice fiscal discipline and establish proactive measures to safely navigate the current and upcoming fiscal challenges.

Although there are a lot of unknowns about the rate of the nation's recovery, there is no doubt Ontario will recover. As the economy continues to bounce back, public health guidelines have become almost non-existent and businesses have safely reopened, travel restrictions are almost entirely diminished, and revenue sources are anticipated to increase in the coming years. With the City Council's leadership and their prudent fiscal policies, the City's long-term financial health will further solidify its standing as the economic leader in the Inland Empire, and a formidable player in California, and the nation.

It is also worth noting that the Fiscal Year 2022-23 Proposed Operating Budget continues to focus on City Council's Strategic Goals and impacts from the COVID pandemic. The operationally balanced budget addresses the shortfalls in Fiscal Year 2021-22 and Fiscal Year 2022-23 utilizing responsibly the $45.6 million one-time funding from the American Rescue Plan Act (ARPA), of which $22.8 million was allocated for FY 2020-21, $3.4 million for Fiscal Year 2021-22, $9.5 million for FY 2022-23, and the remaining $9.9 million to be used in the following fiscal year through December 2024. The ARPA money was and will continue to be used on bringing back positions that were lost during the COVID pandemic.

Long-Term Financial Plan

In addition to managing the City's money in a manner that ensures Ontario is financially stable, the long-term goals, efforts and actions reflect the City Council's continued commitment to support high quality public safety and municipal services, provides for the maintenance and expansion needs of the City's infrastructure and facilities, profiles an aggressive economic development strategy, and assures the investment and reinvestment of City resources into the community – all in the name of affording Ontario residents and businesses an exceptional quality of life.

Ontario's commitment to infrastructure improvements is demonstrated by the City's Capital Improvement Program that includes projects such as:

- $ 21,272,910 in water and storm drain projects;
- $ 9,176,050 in street improvements;
- $ 5,715,189 in public facilities projects; and
- $ 2,925,000 in other miscellaneous improvements

The City of Ontario has, through prudent long-range policy decisions and sound fiscal management, maintained its position as an economic leader in Southern California. The City will continue to monitor key economic indicators, sources of revenues, and spending levels as part of its sound conservative fiscal approach. In order to maintain this structural balance, however, the City will have to proceed with caution. Balancing fiscal discipline and long-term vision, Ontario is well-positioned to address its obligations while capitalizing on opportunities.

Through the combined leadership of City Council and the implementation of its prudent fiscal policies, the City has been able to enhance service levels to the community, invest in capital projects to enhance public facilities and infrastructure.

Relevant Financial Policies

Fund Balance Policy

The City's Fund Balance Policy, which was approved on June 22, 2011, established the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of the fund balance will help ensure that there will be adequate financial resources to protect the City against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures. The policy also authorizes and directs the Financial Services Agency in preparing financial reports that accurately categorize fund balance as per Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

Included in the Fund Balance Policy is the 18 Percent Stabilization Plan – the goal of City Council to achieve a minimum of 18 percent of the annual general fund appropriations, as Assigned Fund Balance in the general fund. Based on the current year general fund appropriations, the amount assigned to the 18 percent Stabilization Plan will either increase or decrease accordingly. This assigned balance is intended to be used for specific and defined emergency events, such as an earthquake, to address immediate needs in resources without impacting City services and to minimize the potential for disruption of municipal services to its citizens. Included as part of the General Fund balancing strategies for Fiscal Year 2020-21 was the reduction of the General Fund Reserve from 18 percent to 15 percent due to the COVID pandemic. However, for Fiscal Year 2021-2022, the General Fund balancing strategies were to achieve a reserve level of 16% with the goal to reach 20%. As of June 30, 2022, the City's General Fund had an assigned fund balance for the stability arrangement of $30.3 million, which achieves the goal of 16 percent of the General Fund Adopted Budget for Fiscal Year 2021-2022.

This 16 percent of the General Fund is separate from the General Fund Contingency, also established in the Fund Balance Policy. The City's General Fund Contingency consists of amounts formally set aside and/or arrangements to maintain amounts for working capital needs, contingencies and contractual obligations. Assigned amounts under General Fund Contingency include: Economic Uncertainties, Compensated Absences, and Continuing Appropriations.

Cash and Investments

The City of Ontario follows the practice of pooling cash and investments of all funds, except for funds required to be held by fiscal agents under provisions of bond indentures. Interest income earned on pooled cash and investments is allocated monthly to the various fund based on monthly cash and investment balances. Interest income from cash and investments with fiscal agents is credited directly to the related fund. As of June 30, 2022, the City of Ontario's cash and investments were $942,613,468.

Major Initiatives

Complete Community

Ontario is committed in building a "Complete Community" by investing in the growth and evolution of the area's economy while providing a balance of jobs, housing, and educational and recreational opportunities for our residents in a safe, well-maintained community. Ontario is evolving into an urban landscape of activity centers – complete with a full range of educational opportunities and health care providers, high paying jobs, a diverse mix of housing and rich in cultural and recreational amenities.

Ontario offers businesses, residents, and visitors the opportunity to be part of a culturally diverse community with a rich history, unlimited economic opportunities, and convenient access to the region's abundant recreational, cultural and entertainment amenities. Within a short drive of Ontario are some of the world's premier outdoor destinations, colleges and universities, medical centers, and research facilities.

Livability is a big part of the Ontario story. The City is home to premium entertainment venues such as the Ontario Convention Center, Toyota Arena, and Ontario Mills Mall. Five highly rated school districts operate within the City's boundaries. Home prices are more affordable, and as the City grows and evolves, developments are being designed to advance the economic dynamics of the City. An 8,200-acre former agricultural preserve, now known as the Ontario Ranch, will add approximately 47,000 homes and 165,000 new residents to Ontario.

The Ontario Plan

The Ontario Plan is a dynamic Framework for sustained, comprehensive leadership in building our community. It integrates components of city governance that are typically disconnected. The Plan states community direction at a point in time (2020) and integrates it into a single guidance system that will shape the Ontario community 20 years or more into the future (2050). The Ontario Plan provides for lasting policies to accommodate change.

Fiber Optic Master Plan

Currently, Ontario is developing a Fiber Optic Master Plan to guide the design, construction, and operation of a fiber optic backbone infrastructure. The City Fiber Optic network – OntarioNet – will result in cost effective, secure, fast, and reliable communications capabilities. OntarioNet high speed internet services continue to be extended and are available in the Ontario Ranch community, at the Ontario International Airport (ONT), the Toyota Arena, Ontario Convention Center, and many local businesses, as well as at several City facilities and over sixty traffic cabinets.

Service to the Community

The "Approach to Public Service" is the underlaying principal for each Agency citywide. This "Approach to Public Service" emphasizes that City employees "*choose public service to make a positive impact on the community*". The three principles behind this approach are the following:

- *Be Committed to the Community* – Whatever job you do, do it well!
- *Achieve Excellence Through Teamwork* – Take ownership of your job and support other team members.
- *Do the Right Thing the Right Way* – Focus on what is important and never compromise integrity.

Acknowledgements

The preparation of this report would not have been possible without the efficient and dedicated services of the entire staff of the Financial Services Agency who assisted and contributed to the preparation of this report. Credit also must be given to the Mayor, City Council, and the City Manager for their unfailing support for maintaining the highest standards of professionalism in the management of the City of Ontario's finances.

Sincerely,

Armen Harkalyan
Executive Director of Finance

City of Ontario, California

Form of Government

The City of Ontario operates under the council-manager form of local government. The five members of the City Council are elected by the citizens as the legislative, policy-making branch of City government; and the City Manager is appointed by the City Council to implement policy and manage day-to-day operations. All Council Members serve at large and serve four-year terms. Every even-numbered year, either the Mayor and two Council Members or two Council Members, the City Clerk and City Treasurer stand for election. The Council Members also sit as the Commissioners of the Ontario Housing Authority.

Elected Officials

PAUL S. LEON…….……Mayor

ALAN D. WAPNER……...……Mayor pro Tem

DEBRA DORST-PORADA…...……..Council Member

JIM W. BOWMAN……...…..Council Member

RUBEN VALENCIA……..Council Member

JAMES R. MILHISER……...……...City Treasurer

SHEILA MAUTZ……..……...City Clerk

Executive Team

SCOTT OCHOA
City Manger
Executive Director of the Housing Authority

DARLENE SANCHEZ
Assistant City Manger

RUBEN DURAN
City Attorney

MICHAEL LORENZ
Police Chief

RAY GAYK
Fire Chief

SCOTT BURTON
Utilities General Manager

TITO HAES
Executive Director of Public Works

SCOTT MURPHY
Executive Director Community Development

HELEN MCALARY
Executive Director Community Life & Culture

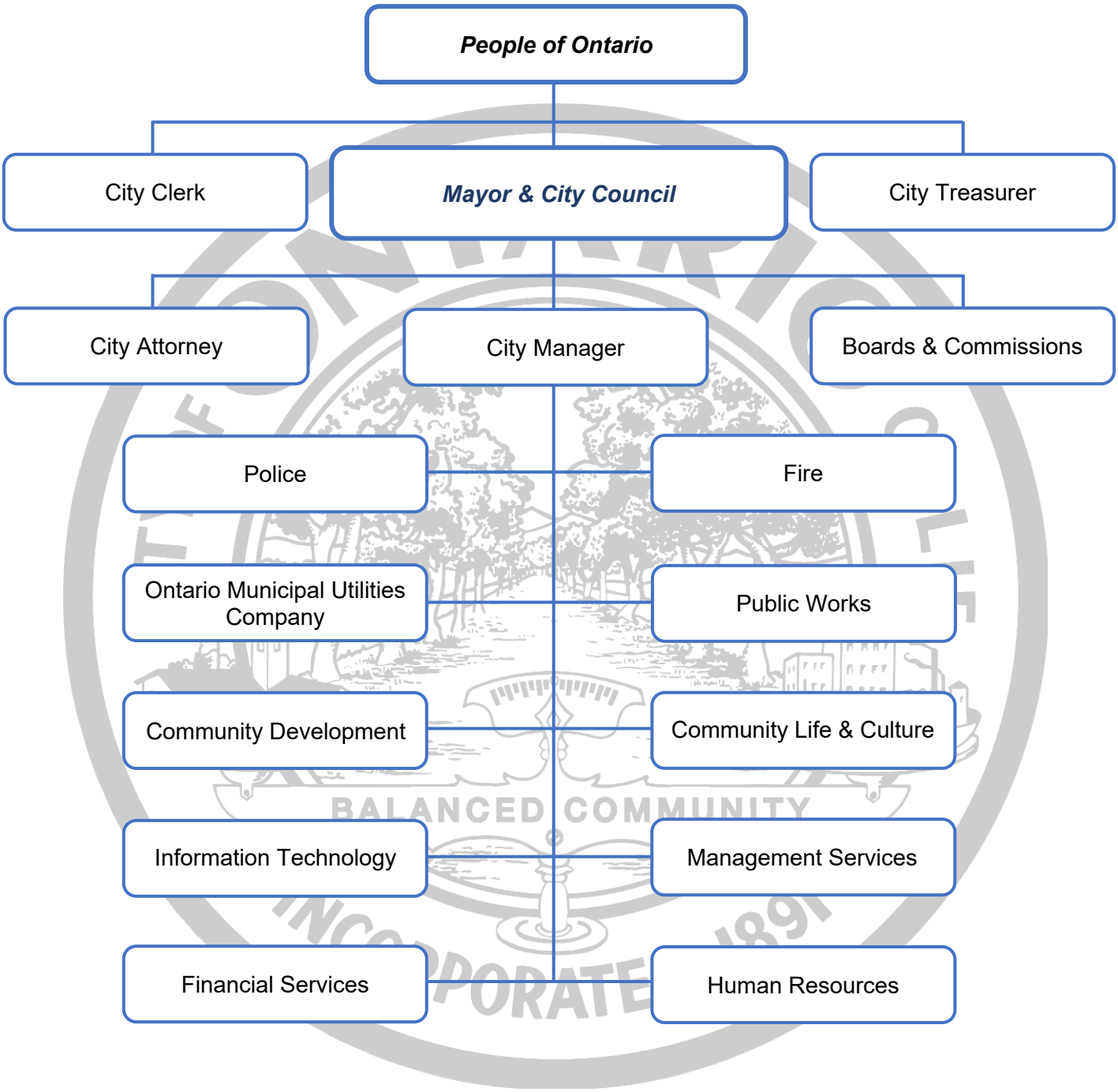
ARMEN HARKALYAN
Execute Director of Finance

ANGELA LOPEZ
Executive Director Human Resouces & Risk Management

COLIN FERNANDES
Executive Director Information Technology

CITY OF ONTARIO

CITYWIDE ORGANIZATIONAL CHART FISCAL YEAR 2021-22



BADAWI & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and Members
of the City Council of the City of Ontario
Ontario, California

Report on the Audit of the Financial Statements

Opinions

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Ontario (City), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise City's basic financial statements as listed in the table of contents.

In our opinion, based on our report and the report of the other auditors, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City, as of June 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

We did not audit the financial statements of the Water Facilities Authority and Chino Basin Desalter Authority, which represent 2.0 percent and 12.3 percent, respectively, of the assets, and (0.1) percent and 0.5 percent, respectively, of the revenues of the Water Enterprise Fund. Those financial statements were audited by other auditors whose reports thereon have been furnished to us, and our opinion, insofar as it relates to the amounts included for the Water Facilities Authority and Chino Basin Desalter Authority, are based solely on the reports of the other auditors.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Address: 2855 Telegraph Avenue, Suite 312 Berkeley, CA 94705 • Phone: 510.768.8251 • Fax: 510.768.8249

Responsibilities of Management for the Financial Statements

The City's management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management discussion and analysis, budgetary comparison schedules for the General Fund and major special revenue funds, the modified approach for the City's infrastructure capital assets, and the required pension and OPEB schedules on pages 5-33 and 141-161 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual nonmajor fund financial statements and budgetary comparison schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements.

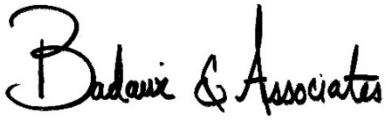
The combining and individual nonmajor fund financial statements and budgetary comparison schedules are the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements and budgetary comparison schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information. The other information comprises the introductory and statistical section but does not include the financial statements and our auditor's report thereon. Our opinions on the financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon. In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 13, 2022 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the City's internal control over financial reporting and compliance.



Badawi & Associates, CPAs
Berkeley, California
December 13, 2022

Management's Discussion and Analysis

The following Management Discussion and Analysis (MD&A) of the City of Ontario's (City) financial performance provides an introduction and overview to the financial activities of the City for the fiscal year ended June 30, 2022. This narrative discussion and analysis focus on the current year's activities, resulting changes and currently known facts; therefore, the information presented here should be considered in conjunction with additional information furnished in the Letter of Transmittal and the accompanying basic financial statements.

FINANCIAL HIGHLIGHTS

Government-Wide

- Total assets and deferred outflows of the City exceeded liabilities and deferred inflows by $1.99 billion (net position). Of this amount, $503.91 million (unrestricted net position) may be used to meet the City's ongoing obligations to citizens and creditors.
- For the fiscal year ended June 30, 2022, total net position increased by $163.88 million before a ($43.76) million restatement. Total revenues from all sources were $643.71 million and total expenses for all functions/programs were $436.08 million.
- Of total revenues, program revenues were $386.26 million and general revenues were $257.46 million. Program revenues are broken into three categories: Charges for Services, $288.97 million; Operating Contributions and Grants, $52.58 million; and Capital Contributions and Grants, $44.71 million.

Fund Based

- For the fiscal year ended June 30, 2022, the assigned fund balance of the General Fund was $55.64 million. The assigned portion of $30.30 million represents the City Council's goal to achieve a minimum of 16 percent of the annual general fund appropriations (stabilization policy).

OVERVIEW OF THE FINANCIAL STATEMENTS

The financial statements presented herein include all the activities of the City of Ontario and its component units as prescribed by GASB Statement No. 34. This discussion and analysis are intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components: 1) *Government-Wide Financial Statements*, 2) *Fund Financial Statements,* and 3) *Notes to the Financial Statements*. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-Wide Financial Statements

The *Government-Wide Financial Statements* present both long-term and short-term information about the City's overall financial picture. Financial reporting at this level uses a perspective similar to that found in the private sector with its basis in full accrual accounting and elimination or reclassification of internal activities.

The ***Statement of Net Position*** is measured as the difference between (a) assets and deferred outflow of resources and (b) liabilities and deferred inflow of resources. This is one way to measure the City's financial health, or financial position. Over time, increases or decreases in the City's net position may serve as an indicator of whether or not its financial health is improving or deteriorating.

The ***Statement of Activities*** presents information on how the City's net position changed during the fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (i.e., uncollected taxes or earned but unused vacation leaves).

In both the *Statement of Net Position* and *Statement of Activities*, we divide the City into two kinds of activities:

Governmental activities – Most of the City's basic services are reported here, including *General Government* (City Council, Office of the City Manager, Records Management, Financial Services and Human Resources), Public Safety, Community Development, and Public Works. Revenues from property taxes, transient occupancy tax (TOT), sales tax, parking tax, business license tax, etc., finance most of these activities.

Business-type activities – The City charges a fee to customers to recover all or most of the cost of certain services it provides. The City's water, sewer, and integrated waste are reported in this category.

The *Government-Wide Financial Statements* include not only the City, known as the *primary government*, but also the legally separate *component units.* The Ontario Housing Authority, the Industrial Development Authority, the Ontario Redevelopment Financing Authority, and the Ontario Public Financing Authority are known as *Blended Component Units*.

Fund Financial Statements

The *Fund Financial Statements* are designed to report information about groupings (*funds*) of related accounts, which are used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All the funds can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds. The City uses all three types, each using different accounting methods.

Governmental Funds – *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the *government-wide financial statements*. However, unlike the *government-wide financial statements*, *governmental fund financial statements* focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the *government-wide financial statements*, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the *government-wide financial statements*. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The City maintains twenty-four individual governmental funds. These funds report financial transactions using the modified accrual accounting method. Information for five out of the nineteen funds are presented separately in the Balance Sheet and the Statement of Revenues, Expenditures and Changes in Fund Balances. The following five funds are major funds: General Fund, Measure I Fund, Ontario Housing Authority Fund, Capital Projects Fund, and Impact Fees Fund. Data for other governmental funds (non-major) are combined into a single presentation as part of the additional required supplementary information. Individual fund data for each of these non-major governmental funds is provided in the form of combining statements that follow the notes to the financial statements.

The City adopts an annual appropriated budget for the General Fund, the Special Revenue Funds, and the Capital Project Funds. A budgetary comparison statement has been provided for each of the funds to demonstrate compliance with this budget.

Proprietary Funds – *Proprietary funds* are primarily used to account for when the City charges for the services it provides, whether to outside customers or to other units of the City. These funds are reported in the same way that all activities are reported in the Statement of Net Position and the Statement of Activities, using an accrual basis of accounting. In fact, the City's *enterprise funds* (a component of proprietary funds) are the same as the business-type activities that is reported in the *government-wide financial statements* but provide more detail information, such as the statement of cash flows. The City uses *internal service funds* (the other component of proprietary funds) to report activities that provide supplies and services for the City's other programs and activities, such as Equipment Services, Self-Insurance, Information Technology, Facility Maintenance, Pension Benefit Funds and Other Post Employment Benefit funds. Since these activities predominantly benefit governmental rather than business-type functions, they are included within the governmental activities in the *government-wide financial statements*.

Fiduciary Funds – *Fiduciary funds* are used to account for resources held for the benefit of parties outside the City. In these cases, the City has a fiduciary responsibility and is acting as a *trustee*. The *Statement of Fiduciary Net Position* separately reports all of the City's fiduciary activities. The City excludes these activities from the City's other financial statements because the City cannot use these assets to finance its operations. However, the City is responsible for ensuring that the assets reported in these funds are used for their intended purposes.

Notes to the Financial Statements

Notes to the financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements, and it is an integral part of the financial statements.

Other information

In addition to the basic financial statements and accompanying notes, this report also presents certain combining statements referred to earlier in connection with non-major governmental and proprietary funds. These combining and individual fund statements and schedules can be found immediately following the *Notes to the Financial Statements.*

GOVERNMENT - WIDE FINANCIAL ANALYSIS

This analysis will focus on the City's net position (Table 1) and changes in net position (Table 2) of the governmental and business-type activities for the fiscal year ended June 30, 2022. Management has included comparative data from fiscal year ended June 30, 2021, in its analysis.

Net Position (Table 1)

(in millions)

	Governmental Activities		Business-Type Activities		Government-Wide Totals	
	2022	2021	2022	2021	2022	2021
Current and Other Assets	$ 1,057.92	$ 771.55	$ 401.16	$ 352.26	$ 1,459.08	$ 1,123.81
Capital Assets	1,214.81	1,157.03	207.73	$ 229.26	1,422.54	1,386.29
Total Assets	**2,272.73**	**1,928.58**	**608.89**	**581.52**	**2,881.62**	**2,510.10**
Deferred Charges on Refunding	2.46	-	3.31	0.74	5.77	0.74
Deferred Pension Related Items	50.76	73.18	2.56	4.53	53.32	77.71
Deferred OPEB Related Items	5.71	3.48	2.36	0.44	8.07	3.92
Total Deferred Outflows of Resources	**58.94**	**76.66**	**8.23**	**5.71**	**67.16**	**82.37**
Noncurrent Liabilities	483.49	411.07	65.61	68.59	549.10	479.66
Other Liabilities	124.36	137.71	19.96	25.57	144.32	163.28
Total Liabilities	**607.85**	**548.78**	**85.57**	**94.16**	**693.42**	**642.94**
Deferred Charges on Refunding	0.87	0.94	-	-	0.87	0.94
Deferred Pension Related Items	112.81	2.29	12.95	0.11	125.76	2.40
Deferred inflows of resources - leases	2.95		1.42		4.37	
Deferred OPEB Related Items	95.57	107.17	39.53	13.63	135.10	120.80
Total Deferred Inflows of Resources	**212.21**	**110.40**	**53.90**	**13.74**	**266.09**	**124.14**
Net Position:						
Net Investment in Capital Assets	1,106.50	1,076.36	143.49	163.99	1,249.99	1,240.35
Restricted	235.00	258.82	0.37	3.17	235.37	261.99
Unrestricted	170.12	10.88	333.80	312.16	503.91	323.04
Total Net Position	**$ 1,511.61**	**$ 1,346.06**	**$ 477.65**	**$ 479.33**	**$ 1,989.27**	**$ 1,825.39**

The City's Government-wide total net position was $1.99 billion, with assets of $2.88 billion, deferred outflows of $67.17 million, liabilities of $693.42 million and deferred inflows of $266.09 million. The net investment in capital assets of $1.25 billion represents 62.8 percent of the City's total net position. This is an increase of $9.64 million from the previous year. The net investment in capital assets (e.g., infrastructure, land, structures and improvements, furniture, and equipment) component of net position consists of capital assets, net of accumulated depreciation, reduced by any related outstanding debt used to acquire, construct, or improve those assets. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other resources, since the capital assets themselves cannot be used to liquidate these liabilities.

Another portion of the City's net position of $235.37 million (11.9 percent of the total net position) represents resources that are subject to external restrictions in how they may be used. The remaining balance of $503.91 million or 25.33 percent of the total net position (unrestricted position) may be used to meet the government's ongoing obligations to citizens and creditors within the program areas.

Overall Financial Activities

Overall, the City's financial position increased from the prior year by $163.88 million (see Table 2 on the following page).

The overall cost of all governmental and business-type activities this year was $436.09 million and was an overall net decrease of $53.11 million or 10.9 percent compared to the prior year.

Total revenue of all governmental and business-type activities was $643.72 million for this fiscal year; an increase of $97.89 million or 18 percent. Program revenues were $386.26 million and general revenues were $257.46 million. The largest single revenue category was Charges for Services, at $288.97 million, which is *program revenue*. This revenue goes directly against the expenses in recovering the costs of providing those services. Charges for Services revenue increased by $59.77 million or more than 26.1 percent. Sales Taxes, which are considered *general revenues,* were the second largest revenue at $129.33 million. The third largest revenue source was Property Taxes (*general revenue*) at $79.33 million. Operating Contributions and Grants, another *program revenue* source, at $52.58 million was the fourth largest revenue category.

Changes in Net Position (Table 2)
(in millions)

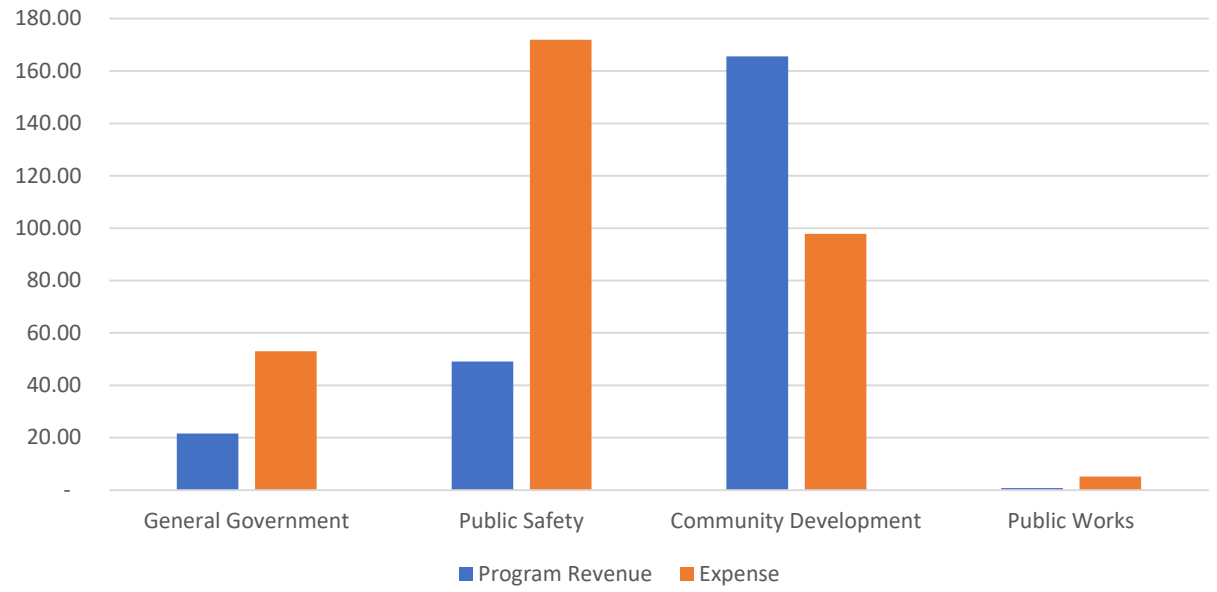
	Governmental Activities		Business-Type Activities		Government-Wide Totals	
	2022	2021	2022	2021	2022	2021
Revenues						
Program Revenues:						
Charges for Services	$ 141.02	$ 88.09	$ 147.95	$ 141.11	$ 288.97	$ 229.20
Operating Contributions and Grants	50.33	30.00	2.25	0.11	52.58	30.11
Capital Contributions and Grants	44.17	59.32	0.54	2.58	44.71	61.90
Sub-total Program Revenues	235.52	177.41	150.74	143.80	386.26	321.21
General Revenues:						
Property Taxes	79.33	72.48	-	-	79.33	72.48
Sales Taxes	129.33	105.42	-	-	129.33	105.42
Business Licenses Taxes	8.86	8.56	-	-	8.86	8.56
Franchise Taxes	3.82	3.51	-	-	3.82	3.51
Transient Occupancy Taxes	16.40	10.61	-	-	16.40	10.61
Other Taxes	6.00	3.51	-	-	6.00	3.51
Motor Vehicle In-Lieu	0.21	0.13	-	-	0.21	0.13
Use of Money and Property	(6.21)	2.78	(1.23)	5.50	(7.44)	8.28
Gain on Sale of Capital Asset		-	-	-	-	-
Other	9.07	12.12		-	9.07	12.12
Gain on Sale of Other Investments	11.88	-		-	11.88	-
Sub-total General Revenues	258.69	219.12	(1.23)	5.50	257.46	224.62
Total Revenues	**$ 494.21**	**$ 396.53**	**$ 149.51**	**$ 149.30**	**$ 643.72**	**$ 545.83**
Expenses						
General government	$ 53.01	$ 20.24	$ -	$ -	$ 53.01	$ 20.24
Public safety	171.92	200.44	-	-	171.92	200.44
Community development	97.86	111.93	-	-	97.86	111.93
Public works	5.18	7.45	-	-	5.18	7.45
Interest on long-term debt	12.60	12.42	-	-	12.60	12.42
Water	-	-	32.07	68.70	32.07	68.70
Sewer	-	-	26.52	26.01	26.52	26.01
Integrated Waste	-	-	36.93	42.01	36.93	42.01
Total Expenses	**$ 340.57**	**$ 352.48**	**$ 95.52**	**$ 136.72**	**$ 436.09**	**$ 489.20**
Change in Net Position before Transfers	**$ 153.64**	**$ 44.05**	**$ 53.99**	**$ 12.58**	**$ 207.63**	**$ 56.63**
Transfers	(0.46)	24.15	0.46	(24.15)	-	-
Change in Net Position	$ 153.18	$ 68.20	$ 54.45	$ (11.57)	$ 207.63	$ 56.63
Restatement of Net Position	12.37	-	(56.13)	-	(43.76)	-
Net Position at Beginning of Year	1,346.06	1,277.86	479.33	490.90	1,825.39	1,768.76
Net Position at End of Year	**$ 1,511.61**	**$ 1,346.06**	**$ 477.65**	**$ 479.33**	**$ 1,989.27**	**$ 1,825.39**

Governmental Activities

Under the governmental activities, the City's *net position* at the end of the year increased to $1.51 billion after a 153.65 million net difference between revenue and expense, transfers out of $(0.46) million and restatement of $12.37 million. The cost of all governmental activities this year was $340.57 million or 78.1 percent of the government-wide total expenses and was a decrease of $11.91 million or three percent from last fiscal year.

Graph 1 below presents the costs of each of the City's five governmental functions – general government, public safety, community development, public works, and interest on long-term debt, as well the governmental program's revenues. The net cost (total cost less *program revenues*) is the amount that was paid from *general revenues*.

Expenses and Program Revenues – Governmental Activities (Graph 1)
(In millions)



Expenses in *General Government* were $53.01 million or 15.6 percent of total Governmental Activities expenses. Of this amount, $21.57 million was funded by program revenues, while the remaining $31.44 million was funded by general revenues. General Government expenditures increased by $32.76 million, or 169 percent compared to the previous year because of increased funding in future economic activity

Public Safety expenses were $171.92 million or 50.5 percent of the total Governmental Activities expenses. Of this amount, $49.10 million was funded by program revenues, while the remaining $122.82 million was funded by general revenues. Expenses for Public Safety decreased by $28.53 million or 14.3 percent due to the one-time retirement separation incentive program that was paid out in FY 2021 and these positions remained vacant for the majority of the FY 2022.

Expenses in *Community Development* were $97.86 million or 28.73 percent of the total Governmental Activities expenditures. These expenses decreased by $14.07 million or 12.6 percent due to one-time retirement separation incentive that was paid out in FY2021 as well as projects that were completed during the year. Program revenues relating to the funding of community development activities amounted to $164.09 million, which were primarily from charges for services of $109.38 million, operating grants and contributions of 11.79 million, capital contributions and grants of $42.92 million.

Public Works expenses were $5.18 million or 1.6 percent of the total Governmental Activities expenditures. Of this amount, $0.76 million was funded by program revenues, with the remaining $4.42 million funded by general revenues. Public Works expenses decreased by $2.27 million or 30.5 percent from the prior year due to majority of the projects were completed during the year.

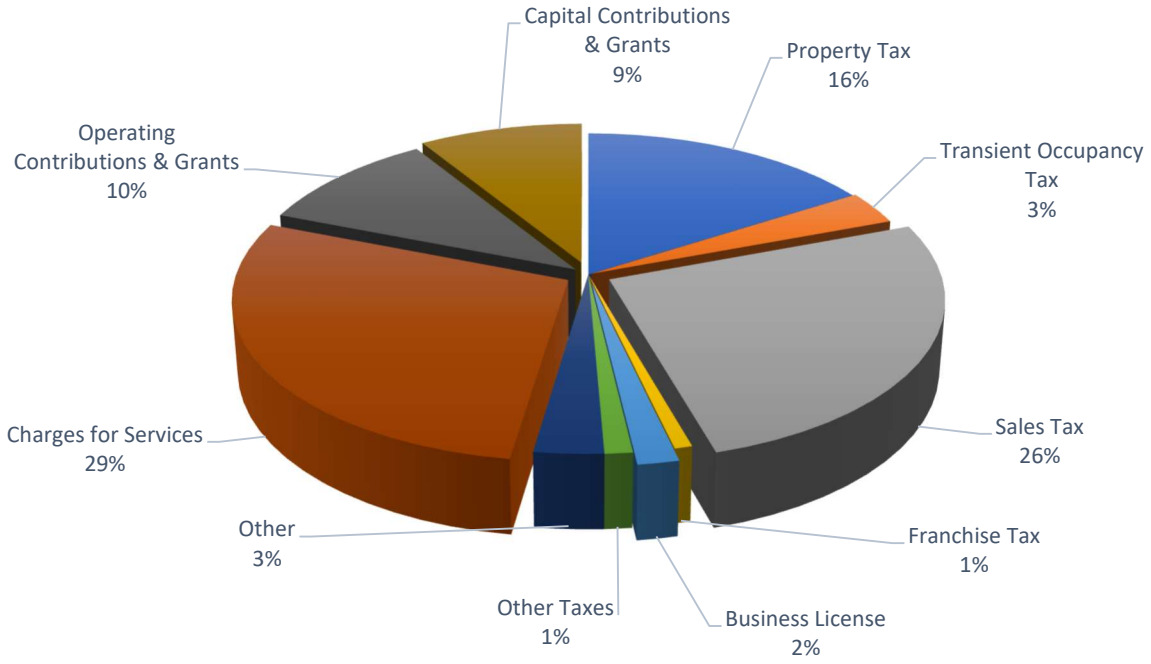
Interest on long-term debt had expenses of $12.60 million or three percent of total Governmental Activities and is funded entirely by general revenues.

Graph 2 below presents governmental activities revenue by source. Total revenue for governmental activities was $494.21 million (before transfers); an increase of $97.68 million or 24.63 percent compared to the previous fiscal year. The four largest revenue sources under governmental activities were the categories of *Charges for Services, Sales Taxes, Property Taxes, and Operating Contributions and Grants.*

Charges for Services (program revenue) was $141.02 million or 28.6 percent of total governmental activities revenue. Compared to the prior year, charges for services revenue increased by $52.93 million or 60 percent. *Sales Taxes* (general revenue) were $129.33 million or 26.2 percent of total governmental activities revenue. It had an increase of $23.91 million or 22.68 percent compared to the previous fiscal year – primarily as the COVID restrictions were lift off as well as increased economic activity and new business added in City of Ontario. *Property Taxes* (general revenue) was $79.33 million or 16.1 percent of total governmental activities revenue. Growth in assessed valuations and new development are primarily the reason for this

increase in revenue. *Operating Contributions and Grants* (program revenue) was $50.33 million or 10.2 percent of the total governmental activities' revenue. The overall program revenue experienced an increase of $58.10 million or 32.75 percent over the prior year – mainly due to the COVID restriction being lift over, increase in business activities across City of Ontario, and the additional funding from the American Rescue Plan Act (ARPA).

Revenues by Source – Governmental Activities (Graph 2)



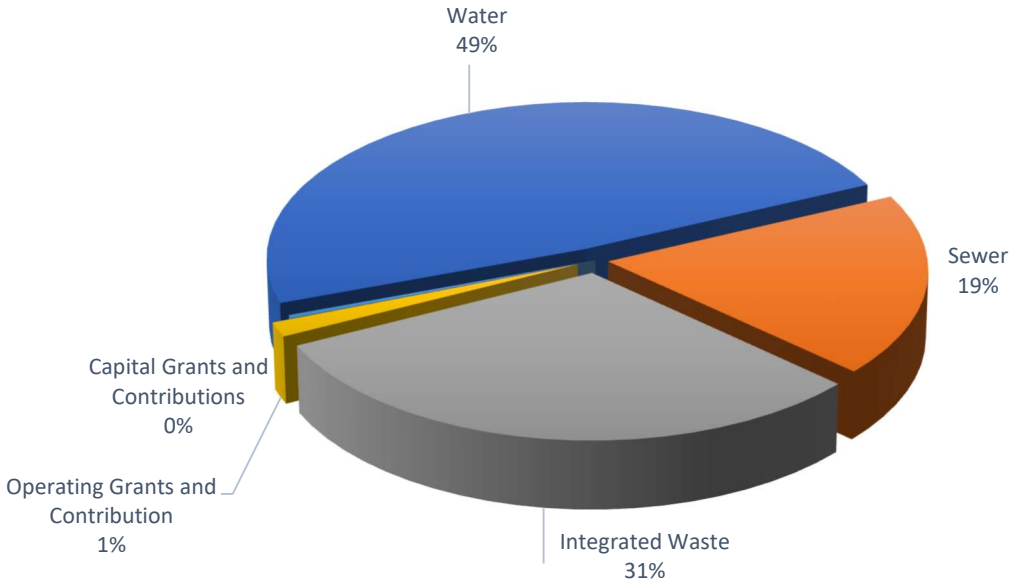
Business-type Activities

Net position for business-type activities was $477.65 million as of June 30, 2022, with assets of $608.89 million, deferred outflows of resources of $8.23 million, liabilities of $85.57. million and deferred inflows of resources of $53.90 million. Unrestricted net position of $333.80 million represented 69.88 percent of total business-type activities net position; this amount may be used to meet the government's on-going obligations. Net investment in capital assets of $143.49 million represented 30.04 percent of the total net position from business-type activities. Compared to the prior year, the City's net position from business-type activities from the prior year decreased slightly by $1.68 million or less than one percent.

Total revenue (excluding transfers) for the City's business-type activities was $149.51 million, which represented a small gain of $0.21 million or less than one percent from the prior year. Program revenues amounted to $150.74 million, and it increased by $6.94 million or 4.9 percent. General revenue for business-type activities was $(1.23) million. Business-type activities incurred $95.52 million of expenditures for the year; a decrease of $41.2 million due to large amount of water rights acquired in the previous year

Graph 3 presents revenues by source for business-type activities. Total revenue for business-type activities was $149.51 million (before transfers); this was a small increase of $0.21 million or less than one percent compared to the previous year. Charges for Services (program revenue) amounted to $147.95 million or 98.95 percent of total business-type activities revenues. The remaining revenues are Operating Contributions and Grants amount to $2.25 million and capital contributions and grants amount to $0.54 million and General Revenues which amount to ($1.23) million. Revenue from Water Services is the largest revenue source at $73.24 million or 49.5 percent of the total revenues from business-type activities. It had a minor increase of $4.06 million or 5.0 percent compared to the previous fiscal year due to increase in water rate in this fiscal year. The second largest revenue source was revenue from Integrated Waste services at $46.40 million or 30.78 percent of total business-type activities revenues. Integrated Waste services revenue had an increase of $4.49 million or 10.7% due to increase in fees for trash collection and development activities.

Revenues by Source – Business-Type Activities (Graph 3)



FINANCIAL ANALYSIS OF THE GOVERNMENT'S FUNDS

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds

The focus of the City's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the City's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

During the current fiscal year, the City had five major governmental funds: General Fund, Measure I Fund, Ontario Housing Authority, Capital Projects Fund, and Impact Fees Fund. The General Fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund. The General Fund is discussed in depth later in the MD&A. The special revenue fund for the Measure I Fund accounts for revenues from a one-half percent sales tax on all retail transactions within the County. The proceeds are to be used for transportation improvements, railroad grade separation projects, and traffic management programs. The special revenue fund for the Ontario Housing Authority Fund accounts for low and moderate housing funds to implement various programs and projects to assist in affordable housing. The Capital Projects Fund accounts for financial transactions of general capital improvements. The capital projects fund for the Impact Fees Fund accounts for developer-paid impact fees for infrastructure construction. Each major fund is discussed in the *Notes to the Financial Statements*.

As of June 30, 2022, governmental funds reported combined ending fund balances of $638.30 million. Approximately 8.71 percent or $55.64 million of this total amount constitutes assigned/unassigned fund balance. The remaining fund balance of $582.66 million is comprised of the following: Nonspendable $57.98 million, Restricted $233.76 million and Committed $290.92 million. Included in the Nonspendable fund balance are as follows: Advances to Successor Agency $3.50 million; Inventories 0.28 million; Prepaid costs 0.16 million; and Advances to other fund 54.04 million. For the Restricted fund balance (external enforceable limitations on usage), they are comprised as follows: Endowment/trust $0.36 million, Community Development projects $95.03 million; Public Safety $2.82 million; Park Development projects $41.68 million; Transportation improvement projects $18.55 million; Affordable Housing $48.22 million; AQMD activities $1.26 million; Fiber/Broadband $17.32 million and Public Services $8.50 million. Included in the Committed fund balance (self-imposed limitations on usage) is $290.92 million for City Facilities infrastructure improvements and capital replacement.

Governmental Revenues

Revenues of governmental funds for Fiscal Year 2021-22 were $461.59 million, with an increase of $100.59 million or 27.9 percent compared to the previous fiscal year. This increase in governmental revenue is primarily attributable to the increase in Sale Taxes, Transient Occupancy Tax and Charges for Services revenues for the FY 2021-22.

Table 3 below presents a summary of governmental fund revenues for the fiscal year ended June 30, 2022, with comparative amounts from the prior year.

Comparison of Governmental Fund Revenues (Table 3)
Fiscal Years 2021-22 and 2020-21

	Amount FY 21-22	% of Total Revenues	Amount FY 20-21	% of Total Revenues	$ Increase / (Decrease)	% Increase / (Decrease)
Property Tax	$ 79,329,716	17.19%	$ 72,483,313	20.08%	$ 6,846,403	9.45%
Sales Tax	129,332,341	28.02%	105,424,829	29.20%	23,907,512	22.68%
Transient Occupancy Tax	16,400,754	3.55%	10,614,109	2.94%	5,786,645	54.52%
Parking Tax	3,368,202	0.73%	1,725,332	0.48%	1,642,871	95.22%
Business Licenses Tax	8,856,928	1.92%	8,559,248	2.37%	297,680	3.48%
Other Taxes	17,664,589	3.83%	15,547,224	4.31%	2,117,365	13.62%
Licenses & Permits	10,772,502	2.33%	8,423,831	2.33%	2,348,671	27.88%
Intergovernmental	55,860,245	12.10%	38,990,081	10.80%	16,870,164	43.27%
Contribution from property owners	-	0.00%	51,925	0.01%	(51,925)	-100.00%
Charges for Services	130,243,516	28.22%	80,961,161	22.43%	49,282,355	60.87%
Use of Money & Property	(5,491,350)	-1.19%	2,917,789	0.81%	(8,409,139)	-288.20%
Fines and Forfeitures	1,060,576	0.23%	656,407	0.18%	404,169	61.57%
Miscellaneous	14,193,697	3.07%	14,645,386	4.06%	(451,689)	-3.08%
TOTAL	$ 461,591,716	100%	$ 361,000,635	100%	$ 100,591,082	27.86%

Governmental Expenditures

Total expenditures for governmental funds were $413.15 million, an increase of $42.48 million. This was primarily due to increased reimbursements to local businesses that have sales tax abatement agreements with the City due to increased sales, increased in contractual service expenses, internal service allocation costs, rising material costs due to inflation, and increased in number of WIP project during the FY 2022. The increase in principal retirement was due to the refinancing of the prior CIP bond.

Table 4 presents a summary of governmental fund expenditures for the Fiscal Year ended June 30, 2022, with comparative amounts from the prior year.

Comparison of Major Governmental Expenditures (Table 4)
Fiscal Years 2021-22 and Fiscal Years 2020-21

	Amount FY 21-22	% of total expenditure	Amount FY 20-21	% of total expenditure	$Increase/ (Decrease)	%Increase/ (Decrease)
General Government	$ 48,223,193	11.67%	$ 33,016,792	8.91%	$ 15,206,401	46.06%
Public Safety	199,451,930	48.28%	180,834,045	48.79%	18,617,885	10.30%
Community Development	106,265,455	25.72%	130,585,988	35.23%	(24,320,533)	-18.62%
Public Works	18,005,014	4.36%	17,347,477	4.68%	657,537	3.79%
Debt Service:						
Principal retirement	39,764,720	9.62%	5,718,104	1.54%	34,046,616	595.42%
Interest and fiscal charges	1,445,519	0.35%	3,169,583	0.86%	(1,724,064)	-54.39%
Total	**413,155,831**	**100.00%**	**370,671,989**	**100.00%**	**42,483,842**	**11.46%**

Proprietary Funds

The City's Proprietary funds consist of four Enterprise Funds and four Internal Service Funds. The Internal Service Funds are presented as *Governmental Activities* in the Proprietary Funds financial statements. Individual fund data is provided in the form of *combining statements*.

Operating revenues for Enterprise Funds include sales and service charges, interdepartmental charges and miscellaneous. Total operating revenues for all Enterprise Funds for Fiscal Year 2021-22 were $147.66 million, while non-operating revenues were $33.24 million and capital grants and contributions were 0.54 million. Operating expenses for Fiscal Year 2021-2022 were $112.75 million. During the fiscal year, the net amount transferred out to the City's Governmental Funds was $0.46 million to support for the various governmental activities.

The City also has four Internal Service funds to allocate costs of the City's information systems, equipment services, risk management, facilities maintenance, and other post-employment benefits operations to the various departments. The interdepartmental charges for service (revenues) in Fiscal Year 2021-22 were $58.33 million.

Fiduciary Funds

As mentioned earlier, the City uses Fiduciary Funds to account for resources held for the benefit of parties outside the City, in which the City is acting as trustee. The *Statement of Fiduciary Net Position* reports thirty-five activities for which the City has a fiduciary responsibility. These include: West End Communications Authority, a seven-member JPA that operates and maintains a consolidated 800MHZ communication system designed to serve public safety agencies; the Sanitary Collection Treatment Fund which collects sewer capital assessment fees on behalf of the Inland Empire Utilities Agency; the West End Fire and Emergency Response Commission, a JPA of five local fire departments to establish a hazardous materials response team, an urban search and rescue team and the servicing of joint authority breathing apparatus equipment used for emergency purposes; and the Private Purpose Trust Fund for the Successor Agency of the Former Redevelopment Agency, which was formed upon dissolution of the Ontario Redevelopment Agency. The successor agency is subject to the control of newly established County Oversight Board and can only pay enforceable obligations in existence at the date of dissolution. Furthermore, it will hold the remaining assets of the former Redevelopment Agency until they are distributed to other units of state and local government. The remaining are assessment/special assessment bond redemption funds and community facility district debt service funds used to collect assessments and administer the debt service of the districts.

GENERAL FUND – FUND BALANCE ANALYSIS

The General Fund is the primary operating fund of the City. The fund balance of $113.98 million as of June 30, 2022, had a decrease of $12.71 million compared to the previous year. The decrease in fund balance was due to an increase in expenditures as a result of the one-time ARPA premium paid for FY2022, an increase in reimbursements to local businesses that have sales tax abatement agreements with the City due to increased sales and transfers out. As a measure of the General Fund's liquidity, it may be useful to compare both Assigned and Unassigned fund balance and total fund balance to total fund operating expenditures. Assigned and Unassigned fund balance of $55.64 million represents 48.8 percent of total General Fund's fund balance, while the total Nonspendable, Restricted, and Committed fund balance amounts to $58.34 million and comprises 51.11 percent of the total fund balance.

Total fund balance of the General Fund consists of three components: 1) Nonspendable fund balance of $57.98 million – represents $54.04 million in advances to other funds and $0.15 million in prepaid, $0.28 million in inventory, and $3.5 million in advances to Successor Agency; 2) Restricted fund balance of $0.36 million – consists of endowment and trust funds; 3) Assigned fund balance of $55.64 million – consists of the stability arrangement of $30.31 million, compensated absences of $17.23 million, and continuing appropriations of $8.1 million.

For additional details of the City's General Fund Balance, please refer to Note 13 in the Notes to the Basic Financial Statements.

GENERAL FUND – REVENUE AND EXPENDITURE ANALYSIS

Revenues

For Fiscal Year 2021-22, General Fund revenues were $324.61 million, an increase of $50.07 million or 18.24 percent from the prior fiscal year. Sales Tax revenues were $129.33 million, an increase of $23.91 million from the prior fiscal year mainly due to the business recovery after COVID-19 and rapid increase in commodity prices because of inflation. Transient Occupancy Tax was $16.40 million, an increase of $5.79 million or 54.52 percent because of reopening of many hotels after the COVID-19 restriction was removed. Charges for Services revenue was $47.44 million, an increase of $15.72 million or 49.56 percent. This was due to the classification change of the revenue allocation from the City's special districts. Property Tax revenues were $79.33 million, an increase of $6.85 million or 9.45 percent from the prior year because of increased property assessed valuations.

General Fund Revenues (Table 5)
Fiscal Years 2021-22 and 2020-21

	FY 21-22	% of Total	FY 20-21	$ Increase / (Decrease) to Last Year	% of Increase (Decrease)
Property Tax	$ 79,329,716	24.44%	$ 72,483,313	$ 6,846,403	9.45%
Sales Tax	129,332,341	39.84%	105,424,829	23,907,512	22.68%
Transient Occupancy Tax	16,400,754	5.05%	10,614,109	5,786,645	54.52%
Other Taxes	18,114,015	5.58%	15,014,894	3,099,121	20.64%
License & Permits	10,772,502	3.32%	8,423,831	2,348,671	27.88%
Intergovernmental	15,306,488	4.72%	15,484,677	(178,189)	-1.15%
Charges for Services	47,443,658	14.62%	31,722,403	15,721,255	49.56%
Use of Money & Property	(2,618,811)	-0.81%	1,066,572	(3,685,383)	-345.54%
Fines & Forfeitures	1,060,576	0.33%	656,407	404,169	61.57%
Miscellaneous	9,466,875	2.92%	13,644,767	(4,177,892)	-30.62%
Totals	$ 324,608,114	100%	$ 274,535,802	$ 50,072,312	18.24%

Following is an in-depth analysis of each of the revenue sources:

- Property Tax revenues increased $6.85 million or 9.5 percent from prior year, comprising 24.4 percent of total General Fund revenue. This gain was the result of increased property assessed valuations.
- Sales Tax revenues experienced an increase of $23.9 million or 22.7 percent from the prior year. Of the total General Fund revenue, 39.8 percent comes from sales taxes. This increase

was due to the reopening of business after COVID19, new business opening in city of Ontario and the increase in commodity prices because of inflation.

- Transient Occupancy Tax (TOT) increased by $5.79 million or 54.5 percent from prior year because of hotel reopening for business and more people are traveling after COVID 19. it comprises 5.1 percent of the City's total General Fund revenue base.
- Other tax revenues include Franchise Fee, Business License Tax, Property Transfer Tax and Parking Tax, comprising 5.6 percent of the City's total General Fund revenue. This revenue category reflected an increase of $3.1 million or 20.6 percent from prior year. This increase was primarily attributed to increase in parking tax due to increase in travel as COVID 19 restrictions were removed and property transfer tax due to increase in property sales.
- License and Permit revenues experienced an increase of $2.35 million or 27.9 percent from the prior year due to growth in development related activity.
- Intergovernmental revenues slightly decreased by $0.18 million, or 1.2 percent compared to the previous year, and it accounts for 4.7% of total General Fund revenue.
- Charges for Services revenues were $47.44 million; an increase of $15.72 million or 49.6 percent from the prior year. This is mainly due to the new addition of revenue source for special districts to service charges, increase in building plan check fees, as well as increase in charges to the Ontario International Airport for city services. Of the total General Fund revenue, 14.62 percent comes from charges for services.
- Use of Money and Property category experienced a decrease of $3.68 million compared to prior year. This is mainly due to the rise in federal interest rate as some of the treasury securities were purchased at low interest rate which result in the decline of fair market value of those securities.
- Fines and Forfeitures were $1.06 million; an increase of $0.40 million or 61.6 percent from the prior year. This is mainly due to the increase in vehicle code fines for the FY2022. It accounts for less than one percent of the overall General Fund revenue.
- Miscellaneous revenues of $9.47 million, representing 2.9 percent of the total General Fund revenue, decreased by $4.18 million compared to the prior year primarily due to the reclassification in fire mutual aid reimbursements to a new special revenue account, and as well as the decrease in cost allocation revenue for the FY 2022.

Expenditures

For Fiscal Year 2021-22, total General Fund expenditures were $283.27 million, and increased $29.55 million or 11.65 percent compared to the previous year.

General Fund Expenditures (Table 6)
Fiscal Years 2021-22 and 2020-21

	Amount FY 21-22	% of total expenditure	Amount FY 20-21	$Increase/ (Decrease)	%Increase/ (Decrease)
General Government	$ 33,878,368	11.96%	$ 29,847,243	$ 4,031,125	13.51%
Public Safety	194,515,870	68.67%	169,458,528	25,057,342	14.79%
Community Development	39,299,440	13.87%	36,989,671	2,309,769	6.24%
Public Works	13,895,991	4.91%	13,535,675	360,316	2.66%
Debt Service	1,681,331	0.59%	3,887,687	(2,206,356)	-56.75%
Total	**283,271,000**	**100.00%**	**253,718,804**	**29,552,196**	**11.65%**

- General Government expenditures were $33.88 million, an increase of $4.03 million or 13.51 percent from the prior fiscal year. This was primarily due to increased reimbursements to local businesses that have sales tax abatement agreements with the city due to increased sales and contractual service expenses.
- Public Safety expenditures were $194.52 million, an increase of $25.06 million or 14.8 percent compared to the previous year, mainly from increases in internal service allocation costs and Contractual services.
- Community Development expenditures were $39.30 million, an increase of $2.31 million or 6.2 percent from the prior fiscal year mainly from contractual services increases.
- Public Works expenditures were $13.90 million, an increase of $0.36 million or 2.7 percent compared to the previous fiscal year. This increase is the result of rising material costs due to inflation
- Debt Service expenditures were $1.68, a decrease of $2.2 million or 56.8 percent. This is the result of decrease in debt service expenses from the refinancing of a prior bond.

MEASURE I FUND – FUND BALANCE ANALYSIS

The Measure I Fund accounts for revenues from a one-half percent sales tax on all retail transactions within the County. The proceeds are to be used for transportation improvements, railroad grade separation projects, and traffic management programs. It is one of the five major funds included in the City's Annual Comprehensive Financial Report for June 30, 2022. The fund balance of $18.55 million as of June 30, 2022, had an increase of $1.5 million compared to the prior year. Total Assets were $18.76 million, an increase of 0.86 million from the prior fiscal year.

MEASURE I FUND – REVENUE AND EXPENDITURE ANALYSIS

Revenues

For Fiscal Year 2021-22, total Measure I Fund revenues were $4.63 million or $0.12 million less compared to the prior year.

Expenditures

For Fiscal Year 2021-22, total Measure I Fund expenditures were $3.12 million, a decrease of $1.42 million as majority of the project expense were incurred in the prior year and were completed in the current year.

ONTARIO HOUSING AUTHORITY – FUND BALANCE ANALYSIS

The Ontario Housing Authority Fund accounts for financial transactions for the Ontario Housing Authority. It is one of the five major funds included in the City's Annual Comprehensive Financial Report for June 30, 2022. The fund balance of $20.44 million as of June 30, 2022, which is a slight decrease of only $0.17 million compared to the prior year. Total Assets were $55.72 million; a decrease of $1.10 million from the prior year. This is primarily due to the decrease in Cash and Investment. Total Liabilities were $11.98 million and a very minimal increase of about $100,000 compared to the previous fiscal year.

ONTARIO HOUSING AUTHORITY – REVENUE AND EXPENDITURE ANALYSIS

Revenues

For Fiscal Year 2021-22, total Ontario Housing Authority Fund revenues were $2.22 million; an increase of $0.95 million compared to the prior year. This increase is mainly due to loan repayment under Ontario Emporia Housing loan and Virginia Holt housing loan during the year.

Expenditures

For Fiscal Year 2021-22, total Ontario Housing Authority Fund expenditures were $2.82 million. There is an increase of $0.52 million compared to prior year due to the increase in relocation payments.

CAPITAL PROJECTS FUND – FUND BALANCE ANALYSIS

The Capital Projects Fund accounts for financial transactions of general capital improvements. It is one of the five major funds included in the City's Annual Comprehensive Financial Report for June 30, 2022. The fund balance of $123.09 million as of June 30, 2022, reflected an increase of $94.34 million compared to the prior year. The increase was due to the issuance of 2022 lease revenue bond in the amount of $90.83 million for the Civic Center improvements. Total Assets were $127.25 million; an increase of $91.0 million from the previous year. This is mainly attributable to increase in cash and investments because of the issuance of 2022 lease revenue bond for the Civic Center improvements. The total liabilities were $4.16 million, which is a decrease of $1.45 million.

CAPITAL PROJECTS FUND – REVENUE AND EXPENDITURE ANALYSIS

Revenues

For Fiscal Year 2021-2022, total Capital Projects Fund revenues were $1.84 million; an increase of $0.86 million compared to the prior year. The increase was due to the recognition of the revenue related to Holt underground project as it was previously classified as unavailable revenue in FY 2021

Expenditures

For Fiscal Year 2021-2022, total Capital Projects Fund expenditures were $50.48 million. This was an increase of $35.18 million over the previous fiscal year due to the refinancing of the 2013 lease revenue bond with the 2021 lease revenue refunding bonds in the amount of $35 million

IMPACT FEES FUND – FUND BALANCE ANALYSIS

The Impact Fees Fund accounts for revenues from developer-paid impact fees for infrastructure or construction. It is one of the five major funds included in the City's Annual Comprehensive Financial Report for June 30, 2022. The fund balance of $167.83 million as of June 30, 2022, reflected an increase of $33.67 million. Total Assets were $179.36 million; an increase of $29.02 million from the previous year which is mainly attributable to the increase in Cash and Investments of $28.5 million which is increased impact fee received during the year. As these project progress, development impact fees are incurred and paid to the city. Total Liabilities of $11.53 million decreased by $4.652 million due to the decrease in Accounts Payable.

IMPACT FEES FUND – REVENUE AND EXPENDITURE ANALYSIS

Revenues

For Fiscal Year 2021-22, total Impact Fees Fund revenues were $52.41 million; an increase of $27.14 million which is due to increased development activity after an extended hiatus during COVID19.

Expenditures

For Fiscal Year 2021-2022, total Impact Fees Fund expenditures were $28.72 million. This was a decrease of $10.27 million as a result of major projects being completed in FY 2021.

GENERAL FUND BUDGETARY HIGHLIGHTS

Over the course of the year, the City Council revised the city budget several times. Budget revisions fall into three categories. The first category includes carry-forward encumbrances and capital projects that are approved shortly after the beginning of the year. The second category includes changes that the Council makes during the quarterly budget process. Finally, the Council approves supplemental appropriations through-out the year based on individual items that are brought forward by various departments. The General Fund budgetary comparison statement is located in the Basic Financial Statements.

Resources (Inflows)

The budgeted amount for *revenues* (resources available for appropriation) including transfers had an increase of $22.71 million between the original budget of $276.16 million and the final amended budget of $298.87 million. The increase was mainly due to budget adjustments for Transfers-In (decrease of 4 million), as well as increase in tax amount of $25.92 million primarily from gains in sales tax, property tax, and transient occupancy tax. Actual revenues were $25.74 million more than the final amended budget.

Charges to Appropriations (Outflows)

The difference between the original budget and the final budget was an increase of $80.35 million in appropriations. This increase was mainly due to increases for transfers to other funds which includes Economic Development activities ($15 million), Future CalPERS pension costs ($15 million), internal services funds ($12.6 million), carryforward encumbrance from the prior fiscal year ($2.8 million), and one time ARPA premium pay ($7.4 million) as well as increased appropriations for personnel, operating and contractual services and capital purchases. The actual was 13.42 million lower than budgeted amount due to the lower personnel costs because of vacant personnel positions and savings in operating and contractual services as some of the city's operations were not fully opened during the fiscal year as a result of COVID-19 restrictions.

Table 7 on the next page is a comparison of actual inflow and outflow with the final budget.

Budgetary Comparison for General Fund (Table 7)
Fiscal Year 2021-22
(In millions)

	Budget Amounts				
	Original	Final	Variance	Actual	Final Budget Variance Favorable/(Unfavorable)
Resources (Inflows):					
Taxes	199.12	225.05	25.92	243.18	18.13
Licenses and permits	4.75	9.74	4.99	10.77	1.04
Intergovernmental	15.03	3.81	(11.22)	15.31	11.50
Charges for Services	41.47	49.03	7.56	47.44	(1.59)
Use of Money and Property	1.66	1.46	(0.20)	(2.62)	(4.08)
Fines and Forfeitures	0.70	0.97	0.26	1.06	0.09
Miscellaneous	9.42	8.82	(0.60)	9.47	0.65
Transfer from Other funds	4.00	-	(4.00)		-
Total Resources	276.16	298.87	22.71	324.61	25.74
Charges to Appropriations (Outflows):					
General Government	32.07	38.62	6.55	33.88	(4.74)
Public Safety	174.47	194.13	19.65	194.52	0.39
Community Development	39.78	47.56	7.79	39.30	(8.26)
Public Works	14.68	16.18	1.50	13.90	(2.28)
Debt Services	-	0.00	-	1.68	1.68
Transfers to Other Funds	10.86	55.72	44.86	55.52	(0.20)
Total Charges to Appropriations	271.86	352.20	80.35	338.79	(13.42)

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

The City's investment in capital assets (Table 8) for its governmental and business-type activities as of June 30, 2022, is $1.42 billion (net of accumulated depreciation). This investment in capital assets includes land, structures and improvements, furniture and equipment, infrastructure, and construction in progress. For more information, please refer to Note 6 in the Notes to the Basic Financial Statements. The Capital Assets of the City are those assets which are used in the performance of the City's functions including infrastructure assets. Depreciation on capital assets is recognized in the Government-wide financial statements.

Capital Assets (Table 8)
(net of depreciation)
(in millions)

	Governmental Activities		Business-Type Activities		Government-Wide Totals	
	2022	2021	2022	2021	2022	2021
Land	$ 124.67	$ 124.67	$ 16.15	$ 16.15	$ 140.82	$ 140.82
Structures and Improvement	230.14	196.50	1.95	1.83	232.09	198.33
Furniture and Equipments	50.23	44.49	5.65	2.29	55.88	46.78
Infrastructures	710.21	667.59	115.69	151.06	825.90	818.64
Construction in Progress	99.56	123.78	68.29	57.93	167.85	181.71
Total Capital asset	**$ 1,214.81**	**$ 1,157.03**	**$ 207.73**	**$ 229.26**	**$ 1,422.53**	**$ 1,386.28**

Additional detail information is provided on Capital Assets in the *Notes to Financial Statements, Note 6*.

The City has elected to use the "Modified Approach" as defined by GASB Statement No. 34 for its Governmental Activities infrastructure reporting. Under GASB Statement No. 34, eligible infrastructure capital asset is not required to be depreciated under the following requirements:

- The City manages the eligible infrastructure capital assets using an asset management system with characteristics of (1) an up-to-date inventory; (2) perform condition assessments and summarize the results using a measurement scale; and (3) estimate annual amount to maintain and preserve at the established condition assessment level.
- The City documents that eligible infrastructure capital assets are being preserved approximately at or above the established disclosed assessment.

The City's streets are constantly deteriorating resulting from the following four factors: (1) traffic using the streets; (2) the sun's ultra-violet rays drying out and breaking down the top layer of pavement; (3) utility company/private development interests trenching operations; and (4) water damage from natural precipitation and other urban runoff. The City is continuously taking actions to arrest the deterioration through short-term maintenance activities such as pothole patching, street sweeping, and street paving.

The City expended $8.3 million on street maintenance for the fiscal year ended June 30, 2022, to delay deterioration. The City has estimated that the amount of annual expenditures required maintaining the City's streets at the minimum PCI rating of "Good" through the year of 2022 is a minimum of $5.7 million per year. As of June 30, 2022, the City had approximately 115.37 million square feet of streets with a carrying amount of approximately $371.82 million and a replacement cost of approximately $1,048.75 million.

The City is also continuously taking actions to arrest the deterioration of other infrastructure assets through short-term maintenance activities. The City expended $8.0 million on other infrastructure (sidewalks, traffic signals/streetlights and catch basins/storm drains) maintenance for the fiscal year ended June 30, 2022. These expenditures delayed deterioration and improved the overall condition through these maintenance efforts. It is estimated that it will cost approximately $4.0 million per year to maintain other infrastructure assets at their present level. For more information, see Required Supplemental Information following the footnotes to the financial statements.

Long-term Debt

At year end, the City had $497.63 million in outstanding long-term debt. This debt consisted of revenue bonds, loans payable, installment sale and advances from Successor Agency. For additional details of the City's long-term debt, please refer to Note 7 in the Notes to the Basic Financial Statements.

Table 9 below is a summary of the City's long-term debt for the year ended June 30, 2022.

Long-Term Debt (Table 9)
(in millions)

	Governmental Activities		Business-Type Activities		Government-Wide Totals	
	2022	2021	2022	2021	2022	2021
Revenue Bonds	$ 150.90	$ 57.87	$ 67.55	$ 64.42	$ 218.45	$ 122.29
Pension Obligation Bonds	228.86	233.22	-	-	228.86	233.22
Loan Payable	50.33	33.57	-	-	50.33	33.57
Installment Sale	14.51	19.18	-	-	14.51	19.18
Advances from the Succesor Agency	1.60	1.60	-	-	1.60	1.60
Unamortized bond premium/discount	13.41	2.63	-	1.59	13.41	4.22
Total long term debt	**$ 459.61**	**$ 348.07**	**$ 67.55**	**$ 66.01**	**$ 497.63**	**$ 414.08**

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, customers, investors, and creditors with a general overview of the City's finances and to show the City's accountability for the money it receives. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to:

Executive Director of Finance
City of Ontario
303 East "B" Street
Ontario, California 91764

This page intentionally left blank.

BASIC FINANCIAL STATEMENTS

This page intentionally left blank

GOVERNMENT-WIDE FINANCIAL STATEMENTS

This page intentionally left blank

City of Ontario
Statement of Net Position
June 30, 2022

	Primary Government		
	Governmental Activities	Business-type Activities	Total
ASSETS			
Current assets:			
Cash and investments	$ 522,270,233	$ 174,849,069	$ 697,119,302
Receivables:			
Accounts	60,755,928	14,697,917	75,453,845
Taxes	1,597,830	-	1,597,830
Accrued interest	1,975,394	683,192	2,658,586
Leases	314,319	184,968	499,287
Internal balances	4,731,593	(4,731,593)	-
Prepaid costs	3,311,631	42,012	3,353,643
Deposits	634,264	-	634,264
Inventories	3,914,000	1,814,127	5,728,127
Advances to Successor Agency	3,500,000	-	3,500,000
Restricted assets:			
Cash and investments	100,112,367	356,847	100,469,214
Cash and investments with fiscal agent	19,175,100	15,149	19,190,249
Total current assets	722,292,659	187,911,688	910,204,347
Noncurrent assets:			
Notes and Loans	56,755,800	-	56,755,800
Leases receivable	2,731,214	1,257,114	3,988,328
Investment in joint venture	-	70,968,418	70,968,418
Other investments	-	120,799,255	120,799,255
Land held for resale	133,773,958	-	133,773,958
Net pension asset	133,783,636	16,677,015	150,460,651
OPEB asset	8,596,575	3,555,778	12,152,353
Capital assets:			
Nondepreciable	797,117,477	84,444,370	881,561,847
Depreciable	740,044,804	286,708,547	1,026,753,351
Less accumulated depreciation	(322,357,049)	(163,423,220)	(485,780,269)
Total capital assets	1,214,805,232	207,729,697	1,422,534,929
Total noncurrent assets	1,550,446,415	420,987,277	1,971,433,692
Total assets	2,272,739,074	608,898,965	2,881,638,039
DEFERRED OUTFLOWS OF RESOURCES			
Deferred charges on refunding	2,461,252	3,311,489	5,772,741
Deferred pension related items	50,759,411	2,563,725	53,323,136
Deferred OPEB related items	5,714,742	2,363,774	8,078,516
Total deferred outflows of resources	58,935,405	8,238,988	67,174,393
LIABILITIES			
Current liabilities:			
Accounts payable	16,558,706	12,147,970	28,706,676
Accrued liabilities	5,909,916	824,506	6,734,422
Accrued interest	2,944,775	837,714	3,782,489
Unearned revenue	36,057,125	1,447,535	37,504,660
Deposits payable	28,669,532	905,570	29,575,102
Due to other governments	3,460,187	-	3,460,187
Compensated absences - current	3,087,991	1,437,487	4,525,478
Claims and judgements - current	12,209,058	-	12,209,058
Long-term debt - current portion	14,765,818	2,360,000	17,125,818
Total current liabilities	123,663,108	19,960,782	143,623,890
Noncurrent liabilities:			
Compensated absences	15,462,922	424,395	15,887,317
Claims and judgements	23,889,942	-	23,889,942
Long-term debt	444,833,092	65,190,000	510,023,092
Total noncurrent liabilities	484,185,956	65,614,395	549,800,351
Total liabilities	607,849,064	85,575,177	693,424,241
DEFERRED INFLOWS OF RESOURCES			
Deferred charges on refunding	874,010	-	874,010
Deferred inflows of resources - pension	112,814,688	12,953,340	125,768,028
Deferred inflows of resources - leases	2,952,875	1,420,346	4,373,221
Deferred inflows of resources - OPEB	95,569,521	39,530,169	135,099,690
Total deferred inflows of resources	212,211,094	53,903,855	266,114,949
NET POSITION			
Net investment in capital assets	1,106,500,917	143,491,186	1,249,992,103
Restricted for:			
Community development projects	104,793,693	-	104,793,693
Public safety	30,608,558	-	30,608,558
Capital projects	1,879,410	371,996	2,251,406
Affordable housing	45,020,937	-	45,020,937
Other purposes	52,694,998	-	52,694,998
Total restricted	234,997,596	371,996	235,369,592
Unrestricted	170,115,808	333,795,739	503,911,547
Total net position	$ 1,511,614,321	$ 477,658,921	$ 1,989,273,242

See accompanying Notes to Basic Financial Statements.

City of Ontario
Statement of Activities
For the year ended June 30, 2022

Functions/Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions	Program Revenues: Total
Governmental activities:					
General government	$ 53,007,368	$ 7,124,318	$ 14,381,291	$ 63,732	$ 21,569,341
Public safety	171,919,144	24,510,827	24,162,815	426,368	49,100,010
Community development	97,855,487	109,380,406	11,790,257	42,920,676	164,091,339
Public works	5,178,760	-	-	757,454	757,454
Interest on long-term debt	12,602,410	-	-	-	-
Total governmental activities	340,563,169	141,015,551	50,334,363	44,168,230	235,518,144
Business-type Activities:					
Water	32,072,665	73,241,767	1,394,484	538,336	75,174,587
Sewer	26,519,496	28,308,242	790,926	-	29,099,168
Integrated Waste	36,928,273	46,404,294	59,717	-	46,464,011
Total Business-Type activities	95,520,434	147,954,303	2,245,127	538,336	150,737,766
Total primary government	$ 436,083,603	$ 288,969,854	$ 52,579,490	$ 44,706,566	$ 386,255,910

General Revenues:

Taxes:

Property taxes, levied for general purpose

Transient occupancy taxes

Sales taxes

Franchise taxes

Business license taxes

Other taxes

Total taxes

Motor vehicle in lieu, unrestricted

Use of money and property

Other

Gain on sale of investments

Transfers

Total general revenues and transfers

Change in net position

Net position - beginning of year

Net position - end of year

See accompanying Notes to Basic Financial Statements.

Net (Expense) Revenue and Changes in Net Position		
Governmental Activities	Business-Type Activities	Total
$ (31,438,027)	$ -	$ (31,438,027)
(122,819,134)	-	(122,819,134)
66,235,852	-	66,235,852
(4,421,306)	-	(4,421,306)
(12,602,410)	-	(12,602,410)
(105,045,025)	-	(105,045,025)
-	43,101,922	43,101,922
-	2,579,672	2,579,672
-	9,535,738	9,535,738
-	55,217,332	55,217,332
(105,045,025)	55,217,332	(49,827,693)
79,329,716	-	79,329,716
16,400,754	-	16,400,754
129,332,341	-	129,332,341
3,824,973	-	3,824,973
8,856,928	-	8,856,928
5,997,517	-	5,997,517
243,742,229	-	243,742,229
210,261	-	210,261
(6,213,473)	(1,229,512)	(7,442,985)
9,067,222	-	9,067,222
11,881,432	-	11,881,432
(458,557)	458,557	-
258,229,114	(770,955)	257,458,159
153,184,089	54,446,377	207,630,466
1,358,430,232	423,212,544	1,781,642,776
$ 1,511,614,321	$ 477,658,921	$ 1,989,273,242

This page intentionally left blank

FUND
FINANCIAL STATEMENTS

Governmental Fund Financial Statements

Proprietary Fund Financial Statements

Fiduciary Fund Financial Statements

City of Ontario
Balance Sheet
Governmental Funds
June 30, 2022

		Special Revenue Funds		Capital Project Funds
	General	Measure I	Ontario Housing Authority	Capital Projects
ASSETS				
Cash and investments	$ 58,992,190	$ 17,386,483	$ 4,595,832	$ 27,087,103
Receivables:				
Accounts	40,313,187	1,155,946	16,912	-
Taxes	1,461,562	-	-	-
Notes and loans	66,851	-	31,560,846	-
Leases	3,045,533	-	-	-
Accrued interest	512,326	24,557	17,958	86,474
Prepaid costs	158,153	-	-	-
Deposits	-	191,320	267,965	2,199
Due from other funds	3,701,965	-	-	-
Advances to other funds	54,040,183	-	-	-
Advances to Successor Agency	3,500,000	-	-	-
Inventories	282,742	-	-	-
Land held for resale	-	-	19,258,625	-
Restricted assets:				
Cash and investments	-	-	-	100,076,592
Cash and investments with fiscal agents	-	-	-	(93)
Total assets	$ 166,074,692	$ 18,758,306	$ 55,718,138	$ 127,252,275
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES				
Liabilities:				
Accounts payable	$ 7,126,415	$ 203,494	$ 12,856	$ 2,113,865
Accrued liabilities	5,182,079	-	14,567	-
Unearned revenues	21,579,294	-	5,025,000	-
Deposits payable	15,251,827	-	-	2,048,653
Due to other governments	-	-	970,861	-
Due to other funds	-	-	-	-
Advances from other funds	-	-	5,961,399	-
Total liabilities	49,139,615	203,494	11,984,683	4,162,518
Deferred Inflows of Resources				
Unavailable revenues	-	-	23,296,524	-
Leases	2,952,875	-	-	-
Total deferred inflows of resources	2,952,875	-	23,296,524	-
Fund Balances:				
Nonspendable	57,981,078	-	-	-
Restricted	361,579	18,554,812	20,436,931	-
Committed	-	-	-	123,089,757
Assigned	55,639,545	-	-	-
Unassigned	-	-	-	-
Total fund balances	113,982,202	18,554,812	20,436,931	123,089,757
Total liabilities, deferred inflows of resources and fund balances	$ 166,074,692	$ 18,758,306	$ 55,718,138	$ 127,252,275

See accompanying Notes to Basic Financial Statements.

Capital Project Funds		
Impact Fees	Other Governmental Funds	Total Governmental Funds
$ 178,441,785	$ 98,639,274	$ 385,142,667
-	9,632,759	51,118,804
-	136,268	1,597,830
-	25,128,103	56,755,800
-	-	3,045,533
749,912	366,923	1,758,150
-	-	158,153
172,780	-	634,264
-	-	3,701,965
-	5,961,399	60,001,582
-	-	3,500,000
-	2,698,632	2,981,374
-	57,883,282	77,141,907
-	35,775	100,112,367
-	14,169,590	14,169,497
$ 179,364,477	$ 214,652,005	$ 761,819,893
$ 1,673,922	$ 3,369,592	$ 14,500,144
-	360,720	5,557,366
-	9,452,831	36,057,125
9,859,905	506,695	27,667,080
-	2,489,326	3,460,187
-	3,701,965	3,701,965
-	-	5,961,399
11,533,827	19,881,129	96,905,266
-	368,576	23,665,100
-	-	2,952,875
-	368,576	26,617,975
-	-	57,981,078
-	194,402,300	233,755,622
167,830,650	-	290,920,407
-	-	55,639,545
-	-	-
167,830,650	194,402,300	638,296,652
$ 179,364,477	$ 214,652,005	$ 761,819,893

City of Ontario

Reconciliation of the Governmental Funds Balance Sheet to the Government-Wide Statement of Net Position

June 30, 2021

Total Fund Balances - Total Governmental Funds			$ 638,296,652

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities were not current financial resources. Therefore, they were not reported in the Governmental Funds Balance Sheet. Except for the internal service funds reported below, the capital assets were adjusted as follows:

	Government-Wide Statement of Net Position	Internal Service Funds	Total
Nondepreciable	$ 797,117,477	$ (34,731,692)	762,385,785
Depreciable, net	417,687,755	(39,357,654)	378,330,101
Total capital assets	$ 1,214,805,232	$ (74,089,346)	1,140,715,886

Internal service funds were used by management to charge the costs of certain activities, such as insurance, to individual funds. The assets and liabilities of the Internal service funds were included in governmental activities in the Government-Wide Statement of Net Position. (144,565,918)

Unavailable revenues recorded in the fund financial statements resulting from activities in which revenues were earned but were not available are reclassified as revenues in the Government-Wide Financial Statements. 23,665,100

In the Government-Wide Financial Statements, deferred employer contributions for pension and OPEB, certain differences between actuarial estimates and actual results, and other adjustments resulting from changes in assumptions and benefits are deferred in the current year.

	Government-Wide Statement of Net Position	Internal Service Funds	
Deferred outflows of resources related to pension	50,759,411	(1,032,149)	49,727,262
Deferred outflows of resources related to OPEB	5,714,742	(5,714,742)	-
Deferred inflows of resources related to pension	(112,814,688)	5,214,981	(107,599,707)
Deferred inflows of resources related to OPEB	(95,569,521)	95,569,521	-

Long-term liabilities were not due and payable in the current period. Therefore, they were not reported in the Governmental Funds Balance Sheet.

	Government-Wide Statement of Net Position	Internal Service Funds	Total
Compensated absences - due within one year	$ (3,087,991)	$ 830,795	$ (2,257,196)
Interest payable	(2,944,775)	1,610,002	(1,334,773)
Long-term debt - due within one year	(14,765,818)	6,794,667	(7,971,151)
Unamortized deferred gain on refunding	(874,010)	-	(874,010)
Unamortized deferred loss on refunding	2,461,252	-	2,461,252
Unamoritzed prepaid bond insurance premium	136,430	-	136,430
Compensated absences - due in more than one year	(15,462,922)	168,411	(15,294,511)
Long-term debt - due in more than one year	(444,833,092)	254,272,584	(190,560,508)
Net pension liability	133,783,636	(6,714,123)	127,069,513
Net OPEB liability	8,596,575	(8,596,575)	-
Total long-term liabilities	$ (336,990,715)	$ 248,365,761	(88,624,954)
Net Position of Governmental Activities			$ 1,511,614,321

See accompanying Notes to Basic Financial Statements

This page intentionally left blank

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances

Governmental Funds

For the year ended June 30, 2022

		Special Revenue Funds		Capital Project Funds
	General	Measure I	Ontario Housing Authority	Capital Projects
REVENUES:				
Taxes	$ 243,176,826	$ -	$ -	$ -
Special assessment taxes	-	-	-	-
Licenses and permits	10,772,502	-	-	-
Intergovernmental	15,306,488	4,690,545	-	60,545
Charges for services	47,443,658	-	-	-
Use of money and property	(2,618,811)	(62,469)	2,122,106	(104,060)
Fines and forefeitures	1,060,576	-	-	-
Miscellaneous	9,466,875	-	95,902	1,879,410
Total revenues	324,608,114	4,628,076	2,218,008	1,835,895
EXPENDITURES:				
Current:				
General government	33,878,368	-	-	54,590
Public safety	194,515,870	-	-	260,283
Community development	39,299,440	3,120,177	2,812,282	15,632,272
Public works	13,895,991	-	-	13,048
Debt service:				
Principal retirement	560,000	-	12,000	34,516,908
Interest and fiscal charges	1,121,331	-	-	-
Total expenditures	283,271,000	3,120,177	2,824,282	50,477,101
REVENUES OVER (UNDER) EXPENDITURES	41,337,114	1,507,899	(606,274)	(48,641,206)
OTHER FINANCING SOURCES (USES):				
Transfers in	-	-	3,500	6,464,116
Transfers out	(55,516,961)	-	-	-
Notes and loans issued	-	-	-	136,526,765
Total other financing sources (uses)	(55,516,961)	-	3,500	142,990,881
Net change in fund balances	(14,179,847)	1,507,899	(602,774)	94,349,675
FUND BALANCES:				
Beginning of year	126,701,209	17,046,913	20,261,931	28,740,082
Restatements	1,460,840	-	777,774	-
Beginning of year, as restated	128,162,049	17,046,913	21,039,705	28,740,082
End of year	$ 113,982,202	$ 18,554,812	$ 20,436,931	$ 123,089,757

See accompanying Notes to Basic Financial Statements.

Capital Project Funds		
Impact Fees	Other Governmental Funds	Total Governmental Funds
$ -	$ -	$ 243,176,826
-	11,775,704	11,775,704
-	-	10,772,502
-	35,802,667	55,860,245
55,761,707	27,038,151	130,243,516
(3,373,046)	(1,455,070)	(5,491,350)
-	-	1,060,576
23,493	2,728,017	14,193,697
52,412,154	75,889,469	461,591,716
-	14,290,235	48,223,193
1,764,294	2,911,483	199,451,930
26,958,577	18,442,707	106,265,455
-	4,095,975	18,005,014
-	4,675,812	39,764,720
-	324,188	1,445,519
28,722,871	44,740,400	413,155,831
23,689,283	31,149,069	48,435,885
9,819,324	1,347,334	17,634,274
-	(10,121,225)	(65,638,186)
-	18,031,000	154,557,765
9,819,324	9,257,109	106,553,853
33,508,607	40,406,178	154,989,738
134,155,056	189,734,859	516,640,050
166,987	(35,738,737)	(33,333,136)
134,322,043	153,996,122	483,306,914
$ 167,830,650	$ 194,402,300	$ 638,296,652

City of Ontario

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Government-Wide Statement of Activities

For the year ended June 30, 2022

Net Change in Fund Balances - Total Governmental Funds	$	154,989,738
Amounts reported for governmental activities in the Government-Wide Statement of Activities were different because:		
Governmental funds reported capital outlay as expenditures. However, in the Government-Wide Statement of Activities, the cost of those assets was allocated over their estimated lives as depreciation expense. This was the amount of capital assets recorded in the current period, net of the amount related to internal service		44,644,973
Depreciation expense on capital assets was reported in the Government-Wide Statement of Activities, but did not require the use of current financial resources. Therefore, depreciation expense was not reported as expenditures in the governmental funds, net of the amount related to internal service funds.		(19,106,117)
Accrued compensated leave payments were reported as expenditures in the governmental funds, however expense is recognized in the Government-Wide Statement of Activities based on earned leave accruals.		(2,238,978)
Debt proceeds provide current financial resources to governmental funds, but issuing debt increased long-term liabilities in the Government-Wide Statement of Net Position. Repayment of debt was an expenditure in governmental funds, but the repayment reduced long-term liabilities in the Government-Wide Statement of Net Position.		
Long-term debt repayments		39,764,720
Issuance of long-term debt		(154,557,765)
Interest payable		(580,010)
Amortization of prepaid bond insurance		(8,783)
Amortization of deferred charges		62,060
Amortization of bonds premium (discount), net		106,480
Capital assets and pension amounts transferred from the business type activities		
Current year employer pension contributions are recorded as expenditures in the governmental funds, however, these amounts are reported as a deferred outflow of resources in the Government-Wide Statement of Net Position.		17,513,613
Pension expense is reported in the Government-Wide Statement of Activities does not require the use of current financial resources, and therefore is not reported as expenditures in governmental funds.		(3,769,065)
Unavailable revenues recorded in the fund financial statements resulting from activities in which revenues were earned but were not available are reclassified as revenues in the Government-Wide Financial Statements.		(3,094,154)
Internal service funds were used by management to charge the costs of certain activities, such as insurance and fleet management, to individual funds. The net revenue of the internal service funds was reported with governmental activities.		79,457,377
Change in Net Position of Governmental Activities	$	153,184,089

See accompanying Notes to Basic Financial Statements

This page intentionally left blank

City of Ontario
Statement of Net Position
Proprietary Funds
June 30, 2022

	Business-Type Activities - Enterprise Funds				Governmental Activities - Internal Service Funds
	Water	Sewer	Integrated Waste	Totals	
ASSETS					
Current Assets:					
Cash and investments	$ 95,055,336	$ 58,763,063	$ 21,030,670	$ 174,849,069	$ 137,127,566
Receivables:					
Accounts	5,803,782	2,498,031	6,396,104	14,697,917	9,637,124
Accrued interest	371,404	229,612	82,176	683,192	217,244
Leases	184,968	-	-	184,968	-
Prepaid costs	15,483	17,700	8,829	42,012	3,017,047
Inventories	1,451,302	362,825	-	1,814,127	932,626
Restricted:					
Cash and investments	356,847	-	-	356,847	-
Cash with fiscal agent	15,149	-	-	15,149	5,005,603
Total current assets	103,254,271	61,871,231	27,517,779	192,643,281	155,937,210
Noncurrent:					
Leases receivable	1,257,114	-	-	1,257,114	-
Advances to other funds	11,613,153	5,214,477	10,902,634	27,730,264	13,035,193
Investment in joint venture	70,968,418	-	-	70,968,418	-
Other investments	120,799,255	-	-	120,799,255	-
Land held for resale	-	-	-	-	56,632,051
Net pension asset	5,910,481	1,744,076	9,022,458	16,677,015	6,714,123
OPEB asset	1,260,199	371,861	1,923,718	3,555,778	8,596,575
Capital assets:					
Nondepreciable	77,888,648	3,391,393	3,164,329	84,444,370	34,731,692
Depreciable	224,417,539	55,556,668	6,734,340	286,708,547	96,555,621
Less accumulated depreciation	(120,126,187)	(41,579,164)	(1,717,869)	(163,423,220)	(57,197,967)
Net capital assets	182,180,000	17,368,897	8,180,800	207,729,697	74,089,346
Total noncurrent assets	392,731,506	24,699,311	30,029,610	447,460,427	159,067,288
Total assets	495,985,777	86,570,542	57,547,389	640,103,708	315,004,498
DEFERRED OUTFLOWS OF RESOURCES					
Deferred charges on refunding	3,311,489	-	-	3,311,489	-
Deferred pension related items	908,607	268,113	1,387,005	2,563,725	1,032,149
Deferred OPEB related items	837,742	247,203	1,278,829	2,363,774	5,714,742
Total deferred outflows of resources	5,057,838	515,316	2,665,834	8,238,988	6,746,891
LIABILITIES					
Current liabilities:					
Accounts payable	5,810,386	4,819,605	1,517,979	12,147,970	2,058,562
Accrued liabilities	316,577	138,232	369,697	824,506	352,550
Accrued interest	837,714	-	-	837,714	1,610,002
Unearned revenues	50,000	1,345,704	51,831	1,447,535	-
Deposits payable	347,862	45,661	512,047	905,570	1,002,452
Compensated absences - current	884,627	70,936	481,924	1,437,487	830,795
Claims and judgements - current	-	-	-	-	12,209,058
Long-term debt - current portion	2,360,000	-	-	2,360,000	6,794,667
Total current liabilities	10,607,166	6,420,138	2,933,478	19,960,782	24,858,086
Noncurrent liabilities:					
Advances from other funds	-	-	-	-	94,805,640
Compensated absences	245,165	102,078	77,152	424,395	168,411
Claims and judgements	-	-	-	-	23,889,942
Long-term debt	65,190,000	-	-	65,190,000	254,272,584
Total noncurrent liabilities	65,435,165	102,078	77,152	65,614,395	373,136,577
Total liabilities	76,042,331	6,522,216	3,010,630	85,575,177	397,994,663
DEFERRED INFLOWS OF RESOURCES					
Deferred pension related items	4,590,777	1,354,655	7,007,908	12,953,340	5,214,981
Deferred leases related amounts	1,420,346	-	-	1,420,346	-
Deferred OPEB related items	14,009,838	4,134,050	21,386,281	39,530,169	95,569,521
Total deferred inflows of resources	20,020,961	5,488,705	28,394,189	53,903,855	100,784,502
NET POSITION					
Net investment in capital assets	117,941,489	17,368,897	8,180,800	143,491,186	46,402,377
Restricted	371,996	-	-	371,996	-
Unrestricted	287,923,952	57,706,040	20,627,604	366,257,596	(223,430,153)
Total net position	$ 406,237,437	$ 75,074,937	$ 28,808,404	$ 510,120,778	$ (177,027,776)

Reconciliation of Net Position to the Government-Wide Statement of Net Position:

Net Position per Statement of Net Position - Proprietary Funds	$ 510,120,778
Prior years' accumulated adjustment to reflect the consolidation of internal service funds activities related to the enterprise funds, as restated	(52,668,102)
Current year's adjustment to reflect the consolidation of internal service activities related to enterprise funds	20,206,245
Net Position per Government-Wide Statement of Net Position	$ 477,658,921

See accompanying notes to Basic Financial Statements.

City of Ontario

Statement of Revenues, Expenditures and Changes in Net Position

Proprietary Funds

For the year ended June 30, 2022

	Business-Type Activities - Enterprise Funds				
	Water	Sewer	Integrated Waste	Totals	Governmental Activities - Internal Service Funds
OPERATING REVENUES:					
Sales and service charges	$ 70,403,725	$ 28,093,362	$ 45,574,849	$ 144,071,936	$ -
Interdepartamental charges	1,968,703	162,274	715,669	2,846,646	58,331,847
Miscellaneous	577,015	52,606	113,776	743,397	40,047,274
Total operating revenues	72,949,443	28,308,242	46,404,294	147,661,979	98,379,121
OPERATING EXPENSES:					
Administration and general	9,432,658	5,227,082	12,550,967	27,210,707	25,790,758
Source and supply	19,273,526	-	-	19,273,526	12,816,380
Pumping	4,822,164	-	-	4,822,164	-
Transmission/collection	7,743,829	3,024,867	25,888,066	36,656,762	-
Treatment	-	17,914,161	-	17,914,161	-
Claims expense	-	-	-	-	573,574
Depreciation expense	5,501,443	1,086,742	284,169	6,872,354	7,914,723
Total operating expenses	46,773,620	27,252,852	38,723,202	112,749,674	47,095,435
Operating income (loss)	26,175,823	1,055,390	7,681,092	34,912,305	51,283,686
NONOPERATING REVENUES (EXPENSES):					
Grant revenue	1,394,484	790,926	59,717	2,245,127	-
Interest revenue	155,877	(1,037,128)	(348,261)	(1,229,512)	(310,215)
Interest expense	(2,977,005)	-	-	(2,977,005)	(10,736,638)
Gain on joint venture	292,324	-	-	292,324	-
Gain on sale of other investments	-	-	-	-	11,881,432
Total nonoperating revenues (expenses)	(1,134,320)	(246,202)	(288,544)	(1,669,066)	834,579
Income before contributions and transfers	25,041,503	809,188	7,392,548	33,243,239	52,118,265
CONTRIBUTIONS AND TRANSFERS:					
Capital grants and contributions	538,336	-	-	538,336	-
Transfers in	686,700	128,700	787,500	1,602,900	47,846,070
Transfers out	(401,639)	(166,462)	(576,242)	(1,144,343)	(300,715)
Total contributions and transfers	823,397	(37,762)	211,258	996,893	47,545,355
Change in net position	25,864,900	771,426	7,603,806	34,240,132	99,663,620
NET POSITION:					
Beginning of year	414,249,526	89,954,712	44,044,435	548,248,673	(325,944,136)
Restatements	(33,876,989)	(15,651,201)	(22,839,837)	(72,368,027)	49,252,740
Beginning of year, as restated	380,372,537	74,303,511	21,204,598	475,880,646	(276,691,396)
End of year	$ 406,237,437	$ 75,074,937	$ 28,808,404	$ 510,120,778	$ (177,027,776)

Reconciliation of Changes in Net Position to the Statement of Activities:

Changes in Net Position, per the Statement of Revenues, Expenses and Changes in Fund Net Position - Proprietary Funds	$ 34,240,132
Adjustment to reflect the consolidation of current fiscal year internal service funds activities related to enterprise funds	20,206,245
Changes in Net Position of Business-Type Activities per Statement of Activities	$ 54,446,377

City of Ontario
Statement of Cash Flows
Proprietary Funds
For the year ended June 30, 2022

	Business-Type Activities - Enterprise Funds				Governmental Activities - Internal Service Funds
	Water	Sewer	Integrated Waste	Totals	
CASH FLOWS FROM OPERATING ACTIVITIES:					
Cash received from customers and users	$ 71,387,500	$ 28,248,635	$ 44,353,717	$ 143,989,852	$ -
Cash received from/(paid to) interfund services	-	-	-	-	96,182,743
Cash paid to suppliers for goods and services	(36,414,751)	(20,833,869)	(27,773,738)	(85,022,358)	(14,004,702)
Cash paid to employees for services	(13,101,650)	(6,412,629)	(18,558,027)	(38,072,306)	(47,096,329)
Net cash provided by (used in) operating activities	21,871,099	1,002,137	(1,978,048)	20,895,188	35,081,712
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:					
Cash transfers in	686,700	128,700	787,500	1,602,900	47,846,070
Cash transfers out	(401,639)	(166,462)	(576,242)	(1,144,343)	(300,715)
Due to other funds	-	-	-	-	(1,494)
Advance from other funds	10,447,137	5,200,755	419,761	16,067,653	(18,148,208)
Interest paid on pension obligation bonds	-	-	-	-	(9,180,719)
Principal paid on pension obligation bonds	-	-	-	-	(4,360,000)
Grant subsidy	1,394,484	790,926	59,717	2,245,127	-
Net cash provided by (used in) noncapital financing activities	12,126,682	5,953,919	690,736	18,771,337	15,854,934
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:					
Acquisition and construction of capital assets	(12,437,059)	(1,702,959)	(1,415,707)	(15,555,725)	(25,449,435)
Acquisition of other investments	(8,103,243)	-	-	(8,103,243)	23,813,113
Proceeds from leases receivable	181,512	-	-	181,512	-
Interest paid on capital debt	(3,621,391)	-	-	(3,621,391)	(757,961)
Principal paid on capital debt	(68,671,649)	-	-	(68,671,649)	(1,232,392)
Proceed from issuance of debt	67,550,000	-	-	67,550,000	-
Reimbursement agreement	538,336	-	-	538,336	-
Net cash provided by (used in) capital and related financing activities	(24,563,494)	(1,702,959)	(1,415,707)	(27,682,160)	(3,626,675)
CASH FLOWS FROM INVESTING ACTIVITIES:					
Change in investments	-	-	-	-	-
Interest received	(17,760)	(1,134,844)	(373,899)	(1,526,503)	11,355,160
Net cash provided by (used in) investing activities	(17,760)	(1,134,844)	(373,899)	(1,526,503)	11,355,160
Net cash flows	9,416,527	4,118,253	(3,076,918)	10,457,862	58,665,131
CASH AND INVESTMENTS - Beginning of year	86,010,805	54,644,810	24,107,588	164,763,203	83,468,038
CASH AND INVESTMENTS - End of year	$ 95,427,332	$ 58,763,063	$ 21,030,670	$ 175,221,065	$ 142,133,169
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:					
Operating income (loss)	$ 26,175,823	$ 1,055,390	$ 7,681,092	$ 34,912,305	$ 51,283,686
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:					
Depreciation	5,501,443	1,086,742	284,169	6,872,354	7,914,723
(Increase) decrease in accounts receivable	(1,358,695)	(91,478)	(2,098,215)	(3,548,388)	(2,196,378)
(Increase) decrease in prepaid expense	8,389	669	96,326	105,384	(493,613)
(Increase) decrease in inventories	(403,688)	(100,922)	-	(504,610)	(89,709)
Increase (decrease) in accounts payable	1,280,985	127,870	(1,099,178)	309,677	(1,348,037)
Increase (decrease) in accrued liabilities	61,504	32,368	84,256	178,128	70,961
Increase (decrease) in unearned revenues	-	31,871	47,638	79,509	-
Increase (decrease) in deposits payable	(5,522,422)	45,174	(967,076)	(6,444,324)	1,002,452
Increase (decrease) in claims and judgements	-	-	-	-	591,357
Increase (decrease) in compensated absences	259,353	(26,364)	(10,368)	222,621	19,945
Increase (decrease) in deferred leases related amounts	(203,248)	-	-	(203,248)	
Increase (decrease) in net pension liability	(6,149,631)	(1,814,645)	(9,387,527)	(17,351,803)	(6,985,790)
Increase (decrease) in deferred pension related items	5,248,425	1,548,716	8,011,820	14,808,961	5,962,049
Increase (decrease) in OPEB liability	(4,079,365)	(1,203,746)	(6,227,228)	(11,510,339)	(27,827,800)
Increase (decrease) in deferred OPEB related items	1,052,226	310,492	1,606,243	2,968,961	7,177,866
Net cash provided by (used in) operating activities	$ 21,871,099	$ 1,002,137	$ (1,978,048)	$ 20,895,188	$ 35,081,712
NONCASH TRANSACTIONS:					
Gain on investment in joint venture	$ 292,324	$ -	$ -	$ -	$ -
Amortization of deferred cost	56,357	-	-	-	-

See accompanying notes to Basic Financial Statements.

This page intentionally left blank

City of Ontario
Statement of Fiduciary Net Position
Fiduciary Funds
June 30, 2022

	Custodial Funds	Private Purpose Trust Fund Successor Agency of the Former RDA
ASSETS		
Cash and investments	$ 32,406,517	$ 9,633,450
Receivables:		
Accounts	21,839	-
Taxes	187,694	-
Notes and leases	-	35,000
Accrued interest	58,613	1,219
Advances to City	-	1,600,000
Land held for resale	-	10,904,181
Restricted assets:		
Cash and investments with fiscal agents	82,641,775	1,152,961
Total assets	115,320,547	23,326,811
LIABILITIES		
Accounts payable	125,723	-
Accrued interest	-	2,774,121
Deposits payable	721,035	305,887
Due to other governments	10,929,507	-
Long-term liabilities:		
Long-term debt - due within one year	-	7,056,822
Long-term debt - due in more than one year	-	27,062,548
Total liabilities	11,776,265	37,199,378
NET POSITION		
Restricted for:		
Individuals, organizations, and other governments	103,544,282	-
Held in trust for private purposes	-	(13,872,567)
Total Net Position	$ 103,544,282	$ (13,872,567)

See accompanying notes to Basic Financial Statements.

City of Ontario

Statement of Changes in Fiduciary Net Position

Fiduciary Funds

For the year ended June 30, 2022

	Custodial Funds	Private Purpose Trust Fund Successor Agency of the Former RDA
ADDITIONS:		
Taxes	$ 12,282,119	$ 9,451,821
Interest and change in fair value of investments	(16,375)	(76,627)
Fee collections for other governments	45,224,492	17
Bond proceeds and premiums	53,260,247	-
Total additions	110,750,483	9,375,211
DEDUCTIONS:		
Administrative expenses	24,187,330	270,899
Payments on conduit bonds - principal	5,780,000	-
Interest expense	7,309,655	4,736,424
Contributions to other governments	44,957,535	101,117
Total deductions	82,234,520	5,108,440
Change in net position	28,515,963	4,266,771
NET POSITION:		
Beginning of year	93,308,155	(18,388,795)
Restatements	(18,279,836)	249,457
Beginning of year, restated	75,028,319	(18,139,338)
End of year	$ 103,544,282	$ (13,872,567)

See accompanying notes to Basic Financial Statements.

This page intentionally left blank

NOTES TO BASIC FINANCIAL STATEMENTS

This page intentionally left blank.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The basic financial statements of the City of Ontario, California (City) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to governmental agencies. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the City's accounting policies are described below.

A. Financial Reporting Entity

The City is a municipal corporation governed by an elected mayor and a four-member council. The City was incorporated December 10, 1891, under the general laws of the State of California and enjoys all the rights and privileges pertaining to "General Law" cities. As required by accounting principles generally accepted in the Unites States of America, these financial statements present the City of Ontario, California, and its component units for which the City is considered financially accountable.

The criteria used in determining the scope of the reporting entity is based on the provisions of GASB Statement No. 14 and amended by GASB Statement No. 61, Blended Component Units, although legally separate entities, are in substance part of the government's operation, so data from these units are combined herein. The following criteria were used in the determination of blended units: (1) the members of the City Council also act as the governing body of the Industrial Development Authority, the Ontario Redevelopment Financing Authority, the Ontario Public Financing Authority, and the Ontario Housing Authority (collectively, the "Authorities"), and (2) the Authorities are managed by employees of the City.

Blended Component Units

The former Ontario Redevelopment Agency (Agency) was activated November 1, 1977, pursuant to the State of California Health and Safety Code, Section 33000 entitled "Community Development Law." The primary purpose of the Agency was to encourage private redevelopment of property and to rehabilitate areas suffering from economic disuse arising from poor and inadequate planning, inadequate street layout and street access, lack of open space, landscaping and other improvements and facilities necessary to establish and maintain the economic growth of the City. The former Redevelopment Agency was dissolved as of January 31, 2012, through the Supreme Court decision on Assembly Bill 1X 26. See Note 18 for more information on the dissolution.

The Industrial Development Authority was established August 18, 1981, pursuant to the California Industrial Development Financing Act (AB74). The law authorizes limited issuance of small-issue industrial development bonds to assist private industry. The sole function of the Industrial Development Authority is to review and approve the issuance of bonds to finance eligible projects. Separate financial statements are not available for the Industrial Development Authority.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

A. Financial Reporting Entity, Continued

The Ontario Redevelopment Financing Authority was established November 5, 1991, pursuant to Article 1 (commencing with Section 6500) of Chapter 5, Division 7, of Title 1 of the California Government Code in order to jointly exercise powers of the Ontario Redevelopment Financing Authority and the City, and to establish a vehicle to reduce local borrowing costs and promote greater use of existing and new financial instruments. Separate financial statements are not available for the Ontario Redevelopment Financing Authority.

The Ontario Public Financing Authority was created by a joint exercise of joint powers agreement between the City of Ontario and the Ontario Housing Authority (the "Members") on June 1, 2013. The purpose of the Ontario Public Financing Authority is to assist in the financing of capital improvement projects of the Members and other activities of the Members as permitted under Articles 1, 2 and 4 of Chapter 5 of Division 7 of Title 1 of the Government Code, as amended. Separate financial statements are not available for the Ontario Public Financing Authority.

The Ontario Housing Authority was established on December 2, 1997. The primary purpose of the Ontario Housing Authority is to assist property owners in rejuvenating and improving substandard housing conditions within the City. Separate financial statements are not available for the Ontario Housing Authority.

Since the City Council serves as the governing board for these component units, all of the City's component units are considered to be blended component units. Blended component units, although legally separate entities, are in substance, part of the City's operations and so data from these units are reported with the primary government.

B. Basis of Accounting and Measurement Focus

The accounts of the City are organized on the basis of funds, each of which is considered a separate accounting entity with its own self-balancing set of accounts that comprise its assets, deferred outflows of resources, liabilities, deferred inflows of resources, fund balance or net position, revenues, and expenditures or expenses. These funds are established for the purpose of carrying out specific activities or certain objectives in accordance with specific regulations, restrictions, or limitations. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

Government-Wide Financial Statements

The City's government-wide financial statements include a Statement of Net Position and a Statement of Activities. These statements present summaries of Governmental and Business-Type Activities for the City accompanied by a total column.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

B. Basis of Accounting and Measurement Focus, Continued

These financial statements are presented on an "economic resources" measurement focus and the accrual basis of accounting. Accordingly, all of the City's assets, deferred inflows/outflows of resources, and liabilities, including capital assets, as well as infrastructure assets, and long-term liabilities, are included in the accompanying Statement of Net Position. The Statement of Activities presents changes in net position. Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which the liabilities are incurred.

Certain types of transactions reported as program revenues for the City are reported in three categories:

- Charges for services
- Operating grants and contributions
- Capital grants and contributions

Certain eliminations have been made in regards to interfund activities, payables, and receivables. All internal balances in the Statement of Net Position have been eliminated except those representing balances between the governmental activities and the business-type activities, which are presented as internal balances and eliminated in the total primary government column. In the Statement of Activities, internal fund transaction balances have been eliminated; however, those transactions between governmental and business-type activities have not been eliminated. The following interfund activities have been eliminated:

- Due to/from other funds
- Advances to/from other funds
- Transfers in/out

The City applies all applicable GASB pronouncements including all NCGA Statements and Interpretations currently in effect.

Governmental Fund Financial Statements

Governmental fund financial statements include a Balance Sheet and a Statement of Revenues, Expenditures, and Changes in Fund Balances for all major governmental funds and nonmajor funds aggregated. An accompanying schedule is presented to reconcile and explain the differences in fund balance as presented in these statements to the net position in the government-wide financial statements. The City has presented all major funds that meet specific qualifications.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

B. Basis of Accounting and Measurement Focus, Continued

All governmental funds are accounted for on a spending or "current financial resources" measurement focus and the modified accrual basis of accounting. Accordingly, only current assets and current liabilities are included on the balance sheets. The Statement of Revenues, Expenditures and Changes in Fund Balances present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Under the modified accrual basis of accounting, revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures in the current period. For this purpose, the City considers revenue to be available if collected within 60 days of the end of the current fiscal period except for sales taxes and grant revenue where the City considers revenue to be available if collected within 90 days and 180 days, respectively, of the end of the current fiscal year.

The City reports the following major governmental funds in the accompanying financial statements:

The General Fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The Measure I Fund accounts for revenues from a one-half percent sales tax on all retail transactions within the County. The proceeds are to be used for transportation improvements, railroad grade separation projects, and traffic management programs.

The Ontario Housing Authority Fund accounts for the financial transactions of the Ontario Housing Authority. Revenue sources for the Authority include rent proceeds from properties, housing loan repayments and agency fees.

The Capital Projects Fund accounts for financial transactions of general capital improvements.

The Impact Fees Fund accounts for revenues from developer-paid impact fees for infrastructure construction.

Proprietary Fund Financial Statements

Proprietary fund financial statements include a Statement of Net Position, a Statement of Revenues, Expenses and Change in Net Position, and a Statement of Cash Flows.

Proprietary funds are accounted for using the "economic resources" measurement focus and the accrual basis of accounting. Accordingly, all assets and liabilities (whether current or noncurrent) are included on the Statement of Net Position. The Statement of Revenues, Expenses and Changes in Net Position present increase (revenues) and decreases (expenses) in total net position.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

B. Basis of Accounting and Measurement Focus, Continued

Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which a liability is incurred. Operating revenues in the proprietary funds are those revenues that are generated from the primary operations of the fund. All other revenues are reported as nonoperating revenues. Operating expenses are those expenses that are essential to the operations of the fund. All other expenses are reported as nonoperating expenses.

The City reports the following major proprietary funds in the accompanying financial statements:

The Water Enterprise Fund accounts for the operation and maintenance of the City's water distribution system.

The Sewer Enterprise Fund accounts for the financial transactions of the City's waste collection system.

The Integrated Waste Enterprise Fund accounts for collection and disposal of integrated waste from industrial, commercial and residential users throughout the Ontario area.

The City also reports the following proprietary fund type:

Internal Service Funds account for financial transactions related to repair, replacement and maintenance of City-owned equipment, the City's self-insurance programs, the City's general information systems and telecommunications hardware and software, the City's facilities maintenance, and the City's defined benefit healthcare plan for its retired employees. These services are provided to other departments or agencies of the City on a cost reimbursement basis.

Fiduciary Fund Financial Statements

Fiduciary fund financial statements consist of a Statement of Fiduciary Net Position and a Statement of Changes in Fiduciary Net Position. The City has two types of fiduciary funds, a private-purpose trust fund and custodial funds. Private purpose trust funds accounts for all other trust arrangements in which principal and income benefit individuals, private organizations, and other governments (i.e. unclaimed property/escheat property). Custodial funds are used to account for the assets held for distribution by the City as an agent for another entity for which the City has a custodial responsibility and accounts for the flow of assets. Fiduciary funds are accounted for using the accrual basis of accounting.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

B. Basis of Accounting and Measurement Focus, Continued

The City reports the following types of fiduciary funds:

Private-purpose Trust Funds are used to account for the assets and liabilities of the former redevelopment agency and the allocated revenue to pay estimated installment payments of enforceable obligations until the obligations of the former redevelopment agency are paid in full and assets have been liquidated.

Custodial Funds are used to account for fiduciary activities not required to be reported in investment trust, pension trust, or private purpose trust funds.

The financial activities of these funds are excluded from the City-wide financial statements but are presented in separate fiduciary fund financial statements.

C. Cash and Investments

The City maintains a cash and investments pool that is available for use by all funds. Each fund's portion of this pool is displayed as cash and investments on the balance sheets for the governmental funds and the statements of net position for the proprietary fund and agency funds as cash and investments. Investments are stated at fair value.

In accordance with GASB Statement No. 40, *Deposit and Investment Disclosures (Amendment of GASB Statement No. 3)*, certain disclosure requirements for deposits and investment risks were made in the following areas:

- Interest Rate Risk
- Credit Risk
  - Overall
  - Custodial Credit Risk
  - Concentrations of Credit Risk

In addition, other disclosures are specified including use of certain methods to present deposits and investments, highly sensitive investments, credit quality at year-end, and other disclosures.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

C. Cash and Investments, Continued

In accordance with GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*, highly liquid money market investments with maturities of one-year or less at time of purchase are stated at amortized cost. All other investments are stated at fair value. The City categorizes the fair value measurements of its investments based on the hierarchy established by generally accepted accounting principles. The fair value hierarchy, which has three levels, is based on the valuation inputs used to measure an asset's fair value: Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs. The City did not have any investments measured using Level 3 inputs as of June 30, 2022.

The City participates in an investment pool managed by the State of California entitled Local Agency Investment Fund (LAIF) which has invested a portion of the pooled funds in Structured Notes and Asset-Backed Securities. LAIF's investments are subject to credit risk with the full faith and credit of the State of California collateralizing these investments. In addition, these Structured Notes and Asset-Backed Securities are subject to market risk as to the change in interest rates.

The City's cash and equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition. For financial statement presentation purposes, cash and cash equivalents are shown as both unrestricted and restricted cash and investments.

For the purpose of the Statement of Cash Flows, the City considers all pooled cash and investments (consisting of cash and investments and restricted cash and investments) held by the City as cash and cash equivalents because the pool is used essentially as a demand deposit account from the standpoint of the funds. The City also considers all non-pooled cash and investments (consisting of cash with fiscal agent and restricted cash and investments held by fiscal agent) as cash and cash equivalents because investments meet the criteria for cash equivalents defined above.

D. Leases Receivable

The City's leases receivable are measured at the present value of lease payments expected to be received during the lease terms. Deferred inflows of resources are recorded for the leases. The deferred inflow of resources is recorded at the initiation of the lease in an amount equal to the initial recording of the lease receivable.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

E. Inventories, Prepaid Items and Land Held for Resale

All inventories are valued at cost using the first-in/first-out (FIFO) method, except water stock inventory which is valued at fair value at the end of the fiscal year. Inventories in the Internal Service Funds consist of expendable supplies held for consumption, whereas in the Enterprise Funds it represents water stock in the water utility fund and expendable supplies held for consumption in both water utility and sewer utility funds. Inventory costs are recorded as expenditures when used.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements using the purchases method.

Land purchased for resale is capitalized as inventory at acquisition costs or net realizable value if lower.

F. Capital Assets

Capital assets, which include property, plant, equipment, infrastructure (e.g., roads, bridges, sidewalks and similar items) and intangible assets, are reported in the applicable governmental or business-type activities columns in the governmentwide financial statements. Capital assets and infrastructure are defined by the City as assets with an initial, individual cost of more than $15,000 and $50,000 respectively (amount not rounded) and an estimated useful life in excess of five years. Capital assets purchased with federal grant money with a cost of more than $5,000 should be capitalized. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed.

The Governmental Accounting Standards Board (GASB) issued Statement No. 34, which requires the inclusion of infrastructure capital assets in local government's basic financial statements. The City defines infrastructure as long-lived capital assets that normally can be preserved for a significant greater number of years than most capital assets (non-infrastructure assets). Infrastructure assets are normally stationary in nature and are of value only to the government entity. They are basic physical assets that allow the government entity to function. Examples include street systems, water purification and distribution systems, sewer collection and treatment systems, parks and recreation lands and improvement systems, storm water conveyance systems, fiber optics, bridges, tunnels, dams and buildings combined with the site amenities such as parking and landscaped areas used by the government entity in the conduct of its business. Each major infrastructure system can be divided into subsystems. For example, the street system can be subdivided into concrete and asphalt pavements, concrete curb and gutters, sidewalks, medians, streetlights, traffic control devices (signs, signals and pavement markings), landscaping and land.

Subsystem detail is not presented in these basic financial statements; however, the City maintains detailed information on these subsystems.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

F. Capital Assets, Continued

In accordance with GASB Statement No. 34, the City has elected the Modified Approach for reporting its pavement system. In 1999, the City commissioned a physical condition assessment of the streets, which was completed and dated July 15, 1999. Each year the City completes review of the streets to provide an updated assessment. These streets, primarily asphalt concrete, were defined as all physical features associated with the operation of motorized vehicles that exist within the limits of right of way. This condition assessment will be performed every three years. Each street was assigned a physical condition on 17 potential defects. A Pavement Condition Index (PCI), a nationally recognized index, was assigned to each street and expressed in a continuous scale from 0 to 100, where 0 is assigned to the least acceptable physical condition and 100 is assigned the physical characteristics of a new street.

The following conditions were defined: excellent condition was assigned to those segments with a rating between 86 to 100, very good condition was assigned a rating between 71 to 85, good condition was assigned a rating between 56 to 70, fair condition was assigned a rating between 41 to 55, poor condition was assigned with a rating between 26 to 40, very poor condition was assigned with a rating between 11 to 25, and a failed condition was assigned to those segments with a rating between 0 to 10.

The City's policy, relative to maintaining the street assets, is to maintain the existing weighted average rate of "Good", which is a PCI index range between 56 and 70. This rating allows minor cracking and raveling of the pavement along with minor roughness that could be noticeable to drivers traveling at the posted speeds. A detailed description of the modified approach for the City's infrastructure capital assets can be found in the Required Supplementary Information section.

For all other capital assets, structures and improvements, furniture and equipment, infrastructure and intangible assets, the City has elected to use the Basic Approach as defined by GASB Statement No. 34. Accordingly, these capital assets are depreciated using the straight-line method over the following estimated useful lives:

Assets	Years
Buildings and structures	20 - 99
Vehicles	4 - 15
Other equipment	5 - 25
Intangible assets - software	5
Infrastructure	20 - 50

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

G. Property Taxes

Property tax revenue is recognized on the modified accrual basis, that is, in the fiscal year for which the taxes have been levied providing they become available. Available means then due or past due and receivable within the current period and collected within the current period or expected to be collected soon enough thereafter to be used to pay liabilities of the current period. The County of San Bernardino collects property taxes for the City. Tax liens attach annually as of 12:01 A.M. on the first day in January proceeding the fiscal year for which the taxes are levied. Taxes are levied on both real and personal property as it exists on that date. The tax levy covers the fiscal period July 1 to June 30. All secured property taxes and one-half of the taxes on real property are due November 1; the second installment is due February 1. All taxes are delinquent if unpaid, on December 10 and April 10, respectively. Unsecured personal property taxes become due on the first March each year and are delinquent, if unpaid, on August 31.

H. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position or balance sheet report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net assets that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The first item that qualifies for reporting in this category is the deferred charge on refunding reported in the statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt. The City also has deferred outflows of resources related to pensions and OPEB as discussed in Notes 10 and 11.

In addition to liabilities, the statement of net position or balance sheet report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net assets that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The first item which qualifies for reporting in this category arises only under a modified accrual basis of accounting. Accordingly, the item, unavailable revenue, is only reported in the governmental funds balance sheet. The governmental funds report unavailable revenues from three sources: loans receivable, grants receivable and interest on interfund advances. The City also has deferred inflows of resources related to leases receivable as discussed in Note 1D, and deferred inflows related to pensions and OPEB as discussed in Notes 10 and 11.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

I. Net Position and Fund Balances

Net Position

In the government-wide financial statements and proprietary fund financial statements, net position is classified as follows:

Net Investment in Capital Assets – This amount consists of capital assets net of accumulated depreciation and reduced by outstanding debt attributed to the acquisition, construction, or improvement of the assets.

Restricted Net Position – This amount is restricted by external creditors, grantors, contributors, or laws or regulations of other governments.

Unrestricted Net Position – This amount is all net position that does not meet the definition of "net investment in capital assets" or "restricted net position."

Sometimes the government will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted – net position to have been depleted before unrestricted – net position is applied.

Fund Balance

Fund balance is essentially the difference between the assets, deferred outflows and deferred inflows of resources and liabilities reported in a governmental fund. There are five separate components of fund balance, each of which identifies the extent to which the City is bound to honor constraints on the specific purposes for which amounts can be spent:

Nonspendable fund balance (inherently nonspendable)

Restricted fund balance (external enforceable limitations on use)

Committed fund balance (self-imposed limitations on use)

Assigned fund balance (limitation resulting from intended use)

Unassigned fund balance (residual net resources)

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

I. Net Position and Fund Balances, Continued

The City Council, as the City's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by the adoption of a resolution. These committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified use through the same type of formal action taken to establish the commitment. City Council action to commit fund balance needs to occur within the fiscal reporting period; however, the amount can be determined subsequently.

Amounts that are constrained by the City's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. Pursuant to the City's fund balance policy established by the City Council on June 22, 2011 by resolution, (#2011-041), the City Council has delegated the authority to assign amounts to be used for specific purposes to the City Manager or Finance Director for the purpose of reporting these amounts on the annual financial statements.

Included in the Fund Balance Policy is the 18 percent Stabilization Plan. This is the goal of City Council to achieve a minimum of 18 percent of annual General Fund appropriations, as assigned fund balance in the General Fund. Based on the current year General Fund appropriations, the amount assigned to the 18 percent stabilization plan will either increase or decrease accordingly. This assigned balance is intended to be used for specific and defined emergency services and to minimize the potential for disruption of municipal services to its citizens. However, included as part of the General Fund balancing strategies for fiscal year 2021-22 is the reduction of the General Fund stabilization assignment from 18 percent to 15 percent. As of June 30, 2022, the City's General Fund has an assigned fund balance for the stability arrangement of $30.3 million, which achieves the goal of 16 percent of the General Fund adopted budget for fiscal year 2021-22.

In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. The City consider restricted fund balance to have been spent first when expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available. Similarly, when expenditure is incurred for purposes for which amounts in any of the unrestricted classifications of fund balance could be used, the City considers committed amounts to be reduced first, followed by assigned amounts and then unassigned amounts.

J. Compensated Absences

It is the government's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. There is no liability for unpaid accumulated sick leave since the City does not have a policy to pay any amounts when employees separate from service with the government. City employees receive from 10 to 25 days' vacation each year, depending on the length of service. All vacation pay is accrued when incurred in the government-wide financial statements and in the proprietary funds financial statements.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

K. Long-Term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities or proprietary fund type statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method.

Bonds payable are reported net of the applicable bond premium or discount. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenses when incurred.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

L. Pension

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the City's California Public Employees' Retirement System (CalPERS) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by CalPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value.

M. Other Post Employment Benefits (OPEB)

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the City's OPEB Plan and additions to/deductions from the OPEB Plan's fiduciary net position have been determined on the same basis as they are reported by CalPERS. For this purpose, benefit payments are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value.

N. Use of Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

O. New Pronouncements

In 2022, the City adopted new accounting standards in order to conform to the following Governmental Accounting Standards Board Statements:

- GASB Statement No. 87, *Leases* – The objective of this statement is to recognize in the financial statements certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract.

- GASB Statement No. 89, *Accounting for Interest Cost Incurred before the End of the Construction Period* – The objective of this statement is to (1) to enhance the relevance and comparability of information about capital assets and the cost of borrowing for a reporting period and (2) to simplify accounting for interest cost incurred before the end of a construction period. This statement establishes accounting requirements for interest cost incurred before the end of a construction period. This statement requires that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred for financial statements prepared using the economic resources measurement focus. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset reported in a business-type activity or enterprise fund. The requirements of this statement did not apply to the City for the current fiscal year.

- GASB Statement No. 92, *Omnibus 2020* – The objectives of this statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. The requirements of this statement did not apply to the City for the current fiscal year.

- GASB Statement No. 97, *Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans – an Amendment of GASB Statements No. 14 and No. 84, and a Supersession of GASB Statement No. 32* – The primary objectives of this statement are to (1) increase consistency and comparability related to the reporting of fiduciary component units in circumstances in which a potential component unit does not have a governing board and the primary government performs the duties that a governing board typically would perform; (2) mitigate costs associated with the reporting of certain defined contribution pension plans, defined contribution other postemployment benefit (OPEB) plans, and employee benefit plans other than pension plans or OPEB plans (other employe benefit plans) as fiduciary component units in fiduciary fund financial statements; and (3) enhance the relevance, consistency, and comparability of the accounting and financial reporting for Internal Revenue Code (IRC) Section 457 deferred compensation plans (457 plans) that meet the definition of a pension plan and for benefits provided through those plans.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

O. New Pronouncements, Continued

- GASB Statement No. 99, *Omnibus 2022* – The primary objectives of this statement are to enhance the comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during the implementation and application of certain GASB Statements. The requirements of this statement did not apply to the City for the current fiscal year.

2. CASH AND INVESTMENTS

The following is a summary of the cash and investments at June 30, 2022:

	Government-Wide Statement of Net Position			
	Governmental Activities	Business-Type Activities	Fiduciary Funds	Total
Cash and investments	$ 522,270,233	$ 174,849,069	$ 42,039,967	$ 739,159,269
Restricted cash and investments	119,287,467	371,996	83,794,736	203,454,199
Total cash and investments	$ 641,557,700	$ 175,221,065	$ 125,834,703	$ 942,613,468

The City follows the practice of pooling cash and investments of all funds, except for funds required to be held by fiscal agents under provisions of bond indentures. Interest income earned on pooled cash and investments is allocated monthly to the various funds based on monthly cash and investment balances. Interest income from cash and investments with fiscal agents is credited directly to the related fund.

2. CASH AND INVESTMENTS, Continued

A. Summary of Cash and Investments

Cash and investments at June 30, 2022 consist of the following:

Cash on hand	$	5,686
Deposits with financial institutions		40,345,104
Total cash on hand and deposits		40,350,790
Investments:		
U.S. Treasury securities		379,792,073
Federal government agency		129,895,146
Medium-term corporate notes		96,454,394
Asset-backed securities		1,201,719
Supranational		18,716,165
Local Agency Investment Fund (LAIF)		72,748,982
Total investments		698,808,479
Total City Treasury		739,159,269
Investments with fiscal agent:		
Money market funds		203,454,199
Total cash and investments	$	942,613,468

B. Deposits

The carrying amount of the City's cash deposit was $40,345,104 as of June 30, 2022. Bank balances before reconciling items were a positive amount of $51,222,753 at June 30, 2022. The City's cash deposit was fully insured up to $250,000 by the Federal Deposit Insurance Commission. The remaining amount was collateralized with securities held by the pledging financial institutions in the City's name.

The California Government Code (Code) Section 53652 requires California banks and savings and loan associations to secure the City's cash deposits by pledging securities as collateral. The Code states that collateral pledged in this manner shall have the effect of perfecting a security interest in such collateral superior to those of a general creditor. Thus, collateral for cash deposits is considered to be held in the City's name.

Fair value of pledged securities must equal at least 110% of the City's cash deposits. California law also allows institutions to secure deposits by pledging first trust deed mortgage notes having a value of 150% of the City's total cash deposits.

2. CASH AND INVESTMENTS, Continued

C. Investments Authorized by the Code and the City's Investment Policy

Under the City's investment policy, and in accordance with the Code, the following investments are authorized at June 30, 2022:

- United States Treasury Bills, Notes, and Bonds. There is no limitation as to the percentage of the fund, which can be invested in this category.
- Obligations—including U.S. Government Agency Mortgage pass-through securities— issued by various agencies of the Federal Government. There is no percentage limitation on the dollar amount which can be invested in Agency issues in total, no more than 20% of the cost value of the portfolio may be invested in the securities of any one issuer.
- Bills of exchange or time drafts drawn on and accepted by a commercial bank, commonly known as banker's acceptances. Banker's acceptances may not exceed 180 days to maturity. To be eligible for purchase, banker's acceptances must have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term debt obligations which are rated in a rating category of "A" or its equivalent or better by at least one NRSRO. No more than 40% of the cost value of the portfolio may be invested in banker's acceptances and no more than 5% of the cost value of the portfolio may be invested in banker's acceptances of any single bank.
- Commercial paper rated "A-1" or its equivalent by at least two NRSROs and issued by a domestic corporation having assets in excess of $500 million and having at least an "A" or its equivalent rating on its long-term debentures as provided by a NRSRO. Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10% of the outstanding paper on an issuing corporation. Purchases of commercial paper may not exceed 15% of the portfolio, which may be invested pursuant to this section. An additional 15% or a total of 30% of the City's money may be invested pursuant to thissubdivision. The additional 15% may be so invested only if the dollar weighted average maturity of the entire amount does not exceed 31 days.
- Negotiable certificates of deposit issued by a nationally or State chartered bank or a State or Federal savings institution, or a State licensed branch of a foreign bank ("Yankee"). Purchases of negotiable certificates of deposit may not exceed 30% of the cost value of the portfolio. To be eligible for purchase by the City, the certificate of deposit must be rated "A-1" or its equivalent by at least two NRSROs.
- Repurchase Agreements – The City may invest in repurchase agreements with primary dealers of the Federal Reserve Bank of New York with which the City has entered into a master repurchase agreement. The Public Securities Association master repurchase agreement is the "master repurchase agreement". The maturity of repurchase agreements shall not exceed one year. The market value of securities used as collateral for repurchase agreements shall be valued at no less than 102% of the value of the repurchase agreement. Investments in repurchase agreements may not exceed 20% of the cost value of the fund.
- Local Agency Investment Fund of the State of California
- Time Deposits – No more than 25% of the fund may be invested in this category.

2. CASH AND INVESTMENTS, Continued

C. Investments Authorized by the Code and the City's Investment Policy, Continued

- Medium-term notes of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any State and operating within the United States. The issuing corporation must have a minimum rating of "A" or its equivalent by at least two NRSROs and have in excess of $500 million in shareholder equity. Purchase of medium-term notes may not exceed 30% of the cost value of the fund with no more than 15% of the cost value of the fund rated below "AA" or its equivalent by at least two NRSROs. No more than 5% of the fund (at time of purchase) may be invested in any one corporate name, including the parent corporation or subsidiaries.
- Any collateralized mortgage obligations, mortgage-backed or other pay-through bond, equipment lease-backed certificate, or consumer receivable-backed bond. Securities eligible for investment under this section shall be rated in a rating category of "AA" by a nationally recognized statistical rating organization and have a maximum remaining maturity of 5 years or less. Investment in this type of securities may not exceed 20% of the cost value of the fund.
- Bonds, notes, warrants or other evidences of indebtedness of any local agency of this state.
- Registered state warrants or treasury notes or bonds of this state.
- United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated "AA" or better by an NRSRO and shall not exceed 10 percent of the City's moneys that may be invested pursuant to this section.
- Mutual Funds and Money Market Mutual Funds that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, provided that:
    - Mutual Funds that invest in the securities and obligations as authorized under California Government Code, Section 53601 (a) to (k) and (m) to (q) inclusive and that meet either of the following criteria:
        - Attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
        - Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code, Section 53601 and with assets under management in excess of $500 million.
        - No more than 10% of the total portfolio may be invested in shares of any one mutual fund.
    - Money Market Mutual Funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and issued by diversified management companies and meet either of the following criteria:
        - Have attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or

2. CASH AND INVESTMENTS, Continued

C. Investments Authorized by the Code and the City's Investment Policy, Continued

- Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management in excess of $500 million.
- No more than 20% of the total portfolio may be invested in the shares of any one Money Market Mutual Fund.

- No more than 20% of the total portfolio may be invested in these securities.

The City's portfolio value fluctuates in an inverse relationship to any change in interest rate. Accordingly, if interest rates rise, the portfolio value will decline. If interest rates fall, the portfolio value will rise. The portfolio for year-end reporting purposes is treated as if it were all sold. Therefore, fund balance must reflect the portfolio's change in value. These portfolio value changes are unrealized unless sold.

The City is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by Code Section 16429 under the oversight of the Treasurer of the State of California. The City's investments with LAIF at June 30, 2022 include a portion of the pool funds invested in Structured Notes and Asset-Backed Securities. These investments included the following:

Structured Notes are debt securities (other than asset-backed securities) whose cash flow characteristics (coupon rate, redemption amount, or stated maturity) depend upon one or more indices and/or have embedded forwards or options.

Asset-Backed Securities, the bulk of which are mortgage backed securities, entitle their purchasers to receive a share of the cash flows from a pool of assets such as principal and interest repayments from a pool of mortgages (such as collateralized mortgage obligations) or credit card receivables.

At June 30, 2022, the City had $72,748,982 invested in LAIF, which had invested 1.88% of the pool investment funds in Structured Notes and Asset-Backed Securities as compared to 2.31% in the previous year. The LAIF fair value factor of .98712 was used to calculate the fair value of the investments in LAIF.

2. CASH AND INVESTMENTS, Continued

D. Investments Authorized by Debt Agreements

The above investments do not address investment in debt proceeds held by a bond trustee. Investments of debt proceeds held by a bond trustee are governed by provisions of debt agreements, rather than the general provisions of the Code or the City's investment policy.

E. Interest Rate Risk

The City's investment policy limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. The City's investment policy states that weighted average of the City's portfolio will be limited to two and a half years. The only exception to these maturity limits shall be the investment of the gross proceeds of tax-exempt bonds. The City has elected to use the segmented time distribution method of disclosure for its interest rate risk.

At June 30, 2022, the City had the following investments and original maturities:

	Remaining Investment Maturities			
Investment Type	6 months to 1 year	1 to 3 years	3 to 5 years	Total
Investments:				
U.S. Treasury	$173,590,253	$156,480,346	$ 49,721,474	$379,792,073
Federal Government Agency	11,132,109	7,502,645	111,260,392	129,895,146
Medium-Term Corporate Notes	4,993,405	34,176,245	57,284,744	96,454,394
Asset-Backed Securities	-	1,201,719	-	1,201,719
Supranational	-	-	18,716,165	18,716,165
Local Agency Investment Fund	72,748,982	-	-	72,748,982
Subtotal	262,464,749	199,360,955	236,982,775	698,808,479
Investments with fiscal agents:				
Money Market Funds	203,454,199	-	-	203,454,199
Total	$465,918,948	$199,360,955	$236,982,775	$902,262,678

2. CASH AND INVESTMENTS, Continued

F. Credit Risk

The City's investment in medium-term notes consisted of investments with various corporations and were rated "Baa2" to "Aa2" by Moody's and "BBB+" to "AA-" by Standard & Poor's. Investment in government agencies issued by the Federal National Mortgage Association, the Federal Home Loan Banks, and the Federal Home Loan Mortgage Corporation were rated "Aaa" by Moody's and "AA+" by Standard & Poor's. Asset-Backed Securities were rated "Aaa" by Moody's and "AAA" by Standard & Poor's.

All securities were investment grade and were legal under State and City law. Investments in U.S. Treasury securities are not considered to have credit risk; therefore, their credit quality is not disclosed. As of June 30, 2022, the City's investments in external investment pools and money market mutual funds are unrated.

G. Custodial Credit Risk

The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party. At June 30, 2022, none of the City's deposits or investments were subject to custodial credit risk.

H. Concentration of Credit Risk

The City is in compliance with restrictions imposed by its investment policy, which limits certain types of investments. In accordance with the disclosure requirement of GASB Statement No. 40, if the City has invested more than 5% of its investment in any one issuer, it is exposed to credit risk. Investments guaranteed by the U.S. government and investments in mutual funds and external investment pools are excluded from this requirement. During the fiscal year ending June 30, 2022, the City did not hold any investments in any one issuer (other than mutual funds and external investment pools) that represents 5% or more of total City investments.

2. CASH AND INVESTMENTS, Continued

I. Fair Value Hierarchy

The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure fair value of the assets. Level 1 inputs are quoted prices in an active market for identical assets; Level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs.

The following is a summary of the fair value hierarchy of the fair value of the City's investments as of June 30, 2022:

	Fair Value Measurement Using			
Investment Type	Level 1	Level 2	Level 3	Total Fair Value
U.S. Treasury Securities	$ -	$ 379,792,073	$ -	$ 379,792,073
Federal Government Agency	-	129,895,146	-	129,895,146
Medium-Term Corporate Notes	-	96,454,394	-	96,454,394
Asset-Backed Securities	-	1,201,719	-	1,201,719
Supranational	-	18,716,165	-	18,716,165
Total investments subject to fair value	$ -	$ 626,059,497	$ -	626,059,497
Investments Measured at Amortized Cost				
Investments held by fiscal agents:				
Money Market Mutual Funds				203,454,199
Investments not subject to levelling:				
Local Agency Investment Funds (LAIF)				72,748,982
Total Investments				$ 902,262,678

3. INTERFUND ACTIVITIES

A. Due To/From Other Funds

At June 30, 2022, the City's due to/from other fund balances comprised of the following:

Due to Other Funds	Due from Other Funds: General Fund	Total
Nonmajor Governmental Funds	$ 3,701,965	$ 3,701,965
Total	$ 3,701,965	$ 3,701,965

The current year due to/from other fund balances are to cover negative cash balances in the Community Development Fund and Grants Fund and are expected to be repaid in the next fiscal year when funds are available.

B. Advances To/From Other Funds

At June 30, 2022, the City's advances to/from other fund balances comprised of the following:

	Advances to Other Funds						
Advances from Other Funds	General Fund	Nonmajor Governmental Funds	Water	Sewer	Integrated Waste	Internal Service Funds	Total
Ontario Housing Authority	$ -	$ 5,961,399	$ -	$ -	$ -	$ -	$ 5,961,399
Internal Service Funds	54,040,183	-	11,613,153	5,214,477	10,902,634	13,035,193	94,805,640
Total	$ 54,040,183	$ 5,961,399	$ 11,613,153	$ 5,214,477	$ 10,902,634	$ 13,035,193	$ 100,767,039

During prior years, the Community Development Fund, included in nonmajor governmental funds, loaned $5,961,399 to the Ontario Housing Authority for the acquisition, relocation, and rehabilitation of various properties. In fiscal year 2019-2020, the City Council authorized an internal financing of $102,069,692 to pay down 100% of the City's June 30, 2018 unfunded liability for the Miscellaneous Plan within the California Public Employees' Retirement System (CalPERS). This internal loan bears interest ranging between 1% and 2% with principal and interest payable annually over 25 years beginning fiscal year 2020-2021.

3. INTERFUND ACTIVITIES, Continued

C. Transfers In/Out

For the year ended June 30, 2022, the City's transfers in/out comprised of the following:

	Transfers In								
Transfers Out	Ontario Housing Authority	Capital Projects	Impact Fees	Nonmajor Governmental Funds	Water	Sewer	Integrated Waste	Internal Service Funds	Total
General Fund	$ 3,500	$ 6,464,116	$ -	$ 1,347,334	$ 686,700	$ 128,700	$ 787,500	$ 46,099,111	$ 55,516,961
Nonmajor Governmental Funds	-	-	9,819,324	-	-	-	-	301,901	10,121,225
Water	-	-	-	-	-	-	-	401,639	401,639
Sewer	-	-	-	-	-	-	-	166,462	166,462
Integrated Waste	-	-	-	-	-	-	-	576,242	576,242
Internal Service Funds	-	-	-	-	-	-	-	300,715	300,715
Total	$ 3,500	$ 6,464,116	$ 9,819,324	$ 1,347,334	$ 686,700	$ 128,700	$ 787,500	$ 47,846,070	$ 67,083,244

General Fund transfers out to the Capital Projects Fund pertains to various City construction projects, including Bon View Sports Park, C-Block Parking Structure, Economic Development Office construction, landscaping installations, and prior year CIP carryforwards. Transfers from the General Fund to nonmajor governmental funds include monthly budgeted amounts. The transfers to internal service funds include regular OPEB budgeted amounts, funding for economic development activities of $16 million, future PERS unfunded liabilities of $15 million, public safety equipment funding of $1 million, and funding for a computer aided dispatch program in Broadband/Fiber for $8 million.

Transfers from nonmajor governmental funds to the Impact Fees Fund included budgeted amounts and two lump sum payments for funding of the services related to the new Fire Station 9 in Ontario Ranch.

4. NOTES AND LOANS RECEIVABLE

The City's loans receivable were comprised of the following at June 30, 2022:

	Balance at June 30, 2022
General Fund	$ 66,852
Ontario Housing Authority	31,560,845
Nonmajor Governmental Funds	25,128,103
Total notes and loans receivable	$ 56,755,800

The City provides loans to City police officers to assist them in acquiring personal residence within the City or reducing an existing loan on an officer's residence within the City. The loans are non-interest bearing until maturity, and thereafter interest shall be 7% per annum. The outstanding balance at June 30, 2022, was $33,000.

4. NOTES AND LOANS RECEIVABLE, Continued

In order to assist those individuals and families who are the most in need, the former Ontario Redevelopment Agency's Combined Low and Moderate Housing Fund provided down payment assistance and deferred repayment loans to low and moderate income residents for the acquisition and rehabilitation of single-family homes, condominiums or townhouses located within the Ontario HUD Revitalization Target Area. Upon dissolution of the Ontario Redevelopment Agency, the note receivable was transferred to the Ontario Housing Authority. The receivable balance at June 30, 2022, was $2,292,095.

On June 7, 1994, the former Ontario Redevelopment Agency's Combined Low and Moderate Housing Fund loaned $43,000 to a developer to finance the purchase of low and moderate income property located outside of redevelopment project areas. The note is non-interest bearing and was due in full on March 7, 1995. A new note was negotiated on November 11, 1996 and will mature on October 31, 2026. Upon dissolution of the Ontario Redevelopment Agency, the note receivable was transferred to the Ontario Housing Authority. The receivable balance at June 30, 2022, was $43,000.

On June 7, 1994, the former Ontario Redevelopment Agency's Combined Low and Moderate Housing Fund loaned $39,000 to a developer to finance the purchase of low and moderate income property located outside of redevelopment project areas. The note is non-interest bearing and was due in full on March 7, 1995. A new note was negotiated on November 8, 1996 and will mature on October 31, 2026. Upon dissolution of the Ontario Redevelopment Agency, the note receivable was transferred to the Ontario Housing Authority. The receivable balance at June 30, 2022, was $39,000.

On March 16, 1993, the former Ontario Redevelopment Agency accepted a note receivable of $112,000 from a developer as consideration for housing located outside of the redevelopment areas. The note is noninterest bearing and is due and payable upon the sale or transfer of property. Upon dissolution of the Ontario Redevelopment Agency, the note receivable was transferred to the Ontario Housing Authority. The unpaid principal balance at June 30, 2022, was $77,000.

On May 29, 1997, the former Ontario Redevelopment Agency agreed to loan up to $2,656,200 to Ontario Housing Investors, L.P. to finance development of residential improvements to the Ground Lease premises as defined in a disposition and development agreement dated March 19, 1996. The note bears interest at the rate of 3% per annum. The note is due and payable either: (a) on the first day of the first full calendar month following the date of the last disbursement of the agency loan proceeds, or (b) on the first day of the 15th full calendar month following the date of recordation of the Agency Loan Deed and Trust in the Official Records of the County. Upon dissolution of the Ontario Redevelopment Agency, the note receivable was transferred to the Ontario Housing Authority. The receivable balance at June 30, 2022, was $4,758,093.

On September 11, 2003, the former Ontario Redevelopment Agency and Ontario Housing Investors entered into a Residual Receipts promissory note in the amount of $487,408. The loan bears interest of 7% per annum and requires principal and interest payments from residual receipts. On May 1, 2007, the Authority agreed to provide a gap loan in the amount of $168,469. The loan has a 40-year term and a 6% simple interest per annum. Upon dissolution of the Ontario Redevelopment Agency, the note receivable was transferred to the Ontario Housing Authority. The receivable balance at June 30, 2022, was $1,151,546.

4. NOTES AND LOANS RECEIVABLE, Continued

On February 15, 2005, the City Council approved the Ontario OPEN (Ownership Program Enhancing Neighborhoods) House Program to assist low-income first-time homebuyers. This program was funded with American Dream Down Payment Initiative (ADDI) funds from HUD. As of June 30, 2022, 4 households have been assisted with these funds. The receivable at June 30, 2022, was $28,740.

Pursuant to the disposition and development agreement dated August 12, 2003, between the Ontario Housing Authority and the Ontario Senior Housing, Inc., the Authority accepted a promissory note for the principal amount of $950,000. This promissory note bears a rate of 0% per annum and is secured by a deed of trust. The receivable balance at June 30, 2022, was $922,636.

The City uses Community Development Block Grant (CDBG) and HOME funds in a custodial capacity to provide housing rehabilitation loans and grants to eligible applicants. The City makes deferred loans to low and moderate income families based on income and residency guidelines. These loans have been secured by a note and deed of trust. The deferred loan is due and payable when the title of the property changes. The balance at June 30, 2022, was $2,449,325.

Pursuant to the disposition and development agreement between the Ontario Housing Authority and D Street Senior Housing, Inc., the Authority approved a gap loan in the amount of $1,276,909 to provide new housing development opportunities to address regional needs. The Agency gap loan is a zero percent residual receipts note that will be paid from available cash flow over the term of the affordable covenant period of the project. The receivable balance at June 30, 2022, was $1,200,909.

Pursuant to the disposition and development agreement between the Ontario Housing Authority and Ontario Senior Housing Partners, LP, the Authority approved a gap loan in the amount of $5,155,500 to provide new housing development opportunities to address regional needs. The Authority's gap loan will have a 55-year term with an interest rate of 1% simple interest. The loan will be paid back utilizing 85% of the residual cash flow. Any remaining balance at the end of the 55-year term is due and payable. The receivable balance at June 30, 2022, was $5,449,512.

The Ontario Housing Authority was approved a maximum of $1,590,300 BEGIN (Building Equity and Growth In Neighborhoods) funds provided by the California Department of Housing and Community Development. BEGIN funds are used for down payment assistance loans to moderate households in the form of a deferred payment loan with a 30-year term and a 3% deferred simple interest per annum, the receivable balance at June 30, 2022, was $229,080.

On February 21, 2014, the Ontario Housing Authority entered into a HOME loan agreement with Mercy House Living Centers. The loan was made in the amount of $1,000,000 to be used to finance the purchase price of property and up to $523,858 in rehabilitation costs. The rehabilitation costs balance of $523,858 was placed in a bank account where Mercy House is allowed to draw monies, as needed, to rehabilitate the property. As these monies are drawn from the bank, the amount is added to the loans receivable balance. The receivable balance at June 30, 2022, was $1,523,858.

4. NOTES AND LOANS RECEIVABLE, Continued

On January 22, 2018, the Ontario Housing Authority entered into a HOME loan agreement with Mercy House CHDO, Inc. in the amount of $1,145,000 to finance the acquisition, rehabilitation and operation of a multi-family property located at 411 North Parkside Avenue. The loan is an interest-free residual receipts note with a 30-year term. The receivable balance at June 30, 2022, was $1,145,000.

The Ontario Housing Authority entered into two CalHome Mortgage Assistance Program totaling $108,200 to assist in the purchase of single family residences. The loans have simple interest at the rate of 1% with repayment occurring either 30 years from the date of recordation, upon sale or transfer of the property, or if they fail to occupy the home as a primary residence. The receivable balance at June 30, 2022, was $123,158.

On November 15, 2018, pursuant to the disposition and development agreement between the Ontario Housing Authority and Ontario Emporia Housing Partners, L.P., the Authority approved a gap loan in the amount of $15,700,000 for the development of a 75-unit affordable housing development. The Authority's gap loan is a residual receipt note that will be paid back over a 65-year term. The land purchase price of the loan is $3,400,000 with a 20-year term and a 3.31% interest rate. The remaining portion of the loan, $12,300,000, bears a rate of 0% per annum. At June 30, 2022 the outstanding principal balance was $15,593,610.

Pursuant to the disposition and development agreement between the Ontario Housing Authority and the National Community Renaissance of California, the Authority approved a gap loan in the amount of $2,000,000 to finance the cash portion of the purchase price and other project costs that will provide affordable multifamily rental housing. The loan is due and payable on the 55th anniversary of the Recordation Date bearing a simple interest rate of 3.00% per annum. At June 30, 2022 the outstanding principal balance was $2,000,000 with accrued interest of $10,000, totaling $3,962,200.

On March 21, 2019, pursuant to the Transformative Climate Communities (TCC) Loan Agreement the City funded a loan to Virginia-Holt Housing, LP in the amount of $14,729,325 to be used for the development, operation, and maintenance of a residential rental Affordable Housing Development currently known as Vista Verde. The City is responsible for submitting all invoices and reporting documents to the California Strategic Growth Council (SGC) and disbursing all grant/loan funds to all applicants/partners. Any unused funds that have not been expended according to the agreement gives the City the right to take action either with developer forfeiture of funds or repayment of previously expended funds. In accordance with the agreement the state will reimburse the City for the making of the TCC Loan Agreement. At June 30, 2022 the outstanding principal balance was $14,729,325.

On March 2, 2010, the former Ontario Redevelopment Agency provided a loan amount of $557,966 to the Ontario Housing Authority. It was for the acquisition of the Mission and Oakland site. The loan is due and payable upon demand by the Ontario Redevelopment Agency with an annual simple interest of 6%. The receivable balance at June 30, 2022 was $970,861.

Other note receivable amounts at June 30, 2022 included $8,852 for code abatement loan program and $25,000 of Gibson advances.

5. LEASES RECEIVABLE

Sprint Nextel Property Services 2001

In January 2001, the City entered into a lease with Sprint Nextel Property Services. Under the lease, the lessee pays the City $1,000 per month for 10 years, with a 3% increase every year in exchange for use of the cell tower site. The lease term shall automatically be extended for 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. If the lessee remains in possession of the site at the expiration of the final renewal term, the lease shall continue upon the same terms and conditions for additional periods of 1-year, and for like annual periods thereafter, unless terminated by either party. The City estimates that the lessee will extend the lease term until 2030. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $17,787 of lease revenue and $5,781 of interest revenue under the lease.

Verizon Wireless (American Tower)

In August 2004, the City entered into a lease with Verizon Wireless. Under the lease, the lessee pays the City $1,600 per month for 10 years, with an increase every year equal to the greater of the increase in the Consumer Price Index All Urban Consumers of the Los Angeles Orange Riverside County area during the period 12-month period or 3%, in exchange for use of the cell tower site. The lease term shall be automatically extended for up to 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. The City estimates that the lessee will extend the lease term until 2034. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $21,516 of lease revenue and $11,799 of interest revenue under the lease.

T-Mobile USA, Inc. (Vertical Bridge)

In October 1999, the City entered into a lease with T-Mobile USA, Inc. Under the lease, the lessee pays the City $2,000 per month for 5 years, with an increase every year equal to the greater of 4% or an amount equal to the increase in the Consumer Price Index All Urban Consumers of the Los Angeles Orange Riverside County area during the period 12-month period, provided that no annual increase shall exceed 10%, in exchange for use of the cell tower site. The lease term shall be automatically extended for up to 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. If the lessee remains in possession of the site at the expiration of the final renewal term without a written agreement, the lease shall be deemed month-to-month. The City estimates that the lessee will extend the lease term until 2029. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $39,889 of lease revenue and $11,930 of interest revenue under the lease.

5. LEASES RECEIVABLE, Continued

Wells Fargo

In July 1990, the City entered into a lease with Wells Fargo. Under the lease, the lessee pays the City $12,100 per month for 5 years in exchange for use of the commercial lease space with an additional five years optional renewal term. The City estimates that the lessee will extend the lease term until 2025. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $128,748 of lease revenue and $16,452 of interest revenue under the lease.

Verizon Wireless (NG60439 – Palmetto)

In October 2004, the City entered into a lease with Verizon Wireless. Under the lease, the lessee pays the City $1,600 per month for 10 years, with an increase every year equal to the greater of the increase in the Consumer Price Index or 3%, in exchange for use of the cell tower site. The City estimates that the lessee will extend the lease term until 2034. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $24,163 of lease revenue and $12,987 of interest revenue under the lease.

T-Mobile USA, Inc. (Crown Castle)

In December 2010, the City entered into a lease with T-Mobile USA, Inc. Under the lease, the lessee pays the City $2,000 per month for 5 years, with an increase every year equal to the greater 4% or an amount equal to the increase in the Consumer Price Index of Los Angeles Orange Riverside County Area during the prior 12-month period for use of the cell tower site. The lease term shall be automatically extended for up to 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. The City estimates that the lessee will extend the lease term until 2036. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $52,765 of lease revenue and $26,916 of interest revenue under the lease.

5. LEASES RECEIVABLE, Continued

American Tower, Inc.

In April 2007, the City entered into a lease with American Tower, Inc. (formerly Royal Street Communications). Under the lease, the lessee pays the City $2,000 per month for 10 years, with an increase every year equal 5% for use of the cell tower site. The lease term shall be automatically extended for up to 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. The City estimates that the lessee will extend the lease term until 2037. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $24,051 of lease revenue and $22,713 of interest revenue under the lease.

AT&T

In November 2006, the City entered into a lease with AT&T (formerly Cingular Wireless). Under the lease, the lessee pays the City $1,375 per month for 10 years, with a 3% increase every year in exchange for use of the cell tower site. The lease term shall automatically be extended for 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. The City estimates that the lessee will extend the lease term until 2036. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $19,073 of lease revenue and $13,908 of interest revenue under the lease.

U.S. Auctions

In October 2018, the City entered into a lease with U.S. Auctions. Under the lease, the lessee pays the City $26,135 per month for 3 years. The lessee shall have the option to extend the term by 1 additional year. The City estimates that the lessee will extend the lease term until October 2022. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $306,586 of lease revenue and $7,034 of interest revenue under the lease.

Verizon Wireless (NG182885 – Metrolink)

In December 2017, the City entered into a lease with Verizon Wireless. Under the lease, the lessee pays the City $3,326 per month for 5 years, with a 3.5% increase every year in exchange for use of the cell tower site. The lease term shall automatically be extended for 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. The City estimates that the lessee will extend the lease term until December 2022. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $39,164 of lease revenue and $1,099 of interest revenue under the lease.

5. LEASES RECEIVABLE, Continued

Verizon Wireless (NG167669 – Creekside-Stallion)

In December 2019, the City entered into a lease with Verizon Wireless. Under the lease, the lessee pays the City $3,105 per month for 5 years, with a 3.5% increase every year in exchange for use of the cell tower site. The lease term shall automatically be extended for 4 additional 5-year periods unless the lessee elects to not exercise such renewal term. The City estimates that the lessee will extend the lease term until December 2024. The lease receivable is measured as the present value of the future minimum rent payments expected to be received during the lease term at a discount rate of 2.98%, which is the 10-year U.S. Treasury Rate. For the year ended June 30, 2022, the City recognized $34,390 of lease revenue and $3,088 of interest revenue under the lease.

The future lease payments on the leases as of June 30, 2022 were as follows:

Governmental Activities

Year Ending	Sprint Nextel 2001		Verizon Wireless (American Tower)		T-Mobile USA, Inc. (Vertical Bridge)		Verizon Wireless (Palmetto)		American Tower, Inc.	
June 30,	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest
2023	$ 18,478	$ 5,797	$ 22,049	$ 12,266	$ 42,554	$ 11,856	$ 24,778	$ 13,488	$ 24,993	$ 24,109
2024	19,775	5,229	23,759	11,586	46,597	10,533	26,690	12,723	28,237	23,321
2025	21,132	4,621	25,551	10,853	50,900	9,087	28,695	11,901	31,703	22,432
2026	22,554	3,972	27,430	10,066	55,478	7,508	30,796	11,017	35,404	21,438
2027	24,042	3,280	29,399	9,222	60,346	5,789	32,998	10,070	39,355	20,330
2028-2032	96,928	5,356	179,947	31,251	161,086	5,969	201,838	33,677	265,795	80,488
2033-2037	-	-	113,424	4,474	-	-	117,966	4,345	394,672	30,390
Total	$ 202,909	$ 28,255	$ 421,559	$ 89,718	$ 416,961	$ 50,742	$ 463,761	$ 97,221	$ 820,159	$ 222,508

Year Ending	AT&T		U.S. Auction		Verizon Wireless (Metrolink)		Verizon Wireless (Creekside-Stallion)		Total	
June 30,	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest
2023	$ 20,670	$ 14,622	$ 103,894	$ 646	$ 20,477	$ 178	$ 36,426	$ 2,363	$ 314,319	$ 85,325
2024	22,368	13,983	-	-	-	-	38,903	1,244	206,329	78,619
2025	24,149	13,292	-	-	-	-	20,477	178	202,607	72,364
2026	26,017	12,547	-	-	-	-	-	-	197,679	66,548
2027	27,976	11,745	-	-	-	-	-	-	214,116	60,436
2028-2032	172,704	44,507	-	-	-	-	-	-	1,078,298	201,248
2033-2037	206,123	14,424	-	-	-	-	-	-	832,185	53,633
Total	$ 500,007	$ 125,120	$ 103,894	$ 646	$ 20,477	$ 178	$ 95,806	$ 3,785	$ 3,045,533	$ 618,173

Business-Type Activities

Year Ending	Wells Fargo		T-Mobile USA, Inc. (Crown Castle)		Total	
June 30,	Principal	Interest	Principal	Interest	Principal	Interest
2023	$ 132,638	$ 12,563	$ 52,330	$ 27,900	$ 184,968	$ 40,463
2024	136,644	8,556	54,520	26,311	191,164	34,867
2025	140,773	4,427	56,782	24,655	197,555	29,082
2026	71,973	627	59,117	22,932	131,090	23,559
2027	-	-	61,526	21,137	61,526	21,137
2028-2032	-	-	346,575	76,136	346,575	76,136
2033-2037	-	-	329,204	20,521	329,204	20,521
Total	$ 482,028	$ 26,173	$ 960,054	$ 219,592	$ 1,442,082	$ 245,765

6. CAPITAL ASSETS

In accordance with GASB Statement No. 34, the City has reported all capital assets including infrastructure in the government-wide financial statements. The City elected to use the "modified approach" for its infrastructure street pavement system as defined by GASB Statement No. 34. As a result, no accumulated depreciation or depreciation expense has been recorded for this system. A more detailed discussion of the "modified approach" is presented in the Required Supplementary Information section of this report. All other capital assets including other infrastructure systems were reported using the basic approach, whereby accumulated depreciation and depreciation expense has been recorded.

The following is a summary of capital assets for governmental activities:

	Balance at July 1, 2021	Adjustment	Restated balance at July 1, 2021	Additions	Retirements	Transfers	Balance at June 30, 2022
Governmental Activities							
Capital assets not being depreciated:							
Land	$ 124,666,776	$ -	$ 124,666,776	$ -	$ -	$ -	$ 124,666,776
Infrastructure - payment system	552,077,507	-	552,077,507	20,808,671	-	-	572,886,178
Construction in progress	123,780,503	(450,180)	123,330,323	42,319,273	-	(66,085,073)	99,564,523
Total capital assets not being depreciated	800,524,786	(450,180)	800,074,606	63,127,944	-	(66,085,073)	797,117,477
Capital assets being depreciated:							
Infrastructure - other systems	176,010,766	-	176,010,766	-	-	28,006,370	204,017,136
Structures and improvements	366,938,673	-	366,938,673	-	-	34,435,245	401,373,918
Furniture and equipment	125,641,737	70,190	125,711,927	6,966,622	(1,668,257)	3,643,458	134,653,750
Total capital assets being depreciated	668,591,176	70,190	668,661,366	6,966,622	(1,668,257)	66,085,073	740,044,804
Less accumulated depreciation for:							
Infrastructure - other systems	(60,501,965)	(299,082)	(60,801,047)	(5,895,110)	-	-	(66,696,157)
Structures and improvements	(170,438,351)	10,108,924	(160,329,427)	(10,906,673)	-	-	(171,236,100)
Furniture and equipment	(81,148,868)	5,275,032	(75,873,836)	(10,219,058)	1,668,102	-	(84,424,792)
Total accumulated depreciation	(312,089,184)	15,084,874	(297,004,310)	(27,020,841)	1,668,102	-	(322,357,049)
Capital asset being depreciated, net	356,501,992	15,155,064	371,657,056	(20,054,219)	(155)	66,085,073	417,687,755
Governmental activity capital assets, net	$ 1,157,026,778	$ 14,704,884	$ 1,171,731,662	$43,073,725	$ (155)	$ -	$ 1,214,805,232

Depreciation expense on governmental activities capital assets was charged to programs/functions of the primary government as follows:

Governmental Activities	
General government	$ 517,603
Public safety	4,790,835
Community development	10,061,012
Public works	3,736,668
Equipment services	6,294,311
Information technology	1,592,993
Facility Maintenance	27,419
Total Governmental Activities	$ 27,020,841

6. CAPITAL ASSETS, Continued

The following is a summary of capital assets for business-type activities:

	Balance at July 1, 2021	Adjustment	Restated balance at July 1, 2021	Additions	Retirements	Transfers	Balance at June 30, 2022
Business-Type Activities							
Capital assets not being depreciated:							
Land	$ 16,154,603	$ -	$ 16,154,603	$ -	$ -	$ -	$ 16,154,603
Construction in progress	57,928,672	(36,132)	57,892,540	14,926,857	-	(4,529,630)	68,289,767
Total capital assets not being depreciated	74,083,275	(36,132)	74,047,143	14,926,857	-	(4,529,630)	84,444,370
Capital assets being depreciated:							
Structures and improvements	11,049,289	-	11,049,289	-	-	534,563	11,583,852
Furniture and equipment	4,535,847	-	4,535,847	628,866	(19,880)	3,077,899	8,222,732
Infrastructure	265,939,930	44,865	265,984,795	-	-	917,168	266,901,963
Total capital assets being depreciated	281,525,066	44,865	281,569,931	628,866	(19,880)	4,529,630	286,708,547
Less accumulated depreciation for:							
Structures and improvements	(9,214,468)	(76,033)	(9,290,501)	(344,919)	-	-	(9,635,420)
Furniture and equipment	(2,246,671)	(6,672)	(2,253,343)	(339,762)	19,882	-	(2,573,223)
Infrastructure	(114,884,844)	(30,142,060)	(145,026,904)	(6,187,673)	-	-	(151,214,577)
Total accumulated depreciation	(126,345,983)	(30,224,765)	(156,570,748)	(6,872,354)	19,882	-	(163,423,220)
Capital asset being depreciated, net	155,179,083	(30,179,900)	124,999,183	(6,243,488)	2	4,529,630	123,285,327
Governmental activity capital assets, net	$ 229,262,358	$ (30,216,032)	$ 199,046,326	$ 8,683,369	$ 2	$ -	$ 207,729,697

Depreciation expense on business-type activities capital assets was charged to programs/functions of the primary government as follows:

Business-Type Activities	
Water	$ 5,501,443
Sewer	1,086,742
Integrated Waste	284,169
Total Business-Type Activities	$ 6,872,354

7. COMPENSATED ABSENCES

As described in Note 1, it is the City's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. All vacation pay is accrued when incurred in the government-wide financial statements and in the proprietary fund financial statements. For the governmental activities, the liability will be paid in future years by the General Fund and for business-type activities by the Proprietary Funds. The following is a summary of changes in compensated absences for the year ended June 30, 2022:

	Balance July 1, 2021	Additions	Deletions	Balance June 30, 2022	Due Within One Year
Governmental Activities:					
Compensated absences payable	$ 16,291,990	$ 2,275,358	$ (16,435)	$ 18,550,913	$ 3,087,991
Business-Type Activities:					
Compensated absences payable	1,639,261	259,352	(36,731)	1,861,882	1,437,487
	$ 17,931,251	$ 2,534,710	$ (53,166)	$ 20,412,795	$ 4,525,478

8. LONG-TERM DEBT

A. Governmental Activities

The following is a summary of changes in governmental activities long-term debt for the year ended June 30, 2022:

	Balance July 1, 2021	Additions	Deletions	Balance June 30, 2022	Due Within One Year
Public offerings:					
Revenue bonds	$ 57,865,000	$ 125,875,000	$ 32,845,000	$ 150,895,000	$ 3,265,000
Pension obligation bonds	233,215,000	-	4,360,000	228,855,000	5,190,000
Direct borrowings:					
Loans payable	102,566	-	12,000	90,566	12,000
Loans payable - Fiber Broadband	-	18,031,000	-	18,031,000	-
Installment sale	19,182,738	-	4,675,812	14,506,926	4,754,833
Loan Payable - Climatec	30,546,423	-	1,232,392	29,314,031	1,263,372
Loan Payable - CEC	2,898,220	-	-	2,898,220	280,613
Advances from the Successor Agency	1,600,000	-	-	1,600,000	-
Total	$ 345,409,947	$ 143,906,000	$ 43,125,204	446,190,743	$ 14,765,818
Unamortized bond premium				13,408,167	
				$ 459,598,910	

There are a number of limitations and restrictions contained in the various bond indentures. The City is in compliance with all significant limitations and restrictions.

8. LONG-TERM DEBT, Continued

A. *Governmental Activities, Continued*

2013 Lease Revenue Bonds

In August 2013, the Ontario Public Financing Authority issued revenue bonds in the amount of $33,390,000 to finance construction of City public facilities. The bonds dated August 20, 2013, and issued at a discount of $380,848 mature in 2043, and are payable semiannually on April 1 and October 1 of each year, commencing April 2014, from base rental payments to be made by the City for the right to the use certain real property and improvements of the City pursuant to a Lease Agreement, dated September 1, 2013. The bonds were refunded during the year ended June 30, 2022 by the issuance of the 2021 Lease Revenue Bonds.

2017 Lease Revenue Refunding Bonds

In July 2017, the Ontario Public Financing Authority issued lease revenue bonds in the amount of $26,810,000 to provide funds to refinance the City's remaining lease payment obligations under the City's 2001 Lease Revenue Bonds and to fully refund the 2007 Lease Revenue Bonds. The bonds dated July 1, 2018, and issued at a premium of $3,260,875, are payable semiannually on November 1 and May 1 of each year, commencing May 1, 2019, and mature in 2042. The bonds are payable from base rental payments to be made by the City for the right to the use certain real property and improvements of the City pursuant to a Lease Agreement, dated July 1, 2018. The balance at June 30, 2022, including the unamortized bond premium of $2,756,402 amounted to $27,776,402.

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2022, including interest, are as follows:

	2017 Lease Revenue Refunding Bonds		
For the Years Ending June 30,	Principal	Interest	Total
2023	$ 585,000	$ 1,095,506	$ 1,680,506
2024	780,000	1,061,381	1,841,381
2025	820,000	1,021,381	1,841,381
2026	865,000	979,256	1,844,256
2027	905,000	935,006	1,840,006
2028-2032	5,255,000	3,942,081	9,197,081
2033-2037	6,330,000	2,878,309	9,208,309
2038-2042	7,705,000	1,430,919	9,135,919
2043-2043	1,775,000	44,375	1,819,375
Total	$ 25,020,000	$ 13,388,214	$ 38,408,214

8. LONG-TERM DEBT, Continued

A. Governmental Activities, Continued

The outstanding bonds contain a provision that if any event of default should occur, the Trustee, as assignee of the Authority under the Lease Agreement, may terminate the Lease Agreement and recover certain damages from the City, or may retain the Lease Agreement and hold the City liable for all base rental payments thereunder on an annual basis.

2021 Lease Revenue Refunding Bonds

In December 2021, the Ontario Public Financing Authority issued lease revenue bonds in the amount of $35,045,000 to provide funds to fully refund the 2013 Lease Revenue Bonds. The bonds dated December 1, 2021, are payable semiannually on April 1 and October 1 of each year, commencing April 1, 2022, and mature in 2043. The bonds are payable from base rental payments to be made by the City for the right to the use certain real property and improvements of the City pursuant to a Lease Agreement, dated December 1, 2021. The refunding resulted in an overall debt service savings of $7,665,166. The net present value of the debt service savings is called an economic gain and amounted to $4,017,520. The balance at June 30, 2022, amounted to $35,045,000.

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2022, including interest, are as follows:

	2021 Lease Revenue Refunding Bonds		
For the Years Ending June 30,	Principal	Interest	Total
2023	$ 1,345,000	$ 899,364	$ 2,244,364
2024	1,140,000	890,532	2,030,532
2025	1,180,000	879,451	2,059,451
2026	1,230,000	863,764	2,093,764
2027	1,290,000	844,426	2,134,426
2028-2032	7,125,000	3,818,332	10,943,332
2033-2037	8,090,000	2,847,349	10,937,349
2038-2042	9,430,000	1,477,235	10,907,235
2043-2044	4,215,000	139,446	4,354,446
Total	$ 35,045,000	$ 12,659,899	$ 47,704,899

8. LONG-TERM DEBT, Continued

A. Governmental Activities, Continued

2022 Lease Revenue Refunding Bonds

In May 2022, the Ontario Public Financing Authority issued lease revenue bonds in the amount of $90,830,000 to finance the acquisition and construction of capital projects. The bonds dated May 26, 2022, are payable semiannually on May 1 and November 1 of each year, commencing November 1, 2022, and mature in 2042. The bonds are payable from base rental payments to be made by the City for the right to the use certain real property and improvements of the City pursuant to a Lease Agreement, dated June 1, 2022. The balance at June 30, 2022, including the unamortized bond premium of $10,651,765 amounted to $101,481,765.

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2022, including interest, are as follows:

	2022 Lease Revenue Bonds		
For the Years Ending June 30,	Principal	Interest	Total
2023	$ -	$ 3,986,428	$ 3,986,428
2024	1,335,000	4,508,125	5,843,125
2025	1,405,000	4,439,625	5,844,625
2026	1,480,000	4,367,500	5,847,500
2027	1,555,000	4,291,625	5,846,625
2028-2032	9,050,000	20,177,750	29,227,750
2033-2037	11,615,000	17,607,375	29,222,375
2038-2042	14,920,000	14,307,000	29,227,000
2043-2047	19,160,000	10,068,250	29,228,250
2048-2052	24,605,000	4,624,875	29,229,875
2053	5,705,000	142,625	5,847,625
Total	$ 90,830,000	$ 88,521,178	$ 179,351,178

Pension Obligation Bonds

In May 2020, the City of Ontario issued taxable pension obligation bonds in the amount of $236,585,000 to pay a portion of the City's unfunded pension liability to the California Public Employees' Retirement System ("CalPERS") for the benefit of the City public safety police and fire employees. The bonds are payable semiannually on June 1 and December 1 of each year, commencing June 1, 2020 and maturing in 2050 at an interest rate ranging from 1.971% to 3.379% per annum. The balance at June 30, 2022 amounted to $228,855,000.

8. LONG-TERM DEBT, Continued

A. Governmental Activities, Continued

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2022, including interest, are as follows:

For the Years Ending June 30,	2020 Taxable Pension Obligation Bonds		
	Principal	Interest	Total
2023	$ 5,190,000	$ 8,105,865	$ 13,295,865
2024	5,850,000	7,990,855	13,840,855
2025	6,660,000	7,848,290	14,508,290
2026	7,620,000	7,679,326	15,299,326
2027	7,835,000	7,460,098	15,295,098
2028-2032	42,990,000	33,481,521	76,471,521
2033-2037	51,045,000	25,426,923	76,471,923
2038-2042	61,500,000	14,986,182	76,486,182
2043-2047	37,965,000	3,579,853	41,544,853
2048-2050	2,200,000	136,679	2,336,679
Total	$ 228,855,000	$ 116,695,592	$ 345,550,592

Pursuant to the Retirement Law, the City Council is required to make the appropriations to pay the amounts required to be paid by the City, including the portion of the unfunded pension liability. The remedies available to the Trustee and the Owners of the Bonds upon an event of default are dependent upon regulatory and judicial actions. Under existing law and judicial decisions, the remedies provided for under such documents may not be readily available or may be limited. In the case of any bankruptcy proceeding involving the City, the rights of the Owners could be modified at the direction of the court.

Loan Payable

On May 19, 2015, the Ontario Housing Authority (Authority) negotiated the purchase of the Vesta property and assumed a promissory note and deed from Housing Opportunities Group Inc. (HOGI). HOGI entered into a promissory note secured by a subordinated deed of trust with the Inland Fair Housing and Mediation Board (Board) and agreed to assign the Authority such property and promissory note with a balance of $158,566, effective September 11, 2015. Monthly payments in the amount of $1,000, shall commence one year after the effective date. The loan is payable within 20 years from the effective date at zero interest. A monthly payment may be deferred by Borrower, upon providing notice to the Lender, should Borrower have insufficient net revenue from operation of the Property for the relevant month, as determined by Borrower in its reasonable discretion. In such case, the subsequent month's payment shall remain One Thousand Dollars ($1,000), and the payment period shall be extended. No monthly payment was received during fiscal year 2021-2022. The outstanding balance at June 30, 2022 amounted to $90,566.

8. LONG-TERM DEBT, Continued

A. Governmental Activities, Continued

The annual requirements to amortize the outstanding loan as of June 30, 2022, including interest, are as follows:

For the Years Ending June 30,	Loan Payable		
	Principal	Interest	Total
2023	12,000	-	12,000
2024	12,000	-	12,000
2025	12,000	-	12,000
2026-2030	48,000	-	48,000
2031	6,566	-	6,566
Total	$ 90,566	$ -	$ 90,566

Loan Payable – Fiber Broadband

In August 2021, the City entered into a lease-leaseback agreement with Citizens Business Bank in an amount not to exceed $18,250,000 for the purpose of financing fiber optic broadband network equipment. The loan bears a maximum interest rate of 3.55%. Interest payments are due annually commencing August 12, 2022. Principal payments are due annually commencing August 12, 2023. At June 30, 2022, the outstanding balance of the was $18,031,000.

The annual requirements to amortize the outstanding loan as of June 30, 2022, including interest, are as follows:

For the Years Ending June 30,	Loan Payable - Fiber Broadband		
	Principal	Interest	Total
2023	$ -	$ 250,163	$ 250,163
2024	631,416	648,991	1,280,407
2025	652,426	627,980	1,280,406
2026	677,625	602,781	1,280,406
2027	702,015	578,392	1,280,407
2028-2032	3,906,171	2,495,861	6,402,032
2033-2037	4,661,139	1,740,893	6,402,032
2038-2042	5,564,286	837,746	6,402,032
2043	1,235,922	44,485	1,280,407
Total	$ 18,031,000	$ 7,827,292	$ 25,858,292

8. LONG-TERM DEBT, Continued

A. Governmental Activities, Continued

Installment Sale

In November 2019, the City entered into an installment sale agreement in the amount of $33,100,000 for the purchase of a parcel of land in the Ontario Ranch for the future Great Park. The purchase and sale agreement includes an initial payment amount of $8,100,000 to be paid at close of the escrow and five (5) equal annual payments of $5,000,000 each to the seller with an imputed interest rate of 1.690%. The outstanding balance at June 30, 2022 amounted to $14,506,926.

The annual requirements for the installment sale agreement outstanding as of June 30, 2022, including imputed interest, as follows:

	Ontario Ranch Great Park Loan Payable		
For the Years Ending June 30,	Principal	Interest	Total
2023	4,754,833	245,167	5,000,000
2024	4,835,189	164,810	4,999,999
2025	4,916,904	83,096	5,000,000
Total	$ 14,506,926	$ 493,073	$ 14,999,999

Climatec Loan

The energy related improvements being financed are to be installed pursuant to an Energy Services Agreement between the City and Climatec, LLC of Phoenix AZ approved by the City Council on July 21, 2020. Such agreement is being implemented in accordance with California Government Code Section 4217. 10 to 4217. 18; in which the City Council adopted findings that the cost to the City to implement the energy related improvements are less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City absent of purchasing the energy improvements.

The efficient energy improvements funded under the Lease Agreement will be installed at the Toyota Arena; the Convention Center; the Police Department; the Ovitt Family Library; and the City Hall Annex primarily. Project completion timeline is approximately 18 months.

8. LONG-TERM DEBT, Continued

A. Governmental Activities, Continued

For the Years Ending June 30,	Climatec Loan		
	Principal	Interest	Total
2023	$ 1,263,372	$ 726,980	$ 1,990,352
2024	1,295,142	695,210	1,990,352
2025	1,327,722	662,630	1,990,352
2026	1,361,132	629,220	1,990,352
2027	1,395,394	594,958	1,990,352
2028-2032	7,522,302	2,429,457	9,951,759
2033-2037	8,520,047	1,431,713	9,951,760
2038-2041	6,628,920	337,311	6,966,231
Total	$ 29,314,031	$ 7,507,479	$ 36,821,510

California Energy Commission Loan

In June 2021, the City entered into a direct borrowing loan agreement with the California Energy Commission in the amount of $2,898,220. The purpose of the loan is to provide funding for the installation of LED lights. The loan bears a 1% interest rate and is due in semi-annual payments in December and June through December 2030. During the year ended June 30, 2022, no principal repayment on the loan was paid and the California Energy Commission amended the repayment schedule.

The annual debt service requirements on the loan are as follows:

For the Years Ending June 30,	California Energy Commission Loan		
	Principal	Interest	Total
2023	$ 280,613	$ 60,682	$ 341,295
2024	315,837	25,458	341,295
2025	319,071	22,224	341,295
2026	322,270	19,026	341,296
2027	325,500	15,795	341,295
2028-2030	1,334,929	30,252	1,365,181
Total	$ 2,898,220	$ 173,437	$ 3,071,657

8. LONG-TERM DEBT, Continued

A. *Governmental Activities, Continued*

Advances from Successor Agency

During previous fiscal years, the former Redevelopment Agency advanced the Capital Projects fund $1,600,000 for the purchase of property adjacent to Ontario Mills. There is no repayment schedule for the advances.

B. *Business-Type Activities*

The following is a summary of changes in business-type activities long-term debt for the year ended June 30, 2022:

	Balance July 1, 2021	Additions	Deletions	Balance June 30, 2022	Due Within One Year
Public offerings:					
Revenue bonds	$ 64,420,000	$ 67,550,000	$ 64,420,000	$ 67,550,000	$ 2,360,000
Total	$ 64,420,000	$ 67,550,000	$ 64,420,000	67,550,000	$ 2,360,000

2013 Water Revenue Bonds

In September 2013, the Ontario Public Financing Authority issued revenue bonds in the amount of $74,545,000 to finance the acquisition and construction of certain improvements to the water enterprise of the City of Ontario, and refinance an installment payment obligation of the City and the related City of Ontario Certificates of Participation (2004 Water System Improvement Project). The bonds dated September 10, 2013, and issued at a premium of $2,362,578 mature in 2043, and are payable semiannually on January 1 and July 1 of each year, commencing January 2014, from certain revenues consisting primarily of installment payments to be made by the City to the Ontario Public Financing Authority under an Installment Purchase Agreement dated September 1, 2013 between the City and the Authority. The bonds were refunded during the year ended June 30, 2022 by the issuance of the 2021 Water Revenue Bonds.

2021 Water Revenue Bonds

In December 2021, the City issued revenue bonds in the amount of $67,550,000 to refund all of the outstanding Ontario Public Financing Authority 2013 Water Revenue Bonds. The bonds dated December 2, 2021, mature in 2043, and are payable semiannually on February 1 and August 1 of each year, commencing August 1, 2022, from net revenues, which consist of gross revenues of the City's Water System remaining after the payment of maintenance and operation costs of the City's Water System. The refunding resulted in an overall debt service savings of $14,912,873. The net present value of the debt service savings is called an economic gain and amounted to $7,816,238. The outstanding balance on the bonds at June 30, 2022 amounted to $67,550,000.

8. LONG-TERM DEBT, Continued

B. Business-Type Activities, Continued

The annual requirements to amortize the outstanding bond indebtedness as of June 30, 2022, including interest, are as follows:

For the Years Ending June 30,	2021 Water Revenue Bonds		
	Principal	Interest	Total
2023	$ 2,360,000	$ 1,716,914	$ 4,076,914
2024	2,565,000	1,510,831	4,075,831
2025	2,580,000	1,489,994	4,069,994
2026	2,610,000	1,460,544	4,070,544
2027	2,650,000	1,424,629	4,074,629
2028-2032	13,890,000	6,403,463	20,293,463
2033-2037	15,450,000	4,762,488	20,212,488
2038-2042	17,660,000	2,465,969	20,125,969
2043-2044	7,785,000	231,275	8,016,275
Total	$ 67,550,000	$ 21,466,107	$ 89,016,107

The outstanding bonds are secured by a pledge of revenues of the Water System and payable solely from net revenues of the Water System. The bonds contain a provision that if any event of default should occur by the City, it will not result in the loss of the Water System or water rights held by or on behalf of the City or the Water System. Furthermore, any remedies available upon the occurrence of an event of default under the Indenture are in many respects dependent upon judicial actions.

9. NON-CITY OBLIGATIONS

A. Special Assessment Bonds

The City has entered into a number of Special Assessment Bond programs. The City of Ontario is not obligated in any manner for the Special Assessment Bonds as the bonds are secured by unpaid assessments against the property owners. Accordingly, the City is only acting as an agent for the property owners/bondholders in collecting and forwarding the special assessments. Special Assessment Bonds payable at June 30, 2022, totaled $162,040,000. This amount is not reported in the City's financial statements. The construction phase is reported in the Capital Projects Funds. Likewise, amounts recorded in the Custodial Funds represent only debt service activities, i.e., collection from property owners and payment to bondholders.

9. NON-CITY OBLIGATIONS, Continued

B. Other Bond and Loan Programs

The City has entered into a number of bond programs to provide low-interest financing for various residential and industrial developments within the City. Although the City has arranged these financing programs, these debts are not payable from any revenues or assets of the City. Neither the faith or credit, nor the taxing power of the City, or any political subdivision of the City is pledged to repay the indebtedness. Generally, the bondholders may look only to assets held by trustees for security on the indebtedness. Accordingly, since these debts do not constitute an obligation of the City, they are not reflected in the accompanying financial statements. The bond programs are as follows:

Multi-Family Mortgage Revenue Bonds	Interest % Rate	Date Issued	Date Series Matures	Outstanding Balance at June 30, 2022
City of Ontario Multi-Family Housing Revenue Bonds, Seasons at Ontario, Series 2017A	Variable	2017	2036	$ 2,544,547
City of Ontario Multi-Family Housing Revenue Bonds, Vista Verde Apts, Series 2019A	Variable	2019	2038	3,267,733
Total				$ 5,812,280

10. DEFINED BENEFIT PENSION PLAN

The following is a summary of the City's pension plan amounts for the year ended June 30, 2022:

	Deferred Outflow of Resources	Net Pension Liability (Asset)	Deferred Inflow of Resources	Pension Expense (Income)
Miscellaneous Plan	$ 8,760,987	$ (56,995,948)	$ 44,269,789	$ (3,094,844)
Safety Police Plan	24,022,525	(54,979,497)	47,256,059	3,396,778
Safety Fire Plan	20,539,624	(38,485,206)	34,242,180	2,197,007
Totals	$ 53,323,136	$ (150,460,651)	$ 125,768,028	$ 2,498,941

A. *General Information about the Pension Plans*

Plan Descriptions – The City of Ontario contributes to the California Public Employees Retirement System (PERS), an agent multiple-employer public employee defined benefit pension plan. PERS provides retirement and disability benefits, annual cost-of-living adjustments and death benefits to plan members and beneficiaries. PERS acts as a common investment and administrative agent for participating public entities within the State of California. Benefit provisions and all other requirements are established by state statute and City ordinance. Copies of PERS' annual financial report may be obtained from its executive office: 400 P Street, Sacramento, California 95814.

Benefits Provided – CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full-time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. All members are eligible for non-duty disability benefits after 10 years of service. The death benefit is one of the following: the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement 2W Death Benefit. The cost-of-living adjustments for each plan are applied as specified by the Public Employees' Retirement Law.

The plans' provisions and benefits in effect at June 30, 2022 are summarized as follows:

	Miscellaneous	
	Tier 1*	PEPRA (Tier 2)
Hire date	Prior to January 1, 2013	January 1, 2013 and after
Benefit formula	2.5% @ 55	2.0% @ 62
Benefit vesting schedule	5 years service	5 years service
Benefit payments	Monthly for life	Monthly for life
Retirement age	Minimum 50 years	Minimum 52 years
Monthly benefits, as a % of eligible compensation	2.0% to 2.5%	1.0% to 2.5%
Required employee contribution rates	8.00% (a)	6.25%
Required employer contribution rates	10.07%	10.07%

(a) The City contributed 0% to employee contribution rate of 8.00%

* Closed to new entrants

10. DEFINED BENEFIT PENSION PLAN, Continued

A. General Information about the Pension Plans, Continued

	Safety Police Plan		
	Tier 1*	Tier 2	PEPRA (Tier 3)
Hire date	Prior to July 1, 2012	On July 1, 2012 and prior to January 1, 2013	January 1, 2013 and after
Benefit formula	3.0% @ 50	3.0% @ 55	2.7% @ 57
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	Monthly for life	Monthly for life	Monthly for life
Retirement age	Minimum 50 years	Minimum 50 years	Minimum 50 years
Monthly benefits, as a % of eligible compensation	3.0%	2.4% to 3.0%	2.0% to 2.7%
Required employee contribution rates	9.00% (b)	9.00% (b)	12.00%
Required employer contribution rates	21.88%	21.88%	21.88%

(b) The City contributed 0% to employee contribution rate of 9.00% for 2022

	Safety Fire Plan		
	Tier 1*	Tier 2	PEPRA (Tier 3)
Hire date	Prior to July 1, 2012	On July 1, 2012 and prior to January 1, 2013	January 1, 2013 and after
Benefit formula	3.0% @ 50	3.0% @ 55	2.7% @ 57
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	Monthly for life	Monthly for life	Monthly for life
Retirement age	Minimum 50 years	Minimum 50 years	Minimum 50 years
Monthly benefits, as a % of eligible compensation	3.0%	2.4% to 3.0%	2.0% to 2.7%
Required employee contribution rates	9.00% (c)	9.00% (c)	10.50%
Required employer contribution rates	19.36%	19.36%	19.36%

(c) The City contributed 0% to employee contribution rate of 9.00% for 2022
* Closed to new entrants

Employees Covered – As of the June 30, 2021 measurement date, the following employees were covered by the benefit terms of the plans:

	Number of Members		
	Miscellaneous Plan	Safety Police Plan	Safety Fire Plan
Active members	734	290	175
Transferred members	335	27	15
Terminated members	286	25	21
Retired members and beneficiaries	923	268	167
Total	2,278	610	378

10. DEFINED BENEFIT PENSION PLAN, Continued

A. General Information about the Pension Plans, Continued

Contributions - Section 20814(c) of the California Public Employees' Retirement Law (PERSL) requires that the employer contribution rates for all public employers are determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. The total plan contributions are determined through CalPERS' annual actuarial valuation process. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees. Employer contribution rates may change if plan contracts are amended. Payments made by the City to satisfy contribution requirements that are identified by the pension plan terms as plan member contribution requirements are classified as plan member contributions.

For the year ended June 30, 2022, the contributions that were recognized as a reduction to the net pension liability were $5,232,930, $7,489,804, and $4,913,650, for the Miscellaneous Plan, the Safety Police Plan, and the Safety Fire Plan, respectively.

B. Net Pension Liability

The City's net pension liability is measured as the total pension liability, less the pension plan's fiduciary net position. The net pension liability of each of the Plans is measured as of June 30, 2021 using an annual actuarial valuation as of June 30, 2020 rolled forward to June 30, 2021 using standard updated procedures. A summary of principal assumptions and methods used to determine the net pension liability is shown below.

Actuarial Assumptions – The June 30, 2020 valuation was rolled forward to determine the June 30, 2021 total pension liability, based on the following actuarial methods and assumptions:

Actuarial Cost Method	Entry-Age Normal Cost Method in accordance with requirements of GASB 68
Actuarial Assumptions:	
Discount Rate	7.15%
Inflation	2.50%
Salary Increases	Varies by Entry Age and Service
Mortality Rate Table (1)	Derived using CalPERS' membership data for all funds
Post Retirement Benefit Increase	The lesser of contract COLA or 2.5% until Purchasing Power Protection Allowance floor on purchasing power applies, 2.5% thereafter

(1) The mortality table used was developed based on CalPERS' specific data. The probabilities of mortality are based on the 2017 CalPERS Experience Study for the period from 1997 to 2015. Pre-retirement and postretirement mortality rates include 15 years of projected mortality improvement using 90% of Scale MP-2016 published by the Society of Actuaries. For more details on this table, please refer to the CalPERS Experience Study and Review of Actuarial Assumptions report from December 2017 that can be found on the CalPERS website.

10. DEFINED BENEFIT PENSION PLAN, Continued

B. Net Pension Liability, Continued

All other actuarial assumptions used in the June 30, 2020 valuation were based on the results of an actuarial experience study for the period from 1997 to 2015, including updates to salary increase, mortality and retirement rates. The Experience Study report may be accessed on the CalPERS website at www.calpers.ca.gov under Forms and Publications.

Discount Rate – The discount rate used to measure the total pension liability was 7.15 percent. To determine whether the municipal bond rate should be used in the calculation of the discount rate for each plan, CalPERS stress tested plans that would most likely result in a discount rate that would be different from the actuarially assumed discount rate. The tests revealed the assets would not run out. Therefore, the current 7.15 percent discount rate is appropriate and the use of the municipal bond rate calculation is not deemed necessary. The long-term expected discount rate of 7.15 percent is applied to all plans in the Public Employees' Retirement Fund (PERF). The cash flows used in the testing were developed assuming that both members and employers will make their required contributions on time and as scheduled in all future years. The stress test results are presented in a detailed report called "GASB Crossover Testing Report" that can be obtained at CalPERS website under the GASB 68 section.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, staff took into account both short-term and long-term market return expectations as well as the expected pension fund (PERF) cash flows. Taking into account historical returns of all the Public Employees Retirement Funds' asset classes (which includes the agent plan and two cost-sharing plans or PERF A, B, and C funds), expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11-60 years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each PERF fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equal to the single equivalent rate calculated above and rounded down to the nearest one quarter of one percent.

10. DEFINED BENEFIT PENSION PLAN, Continued

B. *Net Pension Liability, Continued*

The table below reflects long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. The target allocation shown was adopted by the Board effective on July 1, 2014.

Asset Class	New Strategic Allocation	Real Return Years 1 - 10 (a)	Real Return Years 11+ (b)
Global Equity	50.0%	4.80%	5.98%
Fixed Income	28.0%	1.00%	2.62%
Inflation Assets	0.0%	0.77%	1.81%
Private Equity	8.0%	6.30%	7.23%
Real Assets	13.0%	3.75%	4.93%
Liquidity	1.0%	0.00%	-0.92%
Total	100.0%		

(a) An expected inflation of 2.00% used for this period.

(b) An expected inflation of 2.92% used for this period.

C. *Changes in the Net Pension Liability*

The changes in the net pension liability for each plan follows:

Miscellaneous Plan:	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2020 Measurement Date	$ 411,510,229	$ 409,204,047	$ 2,306,182
Changes in the year:			
Service cost	9,554,732	-	9,554,732
Interest on the total pension liability	29,123,371	-	29,123,371
Differences between actual and expected experience	1,890,251	-	1,890,251
Net Plan to Plan Resource Movement	-	-	-
Contribution - employer	-	5,232,930	(5,232,930)
Contribution - employees	-	3,680,504	(3,680,504)
Net investment income	-	91,365,820	(91,365,820)
Benefit payments, including refunds of employee contributions	(21,715,949)	(21,715,949)	-
Contributions	-	-	-
Administrative expenses	-	(408,770)	408,770
Other Miscellaneous Income/(Expense)	-	-	-
Net changes	18,852,405	78,154,535	(59,302,130)
Balance at June 30, 2021 Measurement Date	$ 430,362,634	$ 487,358,582	$ (56,995,948)

10. DEFINED BENEFIT PENSION PLAN, Continued

C. Changes in the Net Pension Liability, Continued

Safety Police Plan:

	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2020 Measurement Date	$ 437,334,944	$ 430,455,442	$ 6,879,502
Changes in the year:			
Service cost	11,110,950	-	11,110,950
Interest on the total pension liability	31,081,768	-	31,081,768
Differences between actual and expected experience	3,286,194	-	3,286,194
Net Plan to Plan Resource Movement	-	-	-
Contribution - employer	-	7,489,804	(7,489,804)
Contribution - employees	-	3,727,094	(3,727,094)
Net investment income	-	96,551,012	(96,551,012)
Benefit payments, including refunds of employee contributions	(22,933,112)	(22,933,112)	-
Contributions	-	-	-
Administrative expenses	-	(429,999)	429,999
Other Miscellaneous Income/(Expense)	-	-	-
Net changes	22,545,800	84,404,799	(61,858,999)
Balance at June 30, 2021 Measurement Date	$ 459,880,744	$ 514,860,241	$ (54,979,497)

Safety Fire Plan:

	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2020 Measurement Date	$ 318,027,395	$ 312,613,339	$ 5,414,056
Changes in the year:			
Service cost	6,831,688	-	6,831,688
Interest on the total pension liability	22,591,435	-	22,591,435
Differences between actual and expected experience	3,455,873	-	3,455,873
Contribution - employer	-	4,913,650	(4,913,650)
Contribution - employees	-	2,428,156	(2,428,156)
Net investment income	-	69,748,734	(69,748,734)
Benefit payments, including refunds of employee contributions	(17,869,994)	(17,869,994)	-
Contributions	-	-	-
Administrative expenses	-	(312,282)	312,282
Other Miscellaneous Income/(Expense)	-	-	-
Net changes	15,009,002	58,908,264	(43,899,262)
Balance at June 30, 2021 Measurement Date	$ 333,036,397	$ 371,521,603	$ (38,485,206)
Total Plans	$ 1,223,279,775	$ 1,373,740,426	$ (150,460,651)

10. DEFINED BENEFIT PENSION PLAN, Continued

C. Changes in the Net Pension Liability, Continued

Sensitivity of the Net Pension Liability to Changes in the Discount Rate – The following presents the net pension liability of the City for each plan, calculated using the discount rate for each plan, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

Net Pension Liability (Asset)	Discount Rate -1% (6.15%)	Current Discount Rate (7.15%)	Discount Rate +1% (8.15%)
Miscellaneous Plan	$ 786,172	$ (56,995,948)	$ (104,790,365)
Safety Police Plan	9,231,375	(54,979,497)	(107,520,159)
Safety Fire Plan	5,556,946	(38,485,206)	(74,831,845)
Total	$ 15,574,493	$ (150,460,651)	$ (287,142,369)

Pension Plan Fiduciary Net Position – The plan fiduciary net position disclosed in the GASB 68 accounting valuation report may differ from the plan assets reported in the funding actuarial valuation report due to several reasons. First, for the accounting valuations, CalPERS must keep items such as deficiency reserves, fiduciary self-insurance and OPEB expense included as assets. These amounts are excluded for rate setting purposes in the funding actuarial valuation. In addition, differences may result from early Annual Comprehensive Financial Report closing and final reconciled reserves. Detailed information about each pension plan's fiduciary net position is available in the separately issued CalPERS financial reports. See CalPERS website for additional information.

D. Pension Expense and Deferred Outflows/Inflows of Resources Related to Pensions

As of the start of the measurement period (July 1, 2020), the combined net pension asset for the Miscellaneous Plan, the Safety Police Plan and the Safety Fire Plan was $150,460,651. For the measurement period ending June 30, 2021, (the measurement date), the City recognized pension (income) expense of $(3,094,844), $3,396,778, and $2,197,007 for the Miscellaneous Plan, the Safety Police Plan, and the Safety Fire Plan, respectively. Note that no adjustments have been made for contributions subsequent to the measurement date.

10. DEFINED BENEFIT PENSION PLAN, Continued

D. Pension Expense and Deferred Outflows/Inflows of Resources Related to Pensions, Continued

As of June 30, 2022, the City has deferred outflows and deferred inflows of resources related to pensions as follows:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Miscellaneous Plan:		
Contributions made after the measurement date	$ 5,595,658	$ -
Changes of Assumptions	-	-
Differences between Expected and Actual Experience	3,165,329	-
Net Differences between Projected and Actual Earnings on Pension Plan Investments	-	(44,269,789)
Miscellaneous Plan Total	$ 8,760,987	$ (44,269,789)
Safety Police Plan:		
Contributions made after the measurement date	$ 8,305,580	$ -
Changes of Assumptions	-	(420,571)
Differences between Expected and Actual Experience	15,716,945	-
Net Differences between Projected and Actual Earnings on Pension Plan Investments	-	(46,835,488)
Safety Police Plan Total	$ 24,022,525	$ (47,256,059)
Safety Fire Plan:		
Contributions made after the measurement date	$ 5,912,718	$ -
Changes of Assumptions	561,397	(467,537)
Differences between Expected and Actual Experience	14,065,509	(7,917)
Net Differences between Projected and Actual Earnings on Pension Plan Investments	-	(33,766,726)
Safety Fire Plan Total	$ 20,539,624	$ (34,242,180)
Total	$ 53,323,136	$ (125,768,028)

No amounts reported as deferred outflows of resources for the Miscellaneous Plan, the Safety Police Plan, and the Safety Fire Plan, respectively, represent contributions made after the measurement date of the net pension liability but before the end of the City's reporting period and will be recognized as a reduction of the net pension liability in the subsequent fiscal period rather than in the current fiscal period.

10. DEFINED BENEFIT PENSION PLAN, Continued

D. Pension Expense and Deferred Outflows/Inflows of Resources Related to Pensions, Continued

Other amounts reported as deferred outflows or deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Year Ended June 30,	Annual Amortization		
	Miscellaneous	Safety - Police	Safety - Fire
2022	$ (8,884,828)	$ (6,553,148)	$ (4,035,314)
2023	(9,395,728)	(6,052,233)	(4,095,573)
2024	(10,303,612)	(7,557,217)	(4,785,139)
2025	(12,520,292)	(11,780,085)	(8,064,684)
2026	-	403,569	1,004,375
Thereafter	-	-	361,061
Total	$ (41,104,460)	$ (31,539,114)	$ (19,615,274)

11. OTHER POST-EMPLOYMENT BENEFITS

The following is a summary of the City's OPEB plan amounts for the year ended June 30, 2022:

	Deferred Outflow of Resources	Net OPEB Liability (Asset)	Deferred Inflow of Resources	OPEB Expense (Income)
Retiree Healthcare Plan	$ 8,078,516	$ (12,152,353)	$ 135,099,690	$ (22,548,955)
Totals	$ 8,078,516	$ (12,152,353)	$ 135,099,690	$ (22,548,955)

A. General Information about the City's OPEB Plan

Plan Description – The City has established the City of Ontario Retiree Healthcare Plan, an agent multiple employer defined benefit healthcare plan. The plan, which is administered by the CalPERS, provides health insurance for its retired employees according to the Personnel Rules and Regulations for each of the ten employee groups. The City pays monthly health insurance benefits subjects to caps which vary by bargaining group. The authority to do so is included annually in the Memorandum of Understanding between the City and each of its employee groups and ultimately passed by Council action.

Employees Covered – At June 30, 2021, the measurement date, the following numbers of participants were covered by the benefit terms:

11. OTHER POST-EMPLOYMENT BENEFITS, Continued

A. General Information about the City's OPEB Plan, Continued

	Number of Covered Participants
Inactives currently receiving benefitts	731
Inactives entitled to but not yet receiving benefits	205
Active employees	1,067
Total	2,003

Contributions – The City participates in the California Employers' Retiree Benefit Trust (CERBT) administered by CalPERS for purposes of funding the required retiree medical payments and is evaluating various options for funding its post-employment benefits liability. For fiscal year 2021-2022, the City paid $6,570,084 in benefits and made a one-time contribution to the trust (CERBT) of $5,076,624. Thereafter, the City will contribute $5,000,000 per year adjusted for inflation.

B. Total OPEB Liability

The City's net OPEB liability was measured as of June 30, 2021 for the measurement period July 1, 2020 through June 30, 2021. The net OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation dated June 30, 2021, based on the following actuarial assumptions:

Actuarial Assumptions – The June 30, 2019 valuation was rolled forward to determine the June 30, 2022 total pension liability, based on the following actuarial methods and assumptions:

Actuarial Assumptions:	
Discount Rate	6.25% at June 30, 2021 (Long-Term expected asset return)
Inflation	2.50% per annum
Salary Increases	Aggregate - 2.75%
	Merit - Tables from CalPERS 2000-2019 Experience Study
Investment Rate of Return	6.25%
Mortality Rate	CalPERS 2000-2019 Experience Study
Retirement, Disability, Termination	CalPERS 2000-2019 Experience Study
Medical Trend	Non-Medicare - 6.50% for 2023, decreasing to an ultimate rate of 3.75% in 2076
	Medicare (Non-Kaiser) - 5.65% for 2023, decreasing to an ultimate rate of 3.75% in 2076
	Medicare (Kaiser) - 4.60% for 2023, decreasing to an ultimate rate of 3.75% in 2076
Contribution Policy	City contributed $140 million in 2019/20, and will contribute $5 million per year (adjusted for inflation) thereafter
Mortality Improvement	Post-retirement mortality projected fully generational with Scape MP-2021
Cap Increases	Miscellaneous $ Caps: 0%
	Safety Tier 1 Premium Caps: Medical Trend

Changes in Assumptions - Inflation rate changed from 2.75% to 2.5%, decreasing the discount rate, medical trend, and aggregate pay increases by 0.25%; Discount rate lowered based on updated capital market assumptions and lower inflation; CalPERS 2000-2019 Experience Study; Kaiser Medicare trend lowered; Medicare Advantage claims removed; Participation at retirement for Miscellaneous; and Mortality improvement scale was updated to Scale MP-2021.

11. OTHER POST-EMPLOYMENT BENEFITS, Continued

B. Total OPEB Liability, Continued

Discount Rate – The discount rate used to measure the net OPEB liability was 6.25%. The discount rate is based on the long-term expected asset return described below:

Asset Class	Target Allocation CERBT Strategy 1	Expected Real Rate of Return
Global Equity	59%	4.56%
Fixed Income	25%	0.78%
TIPS	5%	-0.08%
Commodities	3%	1.22%
REITs	8%	4.06%
Assumed Long-Term Rate of Inflation		2.50%
Expected Long-Term Net Rate of Return		6.25%

C. Changes in the Net OPEB Liability

The changes in the net OPEB liability (asset) for the plan are as follows:

	Total OPEB Liability	Fiduciary Net Position	Net OPEB Liability (Asset)
Balance at June 30, 2021	$ 168,823,201	$ 141,637,415	$ 27,185,786
(June 30, 2020 measurement date)			
Changes in the year:			
Service cost	4,643,850	-	4,643,850
Interest	11,460,588	-	11,460,588
Differences between actual and expected experience	(16,740,290)	-	(16,740,290)
Assumption changes	1,635,626	-	1,635,626
Contribution - employer	-	1,485,734	(1,485,734)
Net investment income	-	38,924,113	(38,924,113)
Benefit payments	(7,361,127)	(7,361,127)	-
Administrative expenses	-	(71,934)	71,934
Other Miscellaneous Income/(Expense)	-	-	-
Net changes	(6,361,353)	32,976,786	(39,338,139)
Balance at June 30, 2022	$ 162,461,848	$ 174,614,201	$ (12,152,353)
(June 30, 2021 measurement date)			

The net OPEB liability for the City's plan has been liquidated by funding from governmental funds and proprietary funds.

11. OTHER POST-EMPLOYMENT BENEFITS, Continued

D. Sensitivity of the Net OPEB Liability to Changes in the Discount Rate

The following presents the net OPEB liability (asset) of the City, as well as what the City's net OPEB liability (asset) would be if it were calculated using a discount rate that is one percentage point higher or one percentage point lower than the current discount rate, for the measurement period June 30, 2021:

	Discount Rate		
	1% Decrease (5.25%)	Current Rate (6.25%)	1% Increase (7.25%)
Net OPEB Liability (Asset)	$ 11,266,806	$ (12,152,353)	$ (31,167,444)

E. Sensitivity of the Net OPEB Liability to Changes in the Healthcare Cost Trend Rates

The following presents the net OPEB liability (asset) of the City, as well as what the City's net OPEB liability (asset) would be if it were calculated using healthcare cost trend rates that are one percentage point higher or one percentage point lower than the current healthcare cost trend rates:

	Healthcare Trend Rate		
	1% Decrease	Current Rate	1% Increase
Net OPEB Liability (Asset)	$ (32,081,121)	$ (12,152,353)	$ 12,954,666

F. OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB

For the fiscal year ended June 30, 2022, the City recognized OPEB income of $22,548,955. At June 30, 2022, the City's deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between Expected and Actual Experience	$ -	$ 34,270,760
Changes of Assumptions	1,436,162	79,168,466
Net difference between projected and actual earnings on plan investments	-	21,660,464
Contributions made after the measurement date	6,642,354	-
Total	$ 8,078,516	$ 135,099,690

The $6,642,354 reported as deferred outflows of resources represents contributions made after the measurement date of the OPEB liability but before the end of the City's reporting period and will be recognized as a reduction of the OPEB liability in the subsequent fiscal period rather than in the current fiscal period.

11. OTHER POST-EMPLOYMENT BENEFITS, Continued

F. OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB, Continued

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ended June 30,	Deferred Outflows/(Inflows) of Resources
2023	$ (29,166,609)
2024	(29,166,609)
2025	(28,687,649)
2026	(24,814,434)
2027	(17,382,875)
Thereafter	(4,445,355)
Total	$ (133,663,531)

12. SELF-INSURANCE PROGRAM

On December 22, 1974, the City initiated a program of self-insurance for workers' compensation liability claims. The City will pay all claims up to $750,000 per claim; amounts in excess of $750,000 are covered through an outside insurance carrier.

On January 1, 1975, the City initiated a program of self-insurance for unemployment liability claims. By this action, the City will pay all claims based on the individual reimbursement account method, as provided by the State of California.

On April 6, 1979, the City initiated a program of self-insurance for general liability claims. At present, the City will pay all claims up to $2,000,000 per claim arising from general liability claim actions brought against the City. Amounts in excess of $2,000,000 per claim are covered by the Authority for California Cities Excess Liability (ACCEL).

ACCEL is organized under a joint powers agreement pursuant to the California Government Code. The purpose of the Authority is to arrange and administer programs of insurance for the pooling of self-insured losses and to purchase excess insurance coverage. ACCEL pools catastrophic general liability, automobile liability and public officials errors and omissions losses. ACCEL members share risk from $1,000,000 to $4,000,000, and insurance in layers exceeding $5,000,000.

The City has not experienced a significant reduction in insurance coverage from coverage in the prior year. Additionally, the amount of settlements has not exceeded budgeted coverage for each of the past three fiscal years.

12. SELF-INSURANCE PROGRAM, Continued

The City has entered into contracts with third-party administrators who supervise the general liability and worker's compensation programs. When it is probable that a claims liability has been incurred and the amount of the loss can be reasonably estimated through historical trends and calculation of incurred but not reported claims (IBNR), the City accrues the estimated liability in an internal service fund for expected claims and judgments. The following is a summary of the changes in the claims liability over the past two fiscal years:

Fiscal Year	Beginning Balance	Changes in Estimates	Claim Payments	Ending Balance
2019-2020	$ 28,548,000	$ 12,439,140	$ 5,479,497	$ 35,507,643
2021-2022	35,507,643	6,835,536	6,244,179	36,099,000

Of the total estimated claims liabilities, $12,209,058 is estimated due within one year or less. The liability will be paid in future years from the Self Insurance Fund.

13. FUND BALANCE CLASSIFICATIONS

Fund balances of governmental funds at June 30, 2022 have been classified as follows:

	General	Measure I	Ontario Housing Authority	Capital Projects	Impact Fees	Other Governmental Funds	Total Governmental Funds
Fund balances:							
Nonspendable							
Prepaid costs	$ 158,153	$ -	$ -	$ -	$ -	$ -	$ 158,153
Advances to other funds	54,040,183	-	-	-	-	-	54,040,183
Advances to Successor Agency	3,500,000	-	-	-	-	-	3,500,000
Inventory	282,742	-	-	-	-	-	282,742
Total nonspendable	57,981,078	-	-	-	-	-	57,981,078
Restricted							
Endowment/trust	361,579	-	-	-	-	-	361,579
Community development projects	-	-	-	-	-	95,034,387	95,034,387
Public safety	-	-	-	-	-	2,823,515	2,823,515
Park development	-	-	-	-	-	41,678,362	41,678,362
Transportation improvement	-	18,554,812	-	-	-	-	18,554,812
Affordable housing	-	-	20,436,931	-	-	27,785,043	48,221,974
AQMD activities	-	-	-	-	-	1,263,480	1,263,480
Fiber/broadband						17,321,687	17,321,687
Public services	-	-	-	-	-	8,495,826	8,495,826
Total restricted	361,579	18,554,812	20,436,931	-	-	194,402,300	233,755,622
Committed							
City infrastructure	-	-	-	123,089,757	167,830,650	-	290,920,407
Total committed	-	-	-	123,089,757	167,830,650	-	290,920,407
Assigned							
Compensated absences	17,230,207	-	-	-	-	-	17,230,207
Continuing appropriations	8,103,085	-	-	-	-	-	8,103,085
Stability arrangement	30,306,253	-	-	-	-	-	30,306,253
Total assigned	55,639,545	-	-	-	-	-	55,639,545
Unassigned	-	-	-	-	-	-	-
Total fund balances	$ 113,982,202	$ 18,554,812	$ 20,436,931	$ 123,089,757	$ 167,830,650	$ 194,402,300	$ 638,296,652

14. JOINT VENTURES

A. Water Facilities Authority

On February 19, 1980, the Water Facilities Authority (Authority) was created under a joint exercise of powers agreement between the City of Chino, the City of Ontario, the City of Upland, the City of Chino Hills and the Monte Vista Water District. It was formed for the purpose of acquisition and construction of facilities directly benefiting the participants by supplying potable water to the inhabitants within the boundaries of its members. Thus, each participant has an ongoing financial interest in the Authority.

The governing Board of Directors consists of one member appointed from each participating agency and has approval of all budget and finance activities. The City's investment in the Authority has been recorded under the equity method of accounting and is shown as an investment in joint venture in the Water Enterprise Fund.

On September 30, 1997, the Authority issued $24,455,000 in 1997 Refunding Certificates of Participation (COPs) to refund $25,820,000 of then outstanding 1986 COPs. The 1997 Refunding COPs carry interest rates from 4.0% to 5.3% and will be repaid in various principal increments with the final payment due on October 1, 2015. Each participant in the joint venture has pledged gross revenues from its respective Enterprise Fund and has agreed to restrictive covenants that establish rates and charges for each respective water enterprise fund at levels sufficient to maintain net revenues equal to at least 1.25 times the aggregate amount of each respective party's installment payments to the Authority as well as any parity debt that shall become due and payable within the succeeding twelve months. Each City has an ongoing financial responsibility as each has assumed a portion of the Authority's debt. The City of Ontario's percentage share of the installment payment is 41.51681% and the outstanding balance was paid in full during the fiscal year ending June 30, 2016.

At June 30, 2022, the City's investment in the Authority, including its share of Authority's debt, was $9,893,504.

14. JOINT VENTURES, Continued

A. Water Facilities Authority, Continued

Audited financial information of the Authority for the year ended June 30, 2022 is summarized as follows:

Water Facilities Authority Net Position	
Total assets	$ 33,469,866
Total deferred outflows	534,859
Total liabilities	4,412,732
Total deferred inflows	981,513
Total net position	$ 39,398,970
Water Facilities Authority Changes in Net Position	
Operating revenues	$ 22,933,269
Operating expenses	23,069,135
Operating gain (loss) before depreciation and amortization	(135,866)
Depreciation and amortization	(1,287,348)
Operating revenue (loss)	(1,423,214)
Nonoperating revenues (expenses)	1,197,423
Changes in net position	(225,791)
Beginning net position	28,836,271
Ending net position	$ 28,610,480

The current participants and their financial contributions through June 30, 2022 were as follows:

	Amount	Percent
City of Chino	$ 6,693,894	15.72%
City of Chino Hills	5,520,600	12.96%
Monte Vista Water District	6,986,722	16.40%
City of Ontario	14,725,941	34.58%
City of Upland	8,545,801	20.06%
Non-Participant	117,703	0.28%
Total	$ 42,590,661	100.00%

Financial statements of the Authority can be obtained from the Water Facilities Authority's office located at 1775 North Benson Avenue, Upland, California, 91784.

14. JOINT VENTURES, Continued

B. Chino Basin Desalter Authority

On January 15, 2002, the Chino Basin Desalter Authority (the Authority) was created under a joint exercise of powers agreement between the City of Ontario and other neighboring government agencies. This agreement was formed to successfully manage the groundwater resources in the Chino Basin.

The governing Board of Director consists of one representative appointed from each participating agency and has the power and responsibility to adopt budgets, operating plans and finance activities to further the purpose of the Authority. As of June 30, 2022, the City's investment in the Authority was $61,074,914.

On June 22, 2016, the Chino Basin Desalter Authority issued the Desalter Revenue Refunding Bonds, Series 2016A in the amount of $67,105,000 to refund the Desalter Revenue Refunding Bonds, Series 2008A. The new revenue refunding bond has various debt payment schedules tailored to each member agency, based on their respective election. This provision affords each member the ability to prepay their share of debt service.

The financial information of the Authority for the fiscal year ended June 30, 2022, is summarized as follows:

Chino Basin Desalter Authority Net Position	
Total assets	$ 309,281,174
Total deferred outflows	3,304,530
Total liabilities	75,406,572
Total net position	$ 237,179,132
Chino Basin Desalter Authority Changes in Net Position	
Operating revenues	$ 65,700,906
Operating expenses	63,288,359
Operating gain (loss) before depreciation and amortization	2,412,547
Depreciation and amortization	(8,813,396)
Operating revenue (loss)	(6,400,849)
Nonoperating revenues (expenses)	3,118,308
Capital contributions	7,699,714
Changes in net position	4,417,173
Beginning net position	232,761,959
Ending net position	$ 237,179,132

14. JOINT VENTURES, Continued

B. Chino Basin Desalter Authority, Continued

The current participants and their financial contributions through June 30, 2022 were as follows:

	Amount	Percent
Jurupa Community Services District	$ 11,926,812	34.55%
City of Chino Hills	4,589,144	13.30%
City of Chino	5,463,241	15.83%
City of Norco	1,092,548	3.17%
City of Ontario	7,166,449	20.76%
Santa Ana River Co.	1,310,999	3.80%
Western Municipal Water District	2,968,159	8.60%
Total	$ 34,517,352	100.00%

Financial statements of the Authority can be obtained from the Chino Basin Desalter Authority Treasurer's office located at 6075 Kimball Avenue, Chino, California 91710.

C. West End Communications Authority

The "Authority" governed by a seven-member board is a joint exercise of powers between the following entities as created by a joint powers:

City of Chino
City of Montclair
City of Rancho Cucamonga
City of Ontario
City of Upland
Rancho Cucamonga Fire Protection District
Chino Valley Independent Fire Protection District

The purpose of the Authority is to provide a cooperative voluntary association to establish operate and maintain a consolidated 800MHZ communication system designed to serve public safety agencies throughout the western end of San Bernardino County, California. The City has an ongoing financial interest in the residual assets of the Authority upon disbandment.

14. JOINT VENTURES, Continued

C. West End Communications Authority, Continued

The following is a summary of the West End Communications Authority financial information for the fiscal year ended June 30, 2022:

West End Communications Authority Net Position		
Total assets	$	1,378,443
Total liabilities		-
Total net position	$	1,378,443
West End Communications Authority Changes in Net Position		
Operating revenues	$	-
Operating expenses		6,442
Operating gain (loss) before depreciation and amortization		(6,442)
Operating revenue (loss)		(6,442)
General revenue		(24,245)
Changes in net position		(30,687)
Beginning net position		1,409,130
Ending net position	$	1,378,443

Separate financial statements of the West End Communications Authority are available upon request from the City of Ontario, Fiscal Services Department, 303 East "B" Street, Ontario, California 91764.

D. West End Fire and Emergency Response Commission

On January 23, 1989, the West End Fire and Emergency Response Commission was created under the Joint Exercise Powers Agreement between the Fire Departments of the City of Ontario, Upland, Montclair, Rancho Cucamonga and Chino. The governing board of directors consists of the Fire Chief from each city. The purpose of the Authority is to establish a hazardous materials response team. It has been amended to include an Urban Search and Rescue Team and the servicing of joint authority breathing apparatus equipment for emergency purposes.

14. JOINT VENTURES, Continued

D. West End Fire and Emergency Response Commission, Continued

The following is a summary of the West End Fire and Emergency Response Commission financial information for the fiscal year ended June 30, 2022:

West End Fire and Emergency Response Commission Net Position		
Total assets	$	764,451
Total liabilities		(19,443)
Total net position	$	745,008
West End Fire and Emergency Response Commission Changes in Net Position		
Operating revenues	$	124,741
Operating expenses		68,184
Operating revenue (loss)		56,557
General revenue		(12,857)
Changes in net position		43,700
Beginning net position		701,308
Ending net position	$	745,008

Separate financial statements of the West End Fire and Emergency Response Commission are available upon request from the City of Ontario, Fiscal Services Department, 303 East "B" Street, Ontario, California 91764.

15. OTHER INVESTMENTS

Other investments of $63,730,042 at June 30, 2022 in the Water Fund represents water rights, investment in stored water and air quality credits. The City values its other investments at fair value in accordance with the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the assets. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The City has the following recurring fair value measurements as of June 30, 2022:

	Fair Value Measurement Using			
Investment Type	Level 1	Level 2	Level 3	Total Fair Value
Water Rights	$ -	$ -	$ 55,491,106	$ 55,491,106
Investment in Stored Water	-	-	64,684,439	64,684,439
Air Quality Credits	-	-	623,710	623,710
Total other investments	$ -	$ -	$ 120,799,255	120,799,255

16. CONTINGENCIES

Liabilities

Claims and suits have been filed against the City in the normal course of business. Based upon information received from the City Attorney and the self-insurance administrator, the estimated liability under such claims would be adequately covered by self-insurance designations and insurance coverage.

Grant

Under the terms of federal and state grants, periodic audits are required and certain costs may be questioned as not being appropriate expenditures under the terms of the grants. Such audits could lead to reimbursement to the grantor agencies. City management believes disallowances, if any, will be immaterial.

Proposition 218

Proposition 218, which was approved by the voters in November, 1996, will regulate the City's ability to impose, increase and extend taxes, assessments and fees. Any new, increased or extended taxes, assessments and fees subject to the provisions of Proposition 218 require voter approval before they can be implemented. Additionally, Proposition 218 provides that these taxes, assessments and fees are subject to the voter initiative process and may be rescinded in the future by the voters. Therefore, the City's ability to finance the services for which the taxes, assessments and fees were imposed may be significantly impaired. At this time, it is uncertain how Proposition 218 will affect the City's ability to maintain or increase the revenue it receives from taxes, assessments and fees.

17. COMMITMENTS

Construction Commitments

The following material construction commitments existed at June 30, 2022:

	Expenditures to date as of June 30, 2022			
Project Name	Contract Amount	Capital Projects	Water	Remaining Commitments
C-Block Parking Structure	$ 11,824,019	$ 11,126,566	$ -	$ 697,453
Groundwater Wellhead Treatment	12,645,146	-	3,789,732	8,855,414
New Well No. 43	4,446,146	-	1,911,378	2,534,768
Water Pipeline Replacement	12,801,051	-	3,611,567	9,189,484
Fire Station No.1	2,955,000	3,143	-	2,951,857
			Total remaining commitments	$ 24,228,976

18. TAX ABATEMENTS

The City entered into various tax abatement agreements with local businesses. The abatements may be granted to any business located within or promising to relocate to the City. For the fiscal year ended June 30, 2022, the City abated taxes totaling $9,544,877 under this program. The City has the following tax abatement agreements:

- A professional agreement with a consultant to provide sales tax audit and information services to the City. The audit services will detect and correct taxpayer reporting errors and generate new revenue without causing additional tax liability to businesses. The City agreed to pay quarterly 20% of new sales and use tax revenues received as a result of corrections identified by the consultant. In fiscal year 2021-2022, the amount paid was $145,921.

- A professional agreement with a consultant to provide sales tax audit and information services to the City. The audit services will detect and correct taxpayer reporting errors and generate new revenue without causing additional tax liability to businesses. The City agreed to pay quarterly 20% of new sales and use tax revenues received as a result of corrections identified by the consultant. In fiscal year 2021-2022, the amount paid was $187,745.

- An operating covenant agreement with a retailer of equipment and merchandise of health care products and services to establish its only regional sales office in California within the City for not less than 20 years. The establishment of such retailer will generate local sales tax revenue, create high paying/management jobs and provide opportunity for additional job growth. The City agreed to rebate quarterly 50% of sales tax revenues attributable to taxable sales. In fiscal year 2021-2022, the abatement amounted to $2,287,961.

18. TAX ABATEMENTS, Continued

- An operating covenant agreement with an automotive dealership which agreed to operate the entirety of its dealership facilities within the City for a period of 26 years. The dealership will generate substantial tax revenue, create potential for additional job growth and stimulate the economy. The City agreed to rebate 50% of sales tax revenues in excess of $700,000 during the period April 1, 2018 through March 31, 2028. In fiscal year 2021-2022, the abatement amounted to $389,770.

- An operating covenant agreement with a retailer of consumer products to establish its warehouse and distribution center in the City and remain in the City for no less than 41 years. The establishment of such retailer in the City will generate substantial revenue, create new jobs, revitalize the City, and result in community and public improvements. The City agreed to refund quarterly, 55% of sales tax revenues attributable to annual taxable sales up to $500 million and 60% of sales tax revenues over $500 million of annual taxable sales. In fiscal year 2021-2022, the abatement amounted to $639,410.

- An operating covenant agreement with a retailer of consumer products to ensure that it maintains its existing warehouse and distribution center in the City and expands its operations within the City. This will generate substantial revenue for the City, possibly create job growth, continue to stimulate the economy and result in community and public improvements. For the period beginning January 1, 2020, provided the City receives not less than $1.2 million of sales tax revenue from the retailer, the City agreed to rebate 50% of sales tax revenues attributable to taxable sales, not to exceed an annual amount of $1.8 million. In fiscal year 2021-2022, the abatement amounted to $1,913,736.

- An operating covenant agreement with an auto dealership to develop and operate a facility in the City for its Inland Empire sales territory. The City will receive additional local sales tax revenues, property taxes, employment benefits, and other tangible and intangible benefits arising from the operation of the Dealership within the City. The eligibility period of this agreement is from July 1, 2009 until June 30, 2034. The City agreed to make quarterly payments not to exceed $200,000 for any computation year during the eligibility period for (1) computation period up to $500,000 in aggregate, an amount equal to 50% of the local sales tax revenues received above the quarterly base amount of $50,000; (2) computation period up to $1,000,000 in aggregate, an amount equal to 50% of the local sales tax revenues received above the quarterly base amount of $56,250; (3) computation period up to $1,950,000 in aggregate, an amount equal to 50% of local sales tax revenues received above the quarterly base amount of $62,500; and (4) computation period up to $2,900,000 in aggregate, an amount equal to 50% of the local sales tax revenues received above the quarterly base amount of $68,750. In fiscal year 2021-2022, the abatement amounted to $100,192.

- An operating covenant agreement with a global retailer of healthcare services and products to retain and operate its two facilities in the City for transacting sales. The City will receive additional sales tax revenues, maintain and create jobs and stimulate the economic recovery of the Inland Empire. The eligibility period of this agreement commenced on April 1, 2018 and will continue until terminated by either party. The City agreed to make quarterly payments equal to 50% of sales tax revenues. In fiscal year 2021-2022, the abatement amounted to $1,023,343.

18. TAX ABATEMENTS, Continued

- An operating covenant agreement with a sanitary supplies distributor to retain existing jobs, allow for the potential increase in job opportunities, foster a business and civic environment that may attract additional businesses and investments and create additional job opportunities in the City. The eligibility period of this agreement began on July 1, 2017. The City agreed to make quarterly payments equal to 25% of sales tax revenues in excess of $201,000 quarterly up to $500,000. In fiscal year 2021-2022, the abatement amounted to $26,809.

- An operating covenant agreement with several concrete companies to establish a sale office and/or a business location that participate in the sale process within the City, expand operations within the City as appropriate and remains in the City for not less than 40 years. The establishment of such businesses is expected to generate substantial revenue for the City, create new jobs, revitalize an area of the City which has suffered a loss of jobs and result in community and public improvements. The eligibility period of this agreement began on October 1, 2018. The City agreed to make quarterly payments equal to 50% of the sales tax revenue attributable to annual taxable sales for the calendar year which is directly allocated to the City. In fiscal year 2021-2022, the abatement amounted to $1,350,871.

- A retention agreement with an auto dealership to encourage the auto dealership to remain in the City and consider future sales expansions in consideration of the local sales tax revenues, property taxes, employment benefits, and other tangible and intangible benefits that are expected to be received by the City arising from the Dealership within the City. During the eligibility period the City agreed to pay on a quarterly basis for (1) operating years 1-5, an amount equal to 50% of the local sales tax revenues received above the annual base amount of $75,000; (2) for operating years 6-10, an amount equal to 50% of the local sales tax revenues received above the annual base amount of $100,000; and (3) for operating years 11-15, an amount equal to 50% of the local sales tax revenues received above the annual base amount of $125,000. The cumulative total of any and all covenant payments paid by the City pursuant to this Agreement shall not exceed $1,200,000. In fiscal year 2021-2022, the abatement amounted to $179,266

- An operating covenant agreement with a retailer of consumer products that will generate substantial sales tax revenue and create approximately 325 new permanent jobs. The incentives provided in this Agreement are intended to ensure the retailer commences operations and remains in the City for no less than 11.5 years. The eligibility period of this agreement began on October 1, 2020. The City agreed to make quarterly payments equal to 50% of sales tax revenues received. In fiscal year 2021-2022, the abatement amounted to $983,728.

18. TAX ABATEMENTS, Continued

- An operating covenant agreement with an auto dealership who recently established a new state-of-the-art automobile sales and service center in the City. The covenanted operation of the Dealership serves to foster a business and civic environment that may attract additional businesses and investment in the community due to the availability of the increased public and private services and economic activity resulting therefrom. The eligibility period of this agreement began on January 1, 2021. During the eligibility period the City agreed to pay on an annual basis for (1) operating years 1-4, an amount equal to 50% of the local sales tax revenues received above the annual base amount of $100,000 and (2) for operating years 5-8, an amount equal to 50% of the local sales tax revenues received above the annual base amount of $125,000 for a period of up to eight (8) years or a maximum amount of $800,000. In fiscal year 2021-2022, the abatement amounted to $251,231.

- An operating covenant agreement with an industrial equipment company distributing more than 1.5 million metalworking and other industrial products. By establishing the Ontario sales offices, the company will consolidate other office locations across Southern California to the City. This will, in turn, result in an increase revenue to the City, and there may be other community and public improvements that might not otherwise be available to the community for many years. The eligibility period of this agreement began on January 1, 2022. The City agreed to make quarterly payments equal to 50% of sales tax revenue received. In fiscal year 2021-2022, the abatement amounted to $64,893.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY

On December 29, 2011, the California Supreme Court upheld Assembly Bill 1X 26 ("the Bill") that provides for the dissolution of all redevelopment agencies in the State of California. This action impacted the reporting entity of the City of Ontario that previously had reported a redevelopment agency within the reporting entity of the City as a blended component unit.

The Bill provides that upon dissolution of a redevelopment agency, either the city or another unit of local government will agree to serve as the "successor agency" to hold the assets until they are distributed to other units of state and local government. On January 10, 2012, the City Council elected to become the Successor Agency for the former redevelopment agency in accordance with the Bill as part of City resolution number 2012-001.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY, Continued

After enactment of the law, which occurred on June 28, 2011, redevelopment agencies in the State of California cannot enter into new projects, obligations or commitments. Subject to the control of a newly established oversight board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution (including the completion of any unfinished projects that were subject to legally enforceable contractual commitments).

Successor agencies are only allocating revenue in the amount that is necessary to pay the estimated annual installment payments on enforceable obligations of the former redevelopment agency until all enforceable obligations of the prior redevelopment agency have been paid in full and all assets have been liquidated.

The Bill directs the State Controller of the State of California to review the propriety of any transfers of assets between redevelopment agencies and other public bodies that occurred after January 1, 2011. If the public body that received such transfers is not contractually committed to a third party for the expenditure or encumbrance of those assets, the State Controller is required to order the available assets to be transferred to the public body designated as the successor agency by the Bill.

Management believes, in consultation with legal counsel, that the obligations of the former redevelopment agency due to the City are valid enforceable obligations payable by the successor agency trust under the requirements of the Bill. The City's position on this issue is not a position of settled law and there is considerable legal uncertainty regarding this issue. It is reasonably possible that a legal determination may be made at a later date by an appropriate judicial authority that would resolve this issue unfavorably to the City.

In accordance with the timeline set forth in the Bill (as modified by the California Supreme Court on December 29, 2011) all redevelopment agencies in the State of California were dissolved and ceased to operate as a legal entity as of February 1, 2012.

A. Cash and Investments

As of June 30, 2022, cash and investments were reported in the accompanying financial statements as follows:

Cash and investments	$	9,633,450
Cash and investments with fiscal agent		1,152,961
Total cash and investments	$	10,786,411

B. Notes Receivable

On October 19, 1993, the Ontario Redevelopment Agency accepted a note receivable of $35,000 from a developer as part of a transaction involving the sale of property. The note bears interest at 0% annually and was due in full on June 20, 1995. A new note was negotiated on November 8, 1996 and will mature on October 31, 2026. The unpaid principal balance at June 30, 2022, was $35,000.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY, Continued

C. Advances to City

During prior fiscal years, the Former RDA loaned $1,600,000 to the Capital Project Fund for the purchase of property adjacent to Ontario Mills. At June 30, 2022, the balance of the advance was $1,600,000.

D. Long-Term Debt

The following is a summary of changes in Successor Agency long-term debt for the year ended June 30, 2022:

	Balance July 1, 2021	Additions	Deletions	Balance June 30, 2022	Due Within One Year
Public offerings:					
1993 Tax Allocation Bonds	$ 27,147,126	$ -	$ (5,213,685)	$ 21,933,441	$ 5,842,021
1995 Tax Allocation Bonds	2,400,474	-	(461,015)	1,939,459	516,579
2002 Refunding Revenue Bonds	675,000	-	(675,000)	-	-
Direct borrowings:					
Loans payable	7,402,443	-	(663,079)	6,739,364	698,222
Advance from City	3,500,000	-	-	3,500,000	-
Total	$ 41,125,043	$ -	$ (7,012,779)	34,112,264	$ 7,056,822
			Unamortized bond premium	7,106	
			Total	$ 34,119,370	

1993 Tax Allocation Bond

The 1993 Tax Allocation Bonds in the amount of $45,708,900 were issued on June 11, 1993, to finance redevelopment activities related to Project Area #1. The Agency sold the bonds to the Financing Authority at a purchase price equal to the principal amount of the bonds plus a premium. The investment by the Authority in the bonds is held in an agency fund. The terms were negotiated in a prior year and reduced the outstanding principal balance by $800. Additionally, the maturity date was extended two years to August 1, 2025. The interest is paid semi-annually at the stated rate of 12%. The balance at June 30, 2022, amounted to $21,933,441.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY, Continued

D. Long-Term Debt, Continued

The annual requirements to amortize the outstanding bond indebtedness as of June 30, including interest, are as follows:

For the Years Ending June 30,	1993 Tax Allocation Bonds		
	Principal	Interest	Total
2023	$ 5,842,021	$ 2,281,492	$ 8,123,513
2024	6,028,988	1,569,231	7,598,219
2025	6,749,755	469,260	7,219,015
2026	3,312,677	532,007	3,844,684
Total	$ 21,933,441	$ 4,851,990	$ 26,785,431

The outstanding bonds contain a provision that if any event of default should occur, the Trustee shall at the written direction of the Owner of a majority in aggregate principal amount outstanding, declare the principal of all the bonds then outstanding, and the interest accrued thereon, to be due and payable immediately.

1995 Tax Allocation Bond

On August 15, 1995, the Ontario Redevelopment Agency issued $4,041,700 in 1995 Tax Allocation Bonds. The bonds were sold to the Ontario Redevelopment Financing Authority at par plus premium. All proceeds of the 1995 Bonds will be used to finance redevelopment projects related to Project Area #1. The 1995 Bonds were issued on parity with the Agency's existing Project Area #1 1992 and 1993 Tax Allocation Bonds. The 1995 Bonds were issued with an interest rate of 12.00%, provided that the interest rate for the period from August 1, 1995 through July 1, 1996, shall be 10.55% per annum, the interest rate for the period from August 1, 1996 through July 31, 1997, shall be 11.70% per annum, and the interest for the period from August 1, 1997 through July 31, 1999, shall be 11.86% per annum. Interest is paid semi-annually each year and commenced February 1, 1996, until final maturity on August 1, 2025. The balance at June 30, 2022, amounted to $1,939,459.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY, Continued

D. Long-Term Debt, Continued

The annual requirements to amortize the outstanding bond indebtedness as of June 30, including interest, are as follows:

For the Years Ending June 30,	1995 Tax Allocation Bonds		
	Principal	Interest	Total
2023	$ 516,579	$ 485,004	$ 1,001,583
2024	533,112	485,004	1,018,116
2025	596,845	404,208	1,001,053
2026	292,923	323,298	616,221
Total	$ 1,939,459	$ 1,697,514	$ 3,636,973

The outstanding bonds contain a provision that if any event of default should occur, the Trustee shall at the written direction of the Owner of a majority in aggregate principal amount outstanding, declare the principal of all the bonds then outstanding, and the interest accrued thereon, to be due and payable immediately.

2002 Refunding Revenue Bonds

In February 2002, the Ontario Redevelopment Financing Authority issued revenue bonds in the amount of $35,290,000 to provide funds to concurrently refund on a current basis a portion of the Authority's 1992 Revenue Bonds and certain outstanding tax allocation bonds of the Agency, and to finance redevelopment activities within the Agency's Project Area #1, Center City and Cimarron redevelopment projects. The bonds issued at a premium of $1,702,231, consist of $17,472,433 capital appreciation bonds maturing annually through 2018 and $9,795,000 interest bonds with interest payable semiannually on February 1 and August 1 of each year and maturing in 2021.

The bonds are secured by a pledge and a lien on a portion of the taxes levied on all taxable property within the related project of the Agency. The outstanding balance at June 30, 2022, amounted to $0.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY, Continued

D. Long-Term Debt, Continued

Loans Payable

Pursuant to a loan agreement dated February 1, 2002, the Ontario Redevelopment Agency issued the Ontario Redevelopment Project #1 2002 Housing Set-Aside Loan in the amount of $15,145,000 to finance low and moderate income activities of the Agency within or of the benefit to the Ontario Redevelopment Agency Project Area #1. The loan matures in 2029 and is payable from Housing Tax Revenues allocated to the Agency. Interest is paid semi-annually at a rate of 5.30% per annum. The balance at June 30, 2022, amounted to $6,739,364.

At June 30, 2022, the annual requirements to repay the outstanding indebtedness were as follows:

	2002 FNMA Housing Set-Aside Loan		
For the Years Ending June 30,	Principal	Interest	Total
2023	$ 698,222	$ 338,683	$ 1,036,905
2024	735,228	300,697	1,035,925
2025	774,195	260,698	1,034,893
2026	815,227	218,578	1,033,805
2027	858,434	174,226	1,032,660
2028-2030	2,858,058	232,427	3,090,485
Total	$ 6,739,364	$ 1,525,309	$ 8,264,673

The remedies available upon the occurrence of an event of default under the loan agreement are in many respects dependent upon regulatory and judicial actions.

19. SUCCESSOR TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY, Continued

D. Long-Term Debt, Continued

Advance from City

The General Fund made an advance in the amount of $3,500,000 to the Successor Agency of the Former Redevelopment Agency to assist the Agency in implementation of the redevelopment plan.

Debt Service Requirements

The City pledged, as security for bonds issued, either directly or through the Financing Authority, a portion of tax increment revenue (including Low and Moderate-Income Housing set-aside and pass through allocations) that it receives. The bonds issued were to provide financing for various capital projects, accomplish Low and Moderate Income Housing projects and to defease previously issued bonds. Assembly Bill 1X 26 provided that upon dissolution of the Redevelopment Agency, property taxes allocated to redevelopment agencies no longer are deemed tax increment but rather property tax revenues and will be allocated first to successor agencies to make payments on the indebtedness incurred by the dissolved redevelopment agency. Total principal and interest remaining on the debt is $52,054,163 with annual debt service requirements as indicated on the previous pages. For the current year, the total property tax revenue recognized by the Successor Agency for the payment of obligations incurred by the dissolved redevelopment agency was $9,451,821 and the debt service obligation on the bonds was $9,917,767.

20. PRIOR PERIOD ADJUSTMENTS

The City recorded the following prior period adjustments:

	Net Position/ Fund Balance as Previously	Prior Period Adjustments						Net Position/ Fund Balance Net Position
		Accounts Receivable	Capital Assets	Property Held for Resale	Related to OPEB	Other Liabilities	Fund type Reclassifications	
Government-wide								
Governmental activities	$ 1,346,065,241	$ 166,987	$ 14,704,884	$ 777,774	$ 25,892,619	$ 6,561,464	$ (35,738,737)	$ 1,358,430,232
Business-type activities	479,321,195	-	(30,216,032)	-	(25,892,619)	-	-	423,212,544
Fund Financials								
Governmental Funds								
General Fund	126,701,209	-	-	-	-	1,460,840	-	128,162,049
Ontario Housing Authority	20,261,931	-	-	777,774	-	-	-	21,039,705
Impact Fees	134,155,056	166,987	-	-	-	-	-	134,322,043
Nonmajor Governmental Funds	189,734,859		-				(35,738,737)	153,996,122
Enterprise Funds								
Water Fund	414,249,526	-	(18,937,953)	-	(14,939,036)	-	-	380,372,537
Sewer Fund	89,954,712	-	(11,242,961)	-	(4,408,240)	-	-	74,303,511
Integrated Waste Fund	44,044,435	-	(35,118)	-	(22,804,719)	-	-	21,204,598
Internal Service Funds								
Equipment Services Fund	68,696,820	-	1,947,588	-	(6,655,578)	-	-	63,988,830
Self Insurance Fund	7,005,085	-	-	-	(1,037,234)	-	-	5,967,851
Information Technology Fund	17,535,043	-	76,534	-	(9,277,473)	-	-	8,334,104
OPEB Fund	(142,418,527)	-	-	-	59,122,279	5,076,624	-	(78,219,624)
Fiduciary Funds								
Successor Agency	(18,388,795)	-	-	-	-	-	249,457	(18,139,338)
Custodial Funds	93,308,155	-	-	-	-	-	(18,279,836)	75,028,319

Prior period adjustments were to correct accounts receivable for a negative balance, to correct capital assets accumulated depreciation for prior years error in calculation, to record land purchased in a prior year not recorded with land held for resale, to correct allocation of OPEB amounts to the enterprise and internal service funds, to correct prior year CERBT contribution and deposits payable, to remove duplicate amounts reported in the Redevelopment Financing Agency custodial fund and move the fund's remaining balances to the Successor Agency, and to reclassify NMC CFD and OMC CFD funds reported as capital project funds in prior year to custodial funds as of beginning of the current year.

21. SUBSEQUENT EVENTS

On September 15, 2022, the Community Facilities District issued a new special tax bond (non-City obligation) for Community Facilities District No. 57 (District) in the total amount of $12,915,000. The proceeds will be used for development within the District.

This page intentionally left blank

REQUIRED SUPPLEMENTARY INFORMATION

This page intentionally left blank.

1. BUDGET AND COMPARISON INFORMATION

General Budget Policies

1. The annual budget adopted by the City Council provides for the general operation of the City. It includes proposed expenditures and the means of financing them.
2. The City Council approves total budgeted appropriations and any amendments to appropriations throughout the year. All amendments made during the year are included in the budgetary amounts reported herein. The "appropriated budget" covers all City expenditures, including capital improvement projects carried forward from the prior year, which is re-appropriated every year. Actual expenditures may not exceed budgeted appropriations at the fund level, which is the legal level of control. The City Manager is authorized to transfer budgeted amounts between departments within any fund; however, any revisions that alter total expenditures of any fund must be approved by the City Council.
3. Formal budgetary integration is employed as a management control device during the year. Commitments for materials and services, such as purchase orders and contracts, are recorded as encumbrances to assist in controlling expenditures. Appropriations that are encumbered lapse at year-end and then are added to the following year budgeted appropriations.
4. Budgets for the General, Special Revenue, Capital Projects and Debt Service Funds are adopted on a basis substantially consistent with generally accepted accounting principles (GAAP). Accordingly, actual revenues and expenditures can be compared with related budgeted amounts without any significant reconciling items. Budget comparisons are not presented for the Proprietary Funds, as the City is not legally required to adopt a budget for those type funds.
5. Capital projects are budgeted through the Capital Projects Fund. Appropriations for capital projects authorized, but not constructed or completed during the year, are re-appropriated in the following year's budget.
6. Under Article XIII-B of the California Constitution (the Gann Spending Limitation Initiative), the City is restricted as to the amount of annual appropriations from the proceeds of taxes, and if proceeds of taxes exceed allowed appropriations, the excess must be either refunded to the State Controller or returned to the taxpayers through revised tax rates or revised fee schedules, or an excess in one year may be offset by a deficit in the following year. For the fiscal year ended June 30, 2022, based on calculations by City staff, proceeds of taxes did not exceed appropriations.

   Further, Section 5 of Article XIII-B allows the City to designate a portion of fund balance for general contingencies to be used for any purpose. On August 10, 1996, the City Council passed Resolution 96-073 setting aside all unappropriated fund balances in the General Fund as a contingency fund.

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

General Fund

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Taxes	$ 199,121,754	$ 225,046,610	$ 243,176,826	$ 18,130,216
Licenses and permits	4,752,000	9,737,125	10,772,502	1,035,377
Intergovernmental	15,033,623	5,116,496	15,306,488	10,189,992
Charges for services	41,471,754	48,859,318	47,443,658	(1,415,660)
Use of money and property	1,661,198	1,462,798	(2,618,811)	(4,081,609)
Fines and forefeitures	703,000	966,789	1,060,576	93,787
Miscellaneous	9,417,060	7,683,281	9,466,875	1,783,594
Total revenues	272,160,389	298,872,417	324,608,114	25,735,697
EXPENDITURES:				
General government				
Mayor and city council	565,154	602,249	465,444	136,805
Planning commissioners	42,975	42,975	25,296	17,679
City treasurer/city clerk	118,350	118,530	99,822	18,708
Records management	870,811	1,012,939	963,325	49,614
City attorney	389,900	389,900	2,478,037	(2,088,137)
Office of the city manager	1,675,752	1,868,107	1,673,711	194,396
General government	491,630	491,630	374,174	117,456
Financial services administration	904,983	1,048,574	655,828	392,746
Fiscal services	8,281,853	9,073,996	6,388,659	2,685,337
Business licenses	1,053,726	1,159,846	1,124,435	35,411
Central services	486,118	858,100	540,655	317,445
Human resources	4,224,127	5,147,684	3,852,774	1,294,910
Economic development	10,882,466	14,455,352	13,268,681	1,186,671
Airport HR and risk management services	162,818	173,821	193,345	(19,524)
Communication and community services	1,027,955	1,093,786	860,854	232,932
Innovation and performance audit	888,721	1,082,898	913,328	169,570
Total general government	32,067,339	38,620,387	33,878,368	4,742,019

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

General Fund (Continued)

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
Public safety				
Police administration	4,185,703	5,145,178	5,159,662	(14,484)
Traffic support services	4,384,465	4,775,896	4,641,655	134,241
Community engagement team	3,856,464	5,391,187	4,749,689	641,498
Patrol	38,199,646	40,708,710	39,898,769	809,941
Extra duty - other	361,830	1,052,307	1,092,173	(39,866)
Canine	1,621,005	1,743,670	1,712,614	31,056
Air support	3,516,263	3,795,624	3,704,267	91,357
Crime analysis and prevention	751,351	79,463	108,222	(28,759)
Communications/records	5,387,309	5,981,174	5,598,462	382,712
Personnel recruit and training	1,896,747	2,323,928	2,390,545	(66,617)
Airport operations bureau	12,598,679	14,988,965	14,271,838	717,127
Detective division	10,276,544	10,785,257	10,966,200	(180,943)
Career criminal division	7,563,466	8,274,627	8,099,658	174,969
ID/evidence	2,121,577	2,359,932	2,272,774	87,158
Office of the fire chief	2,356,820	2,830,674	2,902,838	(72,164)
Fire prevention bureau	2,749,009	2,983,544	2,796,875	186,669
Emergency services	40,458,249	42,344,842	48,252,759	(5,907,917)
Personnel training and development	2,612,764	2,742,315	2,603,762	138,553
E.M.S. technical services	1,337,385	2,391,018	1,973,610	417,408
Emergency management	312,061	438,028	378,336	59,692
Operations support services	2,307,019	3,227,923	2,996,122	231,801
Community improvement	4,319,443	5,842,105	4,914,042	928,063
SWAT	412,769	619,087	514,673	104,414
Office of the police chief	1,928,313	2,411,613	2,507,038	(95,425)
Fire communications	2,197,633	2,493,435	2,401,925	91,510
Airport fire operations	7,635,807	8,641,355	8,302,482	338,873
Fire station No. 9	7,032,181	7,519,669	7,520,913	(1,244)
Police/Ontario ranch	2,091,101	2,234,633	1,783,967	450,666
Total public safety	174,471,603	194,126,159	194,515,870	(389,711)

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

General Fund (Continued)

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
Community development				
Community life and culture admin.	1,763,129	2,007,677	1,546,521	461,156
Recreation administration	3,189,039	3,834,573	3,626,933	207,640
Sports/fitness	929,763	899,528	699,156	200,372
Special events/facility rental	323,637	591,250	480,865	110,385
Community programs	2,054,900	2,289,176	2,208,434	80,742
Development administration	1,406,155	1,532,625	1,200,550	332,075
Planning administration	669,203	819,811	770,712	49,099
Planning land development	1,647,979	2,348,378	1,819,892	528,486
Advanced long range planning	1,722,298	2,780,439	1,391,206	1,389,233
Building	4,308,362	5,411,715	4,560,851	850,864
Engineering administration	1,695,572	1,844,935	1,497,559	347,376
Engineering land development	3,715,636	4,485,560	3,960,671	524,889
Transportation	402,705	427,286	298,553	128,733
Traffic engineer and signal operation	2,974,847	3,348,708	3,117,007	231,701
Field services	368,862	444,190	382,332	61,858
Museum	1,515,220	1,685,729	1,283,597	402,132
Community outreach	3,885,612	4,529,705	3,521,627	1,008,078
Senior services	632,251	804,106	476,312	327,794
Youth/teen services	979,324	1,024,879	655,825	369,054
CIP design administration	32,160	29,543	20,492	9,051
Town Square Park	274,863	279,994	215,878	64,116
Library administration	1,070,048	1,381,170	1,335,278	45,892
Ovitt Family Community Library	3,464,645	3,921,779	3,359,328	562,451
Branch library	750,700	839,439	869,861	(30,422)
Total community development	39,776,910	47,562,195	39,299,440	8,262,755
Public works				
Paint striping and sign maintenance	7,500	-	200	(200)
Sidewalk	1,716,009	1,913,622	1,623,608	290,014
Street lighting maintenance	744,335	881,832	730,423	151,409
Parks and maintenance supervision	322,859	424,214	377,100	47,114
Park maintenance	6,100,779	6,383,579	5,653,302	730,277
Parkway tree trimming	1,380,510	1,956,771	1,818,556	138,215
Public grounds maintenance	2,258,811	2,390,376	1,924,942	465,434
Civic center grounds maintenance	196,724	198,731	174,335	24,396
Public facilities building maintenance	1,131,182	1,203,631	845,950	357,681
Community events	42,574	42,574	4,743	37,831
Graffiti	620,535	631,961	605,863	26,098
Storm drain maintenance	21,967	-	83,965	(83,965)
Weed and refuse abatement	138,394	151,730	53,004	98,726
Total public works	14,682,179	16,179,021	13,895,991	2,283,030

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

General Fund (Continued)

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
Debt service:				
Principal retirement	-	-	560,000	(560,000)
Interest and fiscal charges	-	-	1,121,331	(1,121,331)
Total debt service	-	-	1,681,331	(1,681,331)
Total expenditures	260,998,031	296,487,762	283,271,000	13,216,762
REVENUES OVER (UNDER) EXPENDITURES	11,162,358	2,384,655	41,337,114	12,518,935
OTHER FINANCING SOURCES (USES):				
Transfers in	4,000,000	-	-	-
Transfers out	(10,860,303)	(55,716,457)	(55,516,961)	199,496
Total other financing sources (uses)	(6,860,303)	(55,716,457)	(55,516,961)	199,496
Net change in fund balances	$ 4,302,055	$ (53,331,802)	(14,179,847)	$ 12,718,431
FUND BALANCES:				
Beginning of year			128,162,049	
End of year			$ 113,982,202	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Measure I

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 3,547,532	$ 3,547,532	$ 4,690,545	$ 1,143,013
Use of money and property	-	-	(62,469)	(62,469)
Miscellaneous	-	-	-	-
Total revenues	3,547,532	3,547,532	4,628,076	1,080,544
EXPENDITURES:				
Current:				
Community development	31,916,034	31,916,034	3,120,177	28,795,857
Total expenditures	31,916,034	31,916,034	3,120,177	28,795,857
REVENUES OVER (UNDER) EXPENDITURES	(28,368,502)	(28,368,502)	1,507,899	(27,715,313)
Net change in fund balances	$ (28,368,502)	$ (28,368,502)	1,507,899	$ (27,715,313)
FUND BALANCES:				
Beginning of year, as restated			17,046,913	
End of year			$ 18,554,812	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Ontario Housing Authority

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 5,000,000	$ 5,000,000	$ -	$ (5,000,000)
Contribution from property owners	5,027,300	5,027,300	-	(5,027,300)
Use of money and property	508,630	508,630	2,122,106	1,613,476
Miscellaneous	66,800	66,800	95,902	29,102
Total revenues	10,602,730	10,602,730	2,218,008	(8,384,722)
EXPENDITURES:				
Current:				
Community development	15,731,271	15,731,271	2,812,282	12,918,989
Debt service:				
Principal retirement	-	-	12,000	(12,000)
Total expenditures	15,731,271	15,731,271	2,824,282	12,906,989
REVENUES OVER (UNDER) EXPENDITURES	(5,128,541)	(5,128,541)	(606,274)	(21,291,711)
OTHER FINANCING SOURCES (USES):				
Transfers in	-	-	3,500	3,500
Total other financing sources (uses)	-	-	3,500	3,500
Net change in fund balances	$ (5,128,541)	$ (5,128,541)	(602,774)	$ (21,288,211)
FUND BALANCES:				
Beginning of year			21,039,705	
End of year			$ 20,436,931	

This page intentionally left blank

Modified Approach for City Infrastructure Capital Assets

In accordance with GASB Statement No. 34, the City is required to account for and report infrastructure assets. The City defines infrastructure as the basic physical assets including the street system; water purification and distribution system; wastewater collection and treatment system; and buildings combined with site amenities such as parking and landscaped areas used by the City in the conduct of its business. Each major infrastructure system can be divided into subsystems. For example, the street system can be divided into concrete curb and gutters, sidewalks, medians, streetlights, traffic control devices (signs, signals and pavement markings), landscaping and land. Subsystem detail is not presented in these basic financial statements; however, the City maintains detailed information on these subsystems.

The City has elected to use the "Modified Approach" as defined by GASB Statement No. 34 for infrastructure reporting for its Street Pavement System. Under GASB Statement No. 34, eligible infrastructure capital assets are not required to be depreciated under the following requirements:

• The City manages the eligible infrastructure assets using an asset management system with characteristics of (1) an up-to-date inventory; (2) perform condition assessments and summarize the results using a measurement scale; and (3) estimate annual amount to maintain and preserve at the established assessment level.

• The City documents that the eligible infrastructure assets are being preserved approximately at or above the established and disclosed condition assessment level.

In February 2022, the City completed a study to update the physical condition assessment of the streets. The prior assessment study was completed in March 2021. The streets, primarily surfaced with asphalt and concrete, were defined as all physical features associated with the operation of motorized vehicles that exist within the limits of right of way. City owned streets are classified based on land use, access and traffic utilization into the following four classifications: arterial, collector local, and alley. Currently, 50% of the City's arterial and collectors and 25% of the local streets and alleys are being assessed each year. Each street and its related subsystems were assigned a physical condition based on 17 potential defects. A Pavement Condition Index (PCI), a nationally recognized index, was assigned and expressed in a continuous scale from 0 to 100, where 0 is assigned to the least acceptable physical condition and 100 is assigned the physical characteristics of a new street. The following conditions were defined in the 2010 study:

Condition	Rating
Excellent	86-100
Very good	71-85
Good	56-70
Fair	41-55
Poor	26-40
Very poor	11-25
Failed	0-10

Modified Approach for City Infrastructure Capital Assets (Continued)

The City's policy is to maintain the existing weighted average rating of "Good". This rating allows for minor cracking and raveling of the pavement along with minor roughness that could be noticeable to drivers traveling at the posted speeds. As of February 2022, the City's average street and its related subsystem's PCI rating was 80.8, with the detail condition as follows:

Condition	% of Streets
Excellent to Very Good	79%
Good to fair	18%
Poor to Failed	3%

The following is the condition assessment for the most recent years since implementation:

Report's Date	PCI Index
Feburary 2022	80.8
March 2021	81.3
February 2020	82.8
January 2019	82.7
February 2018	82.0
April 2017	78.3
May 2016	76.3
March 2015	74.7
January 2013	70.6
May 14, 2012	71.1
March 18, 2010	69.0
February 18, 2008	65.0
January 11, 2007	67.0
February 21, 2006	68.0
April 11, 2005	65.0
February 28, 2002	71.0
July 15, 1999	69.0

As of February 2022, the City had some of its streets rated below a "fair" rating. The City will require several years to rehabilitate these segments of the streets.

Modified Approach for City Infrastructure Capital Assets (Continued)

The City's streets are constantly deteriorating resulting from the following four factors: (1) traffic using the streets, (2) the sun's ultra-violet rays drying out and breaking down the top layer of pavement, (3) utility company/private development interests trenching operations, and (4) water damage from natural precipitation and other urban runoff. The City is continuously taking actions to arrest the deterioration through short-term maintenance activities such as pothole patching, street sweeping, and street paving. The City expended $8.3 million on street maintenance for the fiscal year ended June 30, 2022. These expenditures delayed deterioration however, the overall condition of the streets was not improved through these maintenance expenditures. The City has estimated that the amount of annual expenditures required maintaining the City's streets at the average PCI rating of "Good" through the year 2022 is a minimum of $5.6 million per year. A schedule of estimated annual amount required to maintain and preserve the City's streets at the current level compared to actual expenditures for street maintenance for the last five years is presented below.

As of June 30, 2022, the City had approximately 115,365,840 square feet (551.9 centerline miles) of streets with a carrying amount of $371,827,139 and a replacement cost of approximately $1,048,745,500.

The City is also continuously taking actions to arrest the deterioration of other infrastructure assets through short-term maintenance activities. For the fiscal year ended June 30, 2022, the City expended $8 million on infrastructure maintenance for sidewalks, catch basin/storm drains, and traffic signal/street lightings. These expenditures delayed deterioration and improved the overall condition of these infrastructures. It is estimated that it will cost approximately $4.0 million per year to maintain these other infrastructure assets at their present level as shown on the schedule presented below.

		Fiscal Year ending June 30th,					
Maintenance Category		2017	2018	2019	2020	2021	2022
Streets	Estimated	$ 13,008,613	$ 12,441,858	$ 12,273,799	$ 12,694,852	$ 11,151,458	$ 11,865,000
	Actuals	8,219,379	8,696,188	11,067,305	9,155,000	7,112,536	8,356,883
Sidewalks	Estimated	1,669,078	1,700,699	1,790,476	1,698,940	1,586,450	1,913,622
	Actuals	1,578,819	1,488,652	1,602,108	1,649,357	1,557,834	1,623,608
Storm Drain	Estimated	1,894,890	1,735,524	1,824,635	2,587,972	2,255,702	2,276,383
	Actuals	1,714,063	1,452,261	1,407,071	1,925,921	1,856,150	1,765,742
Traffic Signal/Street Lights	Estimated	4,383,271	4,687,717	4,744,781	5,004,117	4,707,980	4,873,341
	Actuals	4,024,946	4,330,956	4,108,176	4,279,727	4,509,065	4,628,351

Miscellaneous Plan

*Schedule of Changes in the Net Pension Liability and Related Ratios - Last 10 Years**

	2014	2015	2016	2017
TOTAL PENSION LIABILITY				
Service cost	$ 6,439,440	$ 6,295,399	$ 6,785,157	$ 8,020,608
Interest	19,741,927	20,680,719	22,042,754	23,255,948
Differences between expected and actual experience	-	(2,539,125)	2,960,090	1,183,589
Changes in assumptions	-	(5,069,730)	-	19,573,224
Benefit payments, including refunds of employee contributions	(11,000,119)	(11,779,873)	(12,973,536)	(13,196,500)
Net change in the total pension liability	15,181,248	7,587,390	18,814,465	38,836,869
Total pension liability - beginning	265,506,030	280,687,278	288,274,668	307,089,133
Total pension liability - ending (a)	$ 280,687,278	$ 288,274,668	$ 307,089,133	$ 345,926,002
PLAN FIDUCIARY NET POSITION				
Contributions - employer	$ 4,373,874	$ 5,965,663	$ 6,919,250	$ 7,142,812
Contributions - employee	2,619,805	3,288,408	3,496,228	3,300,315
Net investment income	35,255,810	5,225,720	1,288,913	26,063,000
Benefit payments, including refunds of employee contributions	(11,000,119)	(11,779,873)	(12,973,536)	(13,196,500)
Plan to plan resource movement	-	(670)	221	-
Administrative expense	-	(270,392)	(144,268)	(347,413)
Other miscellaneous income (expense)	-	-	-	-
Net change in plan fiduciary net position	31,249,370	2,428,856	(1,413,192)	22,962,214
Plan fiduciary net position - beginning	203,040,903	234,290,273	236,719,129	235,305,937
Plan fiduciary net position - ending (b)	$ 234,290,273	$ 236,719,129	$ 235,305,937	$ 258,268,151
Net pension liability - ending (a) - (b)	$ 46,397,005	$ 51,555,539	$ 71,783,196	$ 87,657,851
Plan fiduciary net position as a percentage of the total pension liability	83.47%	82.12%	76.62%	74.66%
Covered payroll	$ 38,282,148	$ 39,204,131	$ 43,085,834	$ 46,066,325
Net pension liability as a percentage of covered payroll	121.20%	131.51%	166.61%	190.29%

* Fiscal year 2015 was the first year of implementation. Future years' information will be displayed up to 10 years as information becomes available.

Notes to the Schedule:

Benefit Changes: There were no changes in benefits.

Changes in Assumptions:

In fiscal year 2016-17, the discount rate was changed from 7.65 percent (net of administrative expense) to 7.15 percent.
In fiscal year 2017-18, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate.
In fiscal years 2018-19, 2019-20, and 2020-21 there were none.

2018	2019	2020	2021
$ 8,293,305	$ 8,873,061	$ 9,303,101	$ 9,554,732
24,357,078	26,179,759	27,711,756	29,123,371
833,264	7,329,159	2,223,422	1,890,251
(3,104,763)	-	-	-
(14,285,430)	(15,269,344)	(16,860,141)	(21,715,949)
16,093,454	27,112,635	22,378,138	18,852,405
345,926,002	362,019,456	389,132,091	411,510,229
$ 362,019,456	$ 389,132,091	$ 411,510,229	$ 430,362,634
$ 8,845,306	$ 9,750,907	$ 113,590,085	$ 5,232,930
4,098,899	3,976,957	4,187,458	3,680,504
21,684,987	18,145,412	14,846,554	91,365,820
(14,285,430)	(15,269,344)	(16,860,141)	(21,715,949)
(1,183)	-	3,753	-
(402,453)	(197,990)	(414,257)	(408,770)
(764,265)	641	-	-
19,175,861	16,406,583	115,353,452	78,154,535
258,268,151	277,444,012	293,850,595	409,204,047
$ 277,444,012	$ 293,850,595	$ 409,204,047	$ 487,358,582
$ 84,575,444	$ 95,281,496	$ 2,306,182	$ (56,995,948)
76.64%	75.51%	99.44%	113.24%
$ 48,007,553	$ 51,795,345	$ 55,145,826	$ 57,593,322
176.17%	183.96%	4.18%	-98.96%

Safety Police Plan

*Schedule of Changes in the Net Pension Liability and Related Ratios - Last 10 Years**

	2014	2015	2016	2017
TOTAL PENSION LIABILITY				
Service cost	$ 6,239,776	$ 6,095,464	$ 6,630,087	$ 7,755,445
Interest	20,403,337	21,492,971	22,805,001	23,727,296
Differences between expected and actual experience	-	(435,228)	1,866,294	(3,343,535)
Changes in assumptions	-	(5,448,420)	-	20,461,012
Benefit payments, including refunds of employee contributions	(11,427,473)	(12,128,407)	(13,014,228)	(13,724,815)
Net change in the total pension liability	15,215,640	9,576,380	18,287,154	34,875,403
Total pension liability - beginning	274,638,342	289,853,982	299,430,362	317,717,516
Total pension liability - ending (a)	$ 289,853,982	$ 299,430,362	$ 317,717,516	$ 352,592,919
PLAN FIDUCIARY NET POSITION				
Contributions - employer	$ 5,606,239	$ 8,077,089	$ 9,031,995	$ 10,241,924
Contributions - employee	1,562,761	2,077,172	2,185,576	2,309,239
Net investment income	32,668,031	4,795,601	1,073,635	24,253,009
Benefit payments, including refunds of employee contributions	(11,427,473)	(12,128,407)	(13,014,228)	(13,724,815)
Plan to plan resource movement	-	607	-	-
Administrative expense	-	(246,269)	(133,344)	(321,771)
Other miscellaneous income (expense)	-	-	-	-
Net change in plan fiduciary net position	28,409,558	2,575,793	(856,366)	22,757,586
Plan fiduciary net position - beginning	187,809,183	216,218,741	218,794,534	217,938,168
Plan fiduciary net position - ending (b)	$ 216,218,741	$ 218,794,534	$ 217,938,168	$ 240,695,754
Net pension liability - ending (a) - (b)	$ 73,635,241	$ 80,635,828	$ 99,779,348	$ 111,897,165
Plan fiduciary net position as a percentage of the total pension liability	74.60%	73.07%	68.59%	68.26%
Covered payroll	$ 21,107,423	$ 21,416,900	$ 23,375,007	$ 24,563,537
Net pension liability as a percentage of covered payroll	348.86%	376.51%	426.86%	455.54%

* Fiscal year 2015 was the first year of implementation. Future years' information will be displayed up to 10 years as information becomes available.

Notes to the Schedule:

Benefit Changes: There were no changes in benefits.

Changes in Assumptions:

In fiscal year 2016-17, the discount rate was changed from 7.65 percent (net of administrative expense) to 7.15 percent.
In fiscal year 2017-18, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate.
In fiscal years 2018-19, 2019-20, and 2020-21 there were none.

2018	2019	2020	2021
$ 8,903,620	$ 9,490,945	$ 10,397,206	$ 11,110,950
25,115,253	27,456,414	29,448,493	31,081,768
3,330,790	14,622,182	8,260,014	3,286,194
(1,542,087)	-	-	-
(15,142,297)	(17,240,114)	(18,358,394)	(22,933,112)
20,665,279	34,329,427	29,747,319	22,545,800
352,592,919	373,258,198	407,587,625	437,334,944
$ 373,258,198	$ 407,587,625	$ 437,334,944	$ 459,880,744
$ 12,590,271	$ 13,281,118	$ 154,440,411	$ 7,489,804
3,082,481	3,171,669	3,557,026	3,727,094
20,500,833	17,108,327	14,435,085	96,551,012
(15,142,297)	(17,240,114)	(18,358,394)	(22,933,112)
(60)	-	(3,755)	-
(375,070)	(185,998)	(390,183)	(429,999)
(712,265)	603	-	-
19,943,893	16,135,605	153,680,190	84,404,799
240,695,754	260,639,647	276,775,252	430,455,442
$ 260,639,647	$ 276,775,252	$ 430,455,442	$ 514,860,241
$ 112,618,551	$ 130,812,373	$ 6,879,502	$ (54,979,497)
69.83%	67.91%	98.43%	111.96%
$ 28,650,190	$ 30,612,990	$ 33,746,205	$ 36,465,213
393.08%	427.31%	20.39%	-150.77%

Safety Fire Plan

*Schedule of Changes in the Net Pension Liability and Related Ratios - Last 10 Years**

	2014	2015	2016	2017
TOTAL PENSION LIABILITY				
Service cost	$ 4,207,185	$ 3,826,254	$ 4,011,720	$ 4,694,688
Interest	15,722,984	16,115,504	17,007,366	17,663,790
Differences between expected and actual experience	-	(5,049,828)	2,059,569	(205,847)
Changes in assumptions	-	(3,893,081)	-	14,596,257
Benefit payments, including refunds of employee contributions	(9,226,093)	(10,326,665)	(10,544,779)	(11,502,192)
Net change in the total pension liability	10,704,076	672,184	12,533,876	25,246,696
Total pension liability - beginning	212,149,220	222,853,296	223,525,480	236,059,356
Total pension liability - ending (a)	$ 222,853,296	$ 223,525,480	$ 236,059,356	$ 261,306,052
PLAN FIDUCIARY NET POSITION				
Contributions - employer	$ 2,989,253	$ 5,643,212	$ 5,475,379	$ 5,785,138
Contributions - employee	1,181,692	1,673,250	1,513,475	1,535,337
Net investment income	26,898,837	3,958,046	890,970	19,188,945
Benefit payments, including refunds of employee contributions	(9,226,093)	(10,326,665)	(10,544,779)	(11,502,192)
Plan to plan resource movement	-	-	(221)	-
Administrative expense	-	(200,094)	(108,343)	(258,375)
Other miscellaneous income (expense)	-	-	-	-
Net change in plan fiduciary net position	21,843,689	747,749	(2,773,519)	14,748,853
Plan fiduciary net position - beginning	155,181,255	177,024,944	177,772,693	174,999,174
Plan fiduciary net position - ending (b)	$ 177,024,944	$ 177,772,693	$ 174,999,174	$ 189,748,027
Net pension liability - ending (a) - (b)	$ 45,828,352	$ 45,752,787	$ 61,060,182	$ 71,558,025
Plan fiduciary net position as a percentage of the total pension liability	79.44%	79.53%	74.13%	72.62%
Covered payroll	$ 15,672,135	$ 14,881,781	$ 15,700,218	$ 16,311,760
Net pension liability as a percentage of covered payroll	292.42%	307.44%	388.91%	438.69%

* Fiscal year 2015 was the first year of implementation. Future years' information will be displayed up to 10 years as information becomes available.

Notes to the Schedule:

Benefit Changes: There were no changes in benefits.

Changes in Assumptions:

In fiscal year 2016-17, the discount rate was changed from 7.65 percent (net of administrative expense) to 7.15 percent.
In fiscal year 2017-18, demographic assumptions and inflation rate were changed in accordance to the CalPERS Experience Study and Review of Actuarial Assumptions December 2017. There were no changes in the discount rate.
In fiscal years 2018-19, 2019-20, and 2020-21 there were none.

2018	2019	2020	2021
$ 5,450,102	$ 5,774,916	$ 6,188,402	$ 6,831,688
18,731,153	20,209,053	21,509,141	22,591,435
5,431,927	9,490,435	6,351,419	3,455,873
(1,280,641)	-	-	-
(12,416,436)	(13,911,900)	(14,806,228)	(17,869,994)
15,916,105	21,562,504	19,242,734	15,009,002
261,306,052	277,222,157	298,784,661	318,027,395
$ 277,222,157	$ 298,784,661	$ 318,027,395	$ 333,036,397
$ 7,480,185	$ 7,800,187	$ 103,651,019	$ 4,913,650
1,996,292	2,057,562	2,467,276	2,428,156
15,891,350	13,135,037	10,819,335	69,748,734
(12,416,436)	(13,911,900)	(14,806,228)	(17,869,994)
(468)	-	-	-
(295,680)	(144,039)	(297,147)	(312,282)
(561,501)	468	-	-
12,093,742	8,937,315	101,834,255	58,908,264
189,748,027	201,841,769	210,779,084	312,613,339
$ 201,841,769	$ 210,779,084	$ 312,613,339	$ 371,521,603
$ 75,380,388	$ 88,005,577	$ 5,414,056	$ (38,485,206)
72.81%	70.55%	98.30%	111.56%
$ 19,029,023	$ 20,523,547	$ 22,228,457	$ 25,162,755
396.13%	428.80%	24.36%	-152.95%

*Schedule of Pension Plan Contributions - Last 10 Years**

	2014	2015	2016	2017
Miscellaneous Plan				
Actuarially determined contribution	$ 4,373,874	$ 5,965,663	$ 6,919,250	$ 7,142,812
Contributions in relation to actuarially deemed contributions	(4,373,874)	(5,965,663)	(6,919,250)	(7,142,812)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -
Covered payroll	$ 38,282,148	$ 39,204,131	$ 43,085,834	$ 46,066,325
Contributions as a percentage of covered payroll	11.43%	15.22%	16.06%	15.51%
Safety Police Plan				
Actuarially determined contribution	$ 5,606,239	$ 8,077,089	$ 9,031,995	$ 10,241,924
Contributions in relation to actuarially deemed contributions	(5,606,239)	(8,077,089)	(9,031,995)	(10,241,924)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -
Covered payroll	$ 21,107,423	$ 21,416,900	$ 23,375,007	$ 24,563,537
Contributions as a percentage of covered payroll	26.56%	37.71%	38.64%	41.70%
Safety Fire Plan				
Actuarially determined contribution	$ 2,989,253	$ 5,643,212	$ 5,475,379	$ 5,785,138
Contributions in relation to actuarially deemed contributions	(2,989,253)	(5,643,212)	(5,475,379)	(5,785,138)
Contribution deficiency (excess)	$ -	$ -	$ -	$ -
Covered payroll	$ 15,672,135	$ 14,881,781	$ 15,700,218	$ 16,311,760
Contributions as a percentage of covered payroll	19.07%	37.92%	34.87%	35.47%

* Fiscal year 2015 was the 1st year of implementation.

Notes to the Schedule:

Valuation date: June 30, 2020

Actuarial cost method: Entry Age Normal

Amortization of unfunded actuarial accrued liability:

	Source				
	(Gain) / Loss				
Driver	Investment	Non-Investment	Assumption/ Method Change	Benefit Change	Golden Handshake
Amortization period	30 years	30 years	20 years	20 years	5 years
Escalation rate					
Active plans	2.875%	2.875%	2.875%	2.875%	2.875%
Inactive plans	0%	0%	0%	0%	0%
Ramp up	-	-	-	-	-
Ramp down	-	-	-	-	-

Asset valuation method: Market Value of Assets

Discount rate: 7.15%

Overall pay growth: 2.75%

Inflation: 2.50%

Retirement age: 2017 CalPERS Experience Study

Mortality: 2017 CalPERS Experience Study, with ongoing improvements using 90 percent of Scale MP-2016

2018	2019	2020	2021	2022
$ 8,845,306	$ 9,750,907	$ 11,520,393	$ 5,233,815	$ 5,595,658
(8,845,306)	(9,750,907)	(113,590,085)	(5,233,815)	(5,595,658)
$ -	$ -	$ (102,069,692)	$ -	$ -
$ 48,007,553	$ 51,795,345	$ 55,145,826	$ 51,492,952	$ 54,124,236
18.42%	18.83%	205.98%	10.16%	10.34%
$ 12,590,271	$ 13,281,118	$ 15,237,147	$ 7,489,804	$ 8,305,580
(12,590,271)	(13,281,118)	(154,440,411)	(7,489,804)	(8,305,580)
$ -	$ -	$ (139,203,264)	$ -	$ -
$ 28,650,190	$ 30,612,990	$ 33,746,205	$ 33,334,679	$ 34,988,941
43.94%	43.38%	457.65%	22.47%	23.74%
$ 7,480,185	$ 7,800,187	$ 9,470,927	$ 4,913,650	$ 5,912,718
(7,480,185)	(7,800,187)	(103,651,019)	(4,913,650)	(5,912,718)
$ -	$ -	$ (94,180,092)	$ -	$ -
$ 19,029,023	$ 20,523,547	$ 22,228,457	$ 25,162,755	$ 26,648,320
39.31%	38.01%	466.30%	19.53%	22.19%

*Schedule of Changes in OPEB Liability and Related Ratios - Last 10 Years**

	2017	2018	2019	2020	2021
Total OPEB Liability					
Service cost	$ 12,423,938	$ 10,440,905	$ 9,940,301	$ 4,576,154	$ 4,643,850
Interest on the total OPEB liability	8,541,783	9,882,614	10,698,499	11,065,136	11,460,588
Actual and expected experience difference	-	-	(31,315,151)	-	(16,740,290)
Changes in assumptions	(37,838,070)	(13,680,004)	(90,154,275)	(2,893,024)	1,635,626
Benefit payments	(4,213,032)	(5,398,279)	(6,094,869)	(6,553,703)	(7,361,127)
Net change in the total OPEB liab	(21,085,381)	1,245,236	(106,925,495)	6,194,563	(6,361,353)
Total OPEB liability - beginning	289,394,278	268,308,897	269,554,133	162,628,638	168,823,201
Total OPEB liabilty - ending (a)	268,308,897	269,554,133	162,628,638	168,823,201	162,461,848
Plan Fiduciary Net Position (1)					
Contribution - employer	4,213,032	5,398,279	6,108,661	146,570,084	1,485,734
Net investment income	-	-	-	1,670,786	38,924,113
Benefit payments	(4,213,032)	(5,398,279)	(6,094,869)	(6,553,703)	(7,361,127)
Administrative expense	-	-	(13,792)	(49,752)	(71,934)
Net change in plan fiduciary net position	-	-	-	141,637,415	32,976,786
Plan fiduciary net position - beginning	-	-	-	-	141,637,415
Plan fiduciary net position - ending (b)	-	-	-	141,637,415	174,614,201
Net OPEB liability/asset - ending (a) - (b)	$ 268,308,897	$ 269,554,133	$ 162,628,638	$ 27,185,786	$ (12,152,353)
Covered-employee payroll	$ 111,311,408	$ 127,657,357	$ 135,622,457	$ 137,353,524	$ 115,761,497
Net OPEB liability as a percentage of covered-employee payroll	241.04%	211.15%	119.91%	122.91%	140.34%

* Fiscal year 2018 was the 1st year of implementation.

(1) The City opened a trust during fiscal year 2019-20, as such the presentation includes plan fiduciary net position, although no contributions were made to the trust during the measurement period ended June 30, 2019.

Notes to Schedule:

Changes in assumptions: The discount rate was changed from 3.87 percent to 6.75 percent for the measurement period ended June 30, 2019. Eligibility for Medicare assumption was changed based on recent plan experience. Mortality improvement scale was updated to Scale MP-2019.

*Schedule of OPEB Contributions - Last 10 Years**

	2018	2019	2020	2021	2022
Actuarially determined contribut	$ 26,527,000	$ 28,414,000	$ 30,643,000	$ 7,470,000	$ 7,806,000
Contribution in relation to the actuarially determined contribution	(5,398,279)	(6,108,661)	(146,570,084)	(1,485,734)	(6,642,354)
Contribution deficiency (excess)	21,128,721	22,305,339	(115,927,084)	5,984,266	1,163,646
Covered-employee payroll	$ 127,657,357	$ 135,622,457	$ 142,599,181	$ 137,353,524	$ 115,761,497
Contributions as a percentage of covered-employee payroll	-4.23%	-4.50%	-102.78%	-1.08%	-5.74%

* Fiscal year 2018 was the 1st year of implementation.

(1) The City opened a trust during fiscal year 2019-20, as such the presentation includes plan fiduciary net position, although no contributions were made to the trust during the measurement period ended June 30, 2019.

Notes to Schedule:

Actuarial methods and assumptions used to set the actuarially determined contribution for fiscal year 2021 were from the June 30, 2019 actuarial valuation.

Methods and assumptions used to determine contributions:

Actuarial cost method	Entry Age Normal
Amortization valuation method/period	Level percent of payroll; 15- year fixed period
Inflation	2.50% per annum
Discount rate	6.25%
Medical trend	Non-Medicare - 6.50% for 2023, decreasing to an ultimate rate of 3.75% in 2076 Medicare (Non-Kaiser) - 5.65% for 2023, decreasing to an ultimate rate of 3.75% in 2076 Medicare (Kaiser) - 4.60% for 2023, decreasing to an ultimate rate of 3.75% in 2076
Mortality	CalPERS 2000-2019 Experience Study
Mortality improvement	Post-retirement mortality projected fully generational with Scape MP-2021

This page intentionally left blank

SUPPLEMENTARY INFORMATION

City of Ontario
Nonmajor Governmental Funds
Year Ended June 30, 2022

Special Revenue Funds:

Special Gas Tax Fund is used to account for the receipts and disbursements of the state gas tax allocation that may be used for street related purposes.

Quiet Home Program Fund is used to account for purchase of house near the City of Ontario Airport to reduce the interior noise level within treated homes.

Park Impact / Quimby Fund is used to account for impact fees collected in relation to the use of the park and recreational facilities by inhabitants and the impact fees will be used to improve or rehabilitate existing parks.

Community Development Fund is used to account for housing rehab loan/grants from the California Department of Housing and Community development for single-family rehabilitation and first time buyer.

Asset Seizure Fund is used to account for receipt of seized assets that were the proceeds from, or used in illegal activities.

Mobile Source Air Pollution Fund is used to account for motor vehicle registration received from the South Coast Air Quality Management District to reduce air pollution from motor vehicles under the California Clean Air Act of 1988.

Special Assessment / Fee Districts Fund is used to account for handling the financial transactions of the City's assessment districts, including Parks, Street Lights, and CFD Admin.

Grants Funds is used to account for miscellaneous grants monies that were received and are not accounted for in other specific grant funds

Cable Access Fund is used to account for PEG fee that was established to account for cost related to local public education and government access stations

Storm Drain Maintenance Fund is used to account for annual inspection and cleaning of all city storm drain and cleaning of debris and clearance of drainage system

Historic Preservation Fund is used to provide funding for the conservation, preservation, restoration and rehabilitation of historic resources within the city

NMC Public Services Fund is used to account for special revenues related to development projects that are then used for future public services needed due to those developments.

Broadband/Fiber Fund is used to account for assessment, design, and financially model the operational structure and technical requirements for the city-wide "Ontario Net" broadband initiative.

Affordability in Lieu Fund is used to account for non developer impact fee charged to the builders who are choosing to opt out of the construction of affordable housing.

Fire Mutual Aid Fund is used to account for financial transactions for any outside fire services provided to other agencies for local, state, or federal fire support.

NMC CFD Fund is used to account for newly created Ontario Ranch Areas special tax districts with imposed tax on properties to fund services, public improvements or infrastructure, schools, parks, fire, police to the development areas.

OMC Fund is used to account for established Ontario Area with special tax districts with imposed tax on properties to funds services, public improvements or infrastructure, schools, parks, fire, police to the development areas.

City of Ontario
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2022

	Special Revenue Funds			
	Special Gas Tax	Quiet Home Program	Park Impact / Quimby	Community Development
ASSETS				
Cash and investments	$ 7,630,010	$ 1,037,780	$ 41,516,143	$ -
Receivables:				
Accounts	946,712	-	-	1,839,132
Taxes	-	-	-	-
Notes and loans	-	-	-	10,398,778
Accrued interest	29,814	-	162,219	-
Advances to other funds	-	-	-	5,961,399
Inventories	-	-	-	-
Land held for resale	-	57,832,232	-	51,050
Restricted assets:				
Cash and investments	-	-	-	35,775
Cash and investments with fiscal agents	-	-	-	-
Total assets	8,606,536	58,870,012	41,678,362	18,286,134
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES				
Liabilities:				
Accounts payable	485,491	-	-	413,635
Accrued liabilities	54,325	-	-	22,446
Unearned revenues	-	863,420	-	8,012,591
Deposits payable	-	-	-	-
Due to other governments	-	-	-	2,489,326
Due to other funds	-	-	-	648,248
Advances from other funds	-	-	-	-
Total liabilities	539,816	863,420	-	11,586,246
Deferred Inflows of Resources				
Unavailable revenues	-	-	-	-
Total deferred inflows of resources	-	-	-	-
Fund Balances:				
Restricted for:				
Community development projects	8,066,720	58,006,592	-	6,699,888
Public safety	-	-	-	-
Park development	-	-	41,678,362	-
Affordable housing	-	-		-
AQMD activities	-	-		-
Fiber/broadband	-	-	-	-
Public services	-	-		-
Total fund balances	8,066,720	58,006,592	41,678,362	6,699,888
Total liabilities, deferred inflows of resources and fund balances	$ 8,606,536	$ 58,870,012	$ 41,678,362	$ 18,286,134

Special Revenue Funds					
Asset Seizure	Mobile Source Air Pollution	Special Assessment / Fee Districts	Grants	Cable Access	Storm Drain Maintenance
$ 3,343,202	$ 1,345,232	$ 5,752,659	$ -	$ 2,045,411	$ 574,426
950	59,861	17,611	5,640,591	51,252	67,273
-	-	8,914	-	-	-
-	-	-	14,729,325	-	-
13,063	5,256	9,082	-	7,993	2,245
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
3,357,215	1,410,349	5,788,266	20,369,916	2,104,656	643,944
-	146,391	150,202	1,703,782	-	62,047
75,869	478	12,494	31,028	-	23,195
-	-	-	576,820	-	-
432,672	-	-	44,241	-	29,782
-	-	-	-	-	-
-	-	-	3,053,717	-	-
-	-	-	-	-	-
508,541	146,869	162,696	5,409,588	-	115,024
-	-	-	-	-	-
-	-	-	-	-	-
-	-	5,625,570	14,960,328	-	528,920
2,823,515	-	-	-	-	-
-	-	-	-	-	-
25,159	-	-	-	-	-
-	1,263,480	-	-	-	-
-	-	-	-	-	-
-	-	-	-	2,104,656	-
2,848,674	1,263,480	5,625,570	14,960,328	2,104,656	528,920
$ 3,357,215	$ 1,410,349	$ 5,788,266	$ 20,369,916	$ 2,104,656	$ 643,944

City of Ontario
Combining Balance Sheet
Nonmajor Governmental Funds
June 30, 2022

	Special Revenue Funds			
	Historic Preservation	NMC Public Services	Broadband /Fiber	Affordability in Lieu
ASSETS				
Cash and investments	$ 1,141,907	$ 4,470,962	$ 809,939	$ 27,651,837
Receivables:				
Accounts	-	345,233	295,568	-
Taxes	-	-	-	-
Notes and loans	-	-	-	-
Accrued interest	4,462	17,471	3,165	108,047
Advances to other funds	-	-	-	-
Inventories	-	-	2,698,632	-
Land held for resale	-	-	-	-
Restricted assets:				
Cash and investments	-	-	-	-
Cash and investments with fiscal agents	-	-	14,169,590	-
Total assets	1,146,369	4,833,666	17,976,894	27,759,884
LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES				
Liabilities:				
Accounts payable	-	-	514,322	-
Accrued liabilities	-	-	140,885	-
Unearned revenues	-	-	-	-
Deposits payable	-	-	-	-
Due to other governments	-	-	-	-
Due to other funds	-	-	-	-
Advances from other funds	-	-	-	-
Total liabilities	-	-	655,207	-
Deferred Inflows of Resources				
Unavailable revenues	-	-	-	-
Total deferred inflows of resources	-	-	-	-
Fund Balances:				
Restricted for:				
Community development projects	1,146,369	-	-	-
Public safety	-	-	-	-
Park development	-	-	-	-
Affordable housing	-	-	-	27,759,884
AQMD activities	-	-	-	-
Fiber/broadband	-	-	17,321,687	-
Public services	-	4,833,666	-	-
Total fund balances	1,146,369	4,833,666	17,321,687	27,759,884
Total liabilities, deferred inflows of resources and fund balances	$ 1,146,369	$ 4,833,666	$ 17,976,894	$ 27,759,884

Special Revenue Funds			Capital Project Funds		
Fire Mutual Aid	NMC CFD	OMC CFD	NMC CFD	OMC CFD	Total Nonmajor Governmental Funds
$ 1,015,107	$ 206,441	$ 98,218	$ -	$ -	$ 98,639,274
-	368,576	-	-	-	9,632,759
-	126,840	514	-	-	136,268
-	-	-	-	-	25,128,103
3,967	139	-	-	-	366,923
-	-	-	-	-	5,961,399
-	-	-	-	-	2,698,632
-	-	-	-	-	57,883,282
-	-	-	-	-	35,775
-	-	-	-	-	14,169,590
1,019,074	701,996	98,732	-	-	214,652,005
-	(106,278)	-	-	-	3,369,592
-	-	-	-	-	360,720
-	-	-	-	-	9,452,831
-	-	-	-	-	506,695
-	-	-	-	-	2,489,326
-	-	-	-	-	3,701,965
-	-	-	-	-	-
-	(106,278)	-	-	-	19,881,129
-	368,576	-	-	-	368,576
-	368,576	-	-	-	368,576
-	-	-	-	-	95,034,387
-	-	-	-	-	2,823,515
-	-	-	-	-	41,678,362
-	-	-	-	-	27,785,043
-	-	-	-	-	1,263,480
-	-	-	-	-	17,321,687
1,019,074	439,698	98,732	-	-	8,495,826
1,019,074	439,698	98,732	-	-	194,402,300
$ 1,019,074	$ 701,996	$ 98,732	$ -	$ -	$ 214,652,005

City of Ontario

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the year ended June 30, 2022

	Special Revenue Funds			
	Special Gas Tax	Quiet Home Program	Park Impact / Quimby	Community Development
REVENUES:				
Taxes	$ -	$ -	$ -	$ -
Special assessment taxes	-	-	-	-
Licenses and permits	-	-	-	-
Intergovernmental	7,934,252	-	-	3,737,132
Contribution from property owners	-	-	-	-
Charges for services	-	-	14,133,834	-
Use of money and property	(127,131)	-	(733,108)	180,036
Fines and forefeitures	-	-	-	-
Miscellaneous	13,848	-	-	-
Total revenues	7,820,969	-	13,400,726	3,917,168
EXPENDITURES:				
Current:				
General government	-	-	-	-
Public safety	-	-	-	174,445
Community development	4,398,553	-	33,109	3,391,187
Public works	1,861,538	-	-	171,500
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	4,675,812	-
Interest and fiscal charges	-	-	324,188	-
Total expenditures	6,260,091	-	5,033,109	3,737,132
REVENUES OVER (UNDER) EXPENDITURES	1,560,878	-	8,367,617	180,036
OTHER FINANCING SOURCES (USES):				
Transfers in	90,000	-	-	-
Transfers out	(67,104)	-	-	-
Notes and loans issued	-	-	-	-
Total other financing sources (uses)	22,896	-	-	-
Special item	-	-	-	-
Net change in fund balances	1,583,774	-	8,367,617	180,036
FUND BALANCES:				
Beginning of year	6,482,946	58,006,592	33,310,745	6,519,852
Restatement	-	-	-	-
Beginning of year, as restated	6,482,946	58,006,592	33,310,745	6,519,852
End of year	$ 8,066,720	$ 58,006,592	$ 41,678,362	$ 6,699,888

Special Revenue Funds					
Asset Seizure	Mobile Source Air Pollution	Special Assessment / Fee Districts	Grants	Cable Access	Storm Drain Maintenance
$ -	$ -	$ -	$ -	$ -	$ -
-	-	1,021,338	-	263,969	-
-	-	-	-	-	-
199,795	235,212	-	21,860,197	-	6,939
-	-	-	-	-	-
-	-	-	-	-	1,263,087
(61,743)	(22,296)	(49,524)	-	(35,669)	(8,676)
-	-	-	-	-	-
-	-	2,112,055	539,992	-	-
138,052	212,916	3,083,869	22,400,189	228,300	1,261,350
-	1,677	739,093	-	-	-
112,893	-	-	1,120,221	-	-
-	153,040	3,152,347	6,334,425	-	749,779
-	549,595	1,085,850	-	-	427,492
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
112,893	704,312	4,977,290	7,454,646	-	1,177,271
25,159	(491,396)	(1,893,421)	14,945,543	228,300	84,079
-	-	238,983	258,351	-	22,500
-	(1,231)	(176,975)	-	-	(27,513)
-	-	-	-	-	-
-	(1,231)	62,008	258,351	-	(5,013)
-	-	-	-	-	-
25,159	(492,627)	(1,831,413)	15,203,894	228,300	79,066
2,823,515	1,756,107	7,456,983	(243,566)	1,876,356	449,854
-	-	-	-	-	-
2,823,515	1,756,107	7,456,983	(243,566)	1,876,356	449,854
$ 2,848,674	$ 1,263,480	$ 5,625,570	$ 14,960,328	$ 2,104,656	$ 528,920

City of Ontario

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the year ended June 30, 2022

	Special Revenue Funds			
	Historic Preservation	NMC Public Services	Broadband /Fiber	Affordability in Lieu
REVENUES:				
Taxes	$ -	$ -	$ -	$ -
Special assessment taxes	-	-	-	-
Licenses and permits	-	-	-	-
Intergovernmental	-	-	-	-
Contribution from property owners	-	-	-	-
Charges for services	661,736	4,122,064	1,056,580	5,800,850
Use of money and property	(16,691)	(90,022)	(14,703)	(467,653)
Fines and forefeitures	-	-	-	-
Miscellaneous	-	-	62,599	-
Total revenues	645,045	4,032,042	1,104,476	5,333,197
EXPENDITURES:				
Current:				
General government	-	-	3,502,134	-
Public safety	-	-	-	-
Community development	-	-	-	-
Public works	-	-	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	-	-	3,502,134	-
REVENUES OVER (UNDER) EXPENDITURES	645,045	4,032,042	(2,397,658)	5,333,197
OTHER FINANCING SOURCES (USES):				
Transfers in	-	-	37,500	-
Transfers out	-	(9,819,324)	(29,078)	-
Notes and loans issued	-	-	18,031,000	-
Total other financing sources (uses)	-	(9,819,324)	18,039,422	-
Special item	-	-	-	-
Net change in fund balances	645,045	(5,787,282)	15,641,764	5,333,197
FUND BALANCES:				
Beginning of year	501,324	10,620,948	1,679,923	22,426,687
Restatement	-	-	-	-
Beginning of year, as restated	501,324	10,620,948	1,679,923	22,426,687
End of year	$ 1,146,369	$ 4,833,666	$ 17,321,687	$ 27,759,884

Special Revenue Funds			Capital Project Funds		
Fire Mutual Aid	NMC CFD	OMC CFD	NMC CFD	OMC CFD	Total Nonmajor Governmental Funds
$ -	$ -	$ -	$ -	$ -	$ -
-	10,377,606	112,791	-	-	11,775,704
-	-	-	-	-	-
1,829,140	-	-	-	-	35,802,667
-	-	-	-	-	-
-	-	-	-	-	27,038,151
(5,665)	(1,678)	(547)	-	-	(1,455,070)
-	-	-	-	-	-
(477)	-	-	-	-	2,728,017
1,822,998	10,375,928	112,244	-	-	75,889,469
-	10,033,504	13,827	-	-	14,290,235
1,503,924	-	-	-	-	2,911,483
-	224,917	5,350	-	-	18,442,707
-	-	-	-	-	4,095,975
-	-	-	-	-	-
-	-	-	-	-	4,675,812
-	-	-	-	-	324,188
1,503,924	10,258,421	19,177	-	-	44,740,400
319,074	117,507	93,067	-	-	31,149,069
700,000	-	-	-	-	1,347,334
-	-	-	-	-	(10,121,225)
-	-	-	-	-	18,031,000
700,000	-	-	-	-	9,257,109
-	-	-	-	-	-
1,019,074	117,507	93,067	-	-	40,406,178
-	322,191	5,665	35,716,683	22,054	189,734,859
-	-	-	(35,716,683)	(22,054)	(35,738,737)
-	322,191	5,665	-	-	153,996,122
$ 1,019,074	$ 439,698	$ 98,732	$ -	$ -	$ 194,402,300

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Special Gas Tax

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 8,609,538	$ 8,609,538	$ 7,934,252	$ (675,286)
Use of money and property	76,550	76,550	(127,131)	(203,681)
Miscellaneous	-	-	13,848	13,848
Total revenues	8,686,088	8,686,088	7,820,969	(865,119)
EXPENDITURES:				
Current:				
Community development	9,552,363	9,552,363	4,398,553	5,153,810
Public works	2,261,391	2,261,391	1,861,538	399,853
Total expenditures	11,813,754	11,813,754	6,260,091	5,553,663
REVENUES OVER (UNDER) EXPENDITURES	(3,127,666)	(3,127,666)	1,560,878	(6,418,782)
OTHER FINANCING SOURCES (USES):				
Transfers in	90,000	90,000	90,000	-
Transfers out	(67,104)	(67,104)	(67,104)	-
Total other financing sources (uses)	22,896	22,896	22,896	-
Net change in fund balances	$ (3,104,770)	$ (3,104,770)	1,583,774	$ (6,418,782)
FUND BALANCES:				
Beginning of year			6,482,946	
End of year			$ 8,066,720	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Quiet Home Program

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 439,000	$ 439,000	$ -	$ (439,000)
Contribution from property owners	627,550	627,550	-	(627,550)
Total revenues	1,066,550	1,066,550	-	(1,066,550)
EXPENDITURES:				
Current:				
Community development	1,066,550	1,066,550	-	1,066,550
Total expenditures	1,066,550	1,066,550	-	1,066,550
REVENUES OVER (UNDER) EXPENDITURES	-	-	-	(2,133,100)
Net change in fund balances	$ -	$ -	-	$ (2,133,100)
FUND BALANCES:				
Beginning of year			58,006,592	
End of year			$ 58,006,592	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Park Impact/Quimby

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Charges for services	$ 2,617,000	$ 2,617,000	$ 14,133,834	$ 11,516,834
Use of money and property	469,125	469,125	(733,108)	(1,202,233)
Total revenues	3,086,125	3,086,125	13,400,726	10,314,601
EXPENDITURES:				
Current:				
Community development	2,803,098	2,803,098	33,109	2,769,989
Debt service:				
Principal retirement	4,598,104	4,598,104	4,675,812	(77,708)
Interest and fiscal charges	401,896	401,896	324,188	77,708
Total expenditures	7,803,098	7,803,098	5,033,109	2,769,989
REVENUES OVER (UNDER) EXPENDITURES	(4,716,973)	(4,716,973)	8,367,617	7,544,612
Net change in fund balances	$ (4,716,973)	$ (4,716,973)	8,367,617	$ 7,544,612
FUND BALANCES:				
Beginning of year			33,310,745	
End of year			$ 41,678,362	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Community Development

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 8,953,806	$ 8,953,806	$ 3,737,132	$ (5,216,674)
Use of money and property	-	-	180,036	180,036
Total revenues	8,953,806	8,953,806	3,917,168	(5,036,638)
EXPENDITURES:				
Current:				
General government	44,682	44,682	-	44,682
Public safety	189,783	189,783	174,445	15,338
Community development	8,542,656	8,542,656	3,391,187	5,151,469
Public works	175,000	175,000	171,500	3,500
Total expenditures	8,952,121	8,952,121	3,737,132	5,214,989
REVENUES OVER (UNDER) EXPENDITURES	1,685	1,685	180,036	(10,251,627)
Net change in fund balances	$ 1,685	$ 1,685	180,036	$ (10,251,627)
FUND BALANCES:				
Beginning of year			6,519,852	
End of year			$ 6,699,888	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Asset Seizure

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ -	$ -	$ 199,795	$ 199,795
Use of money and property	-	-	(61,743)	(61,743)
Total revenues	-	-	138,052	138,052
EXPENDITURES:				
Current:				
Public safety	661,000	661,000	112,893	548,107
Total expenditures	661,000	661,000	112,893	548,107
REVENUES OVER (UNDER) EXPENDITURES	(661,000)	(661,000)	25,159	(410,055)
Net change in fund balances	$ (661,000)	$ (661,000)	25,159	$ (410,055)
FUND BALANCES:				
Beginning of year			2,823,515	
End of year			$ 2,848,674	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Mobile Source Air Pollution

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 215,000	$ 215,000	$ 235,212	$ 20,212
Use of money and property	24,495	24,495	(22,296)	(46,791)
Total revenues	239,495	239,495	212,916	(26,579)
EXPENDITURES:				
Current:				
General government	1,646	1,646	1,677	(31)
Community development	211,259	211,259	153,040	58,219
Public works	1,089,014	1,089,014	549,595	539,419
Total expenditures	1,301,919	1,301,919	704,312	597,607
REVENUES OVER (UNDER) EXPENDITURES	(1,062,424)	(1,062,424)	(491,396)	(624,186)
OTHER FINANCING SOURCES (USES):				
Transfers out	(805)	(805)	(1,231)	(426)
Total other financing sources (uses)	(805)	(805)	(1,231)	(426)
Net change in fund balances	$ (1,063,229)	$ (1,063,229)	(492,627)	$ (624,612)
FUND BALANCES:				
Beginning of year			1,756,107	
End of year			$ 1,263,480	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Special Assessment / Fee Districts

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Special assessment taxes	$ 1,045,000	$ 1,045,000	$ 1,021,338	$ (23,662)
Use of money and property	107,310	107,310	(49,524)	(156,834)
Miscellaneous	2,842,900	2,842,900	2,112,055	(730,845)
Total revenues	3,995,210	3,995,210	3,083,869	(911,341)
EXPENDITURES:				
Current:				
General government	357,799	357,799	739,093	(381,294)
Community development	3,666,913	3,666,913	3,152,347	514,566
Public works	1,695,723	1,695,723	1,085,850	609,873
Total expenditures	5,720,435	5,720,435	4,977,290	743,145
REVENUES OVER (UNDER) EXPENDITURES	(1,725,225)	(1,725,225)	(1,893,421)	(1,654,486)
OTHER FINANCING SOURCES (USES):				
Transfers in	397,000	397,000	238,983	(158,017)
Transfers out	(176,975)	(176,975)	(176,975)	-
Total other financing sources (uses)	220,025	220,025	62,008	(158,017)
Net change in fund balances	$ (1,505,200)	$ (1,505,200)	(1,831,413)	$ (1,812,503)
FUND BALANCES:				
Beginning of year			7,456,983	
End of year			$ 5,625,570	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Grants

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 40,932,775	$ 40,932,775	$ 21,860,197	$ (19,072,578)
Miscellaneous	685,780	685,780	539,992	(145,788)
Total revenues	41,618,555	41,618,555	22,400,189	(19,218,366)
EXPENDITURES:				
Current:				
General government	72,225	72,225	-	72,225
Public safety	2,998,284	2,998,284	1,120,221	1,878,063
Community development	38,809,367	38,809,367	6,334,425	32,474,942
Total expenditures	41,879,876	41,879,876	7,454,646	34,425,230
REVENUES OVER (UNDER) EXPENDITURES	(261,321)	(261,321)	14,945,543	(53,643,596)
OTHER FINANCING SOURCES (USES):				
Transfers in	258,351	258,351	258,351	-
Total other financing sources (uses)	258,351	258,351	258,351	-
Net change in fund balances	$ (2,970)	$ (2,970)	15,203,894	$ (53,643,596)
FUND BALANCES:				
Beginning of year			(243,566)	
End of year			$ 14,960,328	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Cable Access

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Special assessment taxes	$ 200,000	$ 200,000	$ 263,969	$ 63,969
Use of money and property	-	-	(35,669)	(35,669)
Total revenues	200,000	200,000	228,300	28,300
EXPENDITURES:				
Current:				
Community development	52,000	52,000	-	52,000
Total expenditures	52,000	52,000	-	52,000
REVENUES OVER (UNDER) EXPENDITURES	148,000	148,000	228,300	(23,700)
Net change in fund balances	$ 148,000	$ 148,000	228,300	$ (23,700)
FUND BALANCES:				
Beginning of year			1,876,356	
End of year			$ 2,104,656	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Storm Drain Maintenance

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ -	$ -	$ 6,939	$ 6,939
Charges for services	1,380,000	1,380,000	1,263,087	(116,913)
Use of money and property	7,400	7,400	(8,676)	(16,076)
Total revenues	1,387,400	1,387,400	1,261,350	(126,050)
EXPENDITURES:				
Current:				
Community development	997,489	997,489	749,779	247,710
Public works	518,299	518,299	427,492	90,807
Total expenditures	1,515,788	1,515,788	1,177,271	338,517
REVENUES OVER (UNDER) EXPENDITURES	(128,388)	(128,388)	84,079	(464,567)
OTHER FINANCING SOURCES (USES):				
Transfers in	22,500	22,500	22,500	-
Transfers out	(27,513)	(27,513)	(27,513)	-
Total other financing sources (uses)	(5,013)	(5,013)	(5,013)	-
Net change in fund balances	$ (133,401)	$ (133,401)	79,066	$ (464,567)
FUND BALANCES:				
Beginning of year			449,854	
End of year			$ 528,920	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Historic Preservation

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Charges for services	$ -	$ -	$ 661,736	$ 661,736
Use of money and property	6,250	6,250	(16,691)	(22,941)
Total revenues	6,250	6,250	645,045	638,795
Net change in fund balances	$ 6,250	$ 6,250	645,045	$ 638,795
FUND BALANCES:				
Beginning of year			501,324	
End of year			$ 1,146,369	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

NMC Public Services

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Charges for services	$ 1,140,000	$ 1,140,000	$ 4,122,064	$ 2,982,064
Use of money and property	248,610	248,610	(90,022)	(338,632)
Total revenues	1,388,610	1,388,610	4,032,042	2,643,432
OTHER FINANCING SOURCES (USES):				
Transfers out	(4,900,000)	(4,900,000)	(9,819,324)	(4,919,324)
Total other financing sources (uses)	(4,900,000)	(4,900,000)	(9,819,324)	(4,919,324)
Net change in fund balances	$ (3,511,390)	$ (3,511,390)	(5,787,282)	$ (2,275,892)
FUND BALANCES:				
Beginning of year			10,620,948	
End of year			$ 4,833,666	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Broadband/Fiber

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Charges for services	$ 1,500,621	$ 1,500,621	$ 1,056,580	$ (444,041)
Use of money and property	56,075	56,075	(14,703)	(70,778)
Miscellaneous	-	-	62,599	62,599
Total revenues	1,556,696	1,556,696	1,104,476	(452,220)
EXPENDITURES:				
Current:				
General government	17,879,895	17,879,895	3,502,134	14,377,761
Community development	6,431	6,431	-	6,431
Total expenditures	17,886,326	17,886,326	3,502,134	14,384,192
REVENUES OVER (UNDER) EXPENDITURES	(16,329,630)	(16,329,630)	(2,397,658)	(14,836,412)
OTHER FINANCING SOURCES (USES):				
Transfers in	37,500	37,500	37,500	-
Transfers out	(29,078)	(29,078)	(29,078)	-
Notes and loans issued	-	-	18,031,000	18,031,000
Total other financing sources (uses)	8,422	8,422	18,039,422	18,031,000
Net change in fund balances	$ (16,321,208)	$ (16,321,208)	15,641,764	$ 3,194,588
FUND BALANCES:				
Beginning of year			1,679,923	
End of year			$ 17,321,687	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Affordability in Lieu

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Charges for services	$ 5,694,000	$ 5,694,000	$ 5,800,850	$ 106,850
Use of money and property	255,100	255,100	(467,653)	(722,753)
Total revenues	5,949,100	5,949,100	5,333,197	(615,903)
EXPENDITURES:				
Current:				
Community development	9,730,190	9,730,190	-	9,730,190
Total expenditures	9,730,190	9,730,190	-	9,730,190
REVENUES OVER (UNDER) EXPENDITURES	(3,781,090)	(3,781,090)	5,333,197	(10,346,093)
Net change in fund balances	$ (3,781,090)	$ (3,781,090)	5,333,197	$ (10,346,093)
FUND BALANCES:				
Beginning of year			22,426,687	
End of year			$ 27,759,884	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Fire Mutual Aid

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	1,420,000	1,420,000	1,829,140	409,140
Use of money and property	-	-	(5,665)	(5,665)
Miscellaneous	-	-	(477)	(477)
Total revenues	1,420,000	1,420,000	1,822,998	402,998
EXPENDITURES:				
Current:				
Public safety	1,418,000	1,418,000	1,503,924	(85,924)
Total expenditures	1,418,000	1,418,000	1,503,924	(85,924)
REVENUES OVER (UNDER) EXPENDITURES	2,000	2,000	319,074	488,922
OTHER FINANCING SOURCES (USES):				
Transfers in	700,000	700,000	700,000	-
Total other financing sources (uses)	700,000	700,000	700,000	-
Net change in fund balances	$ 702,000	$ 702,000	1,019,074	$ 488,922
FUND BALANCES:				
Beginning of year			-	
End of year			$ 1,019,074	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

NMC CFD

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Special assessment taxes	$ 10,229,656	$ 10,229,656	$ 10,377,606	$ 147,950
Use of money and property	2,375	2,375	(1,678)	(4,053)
Total revenues	10,232,031	10,232,031	10,375,928	143,897
EXPENDITURES:				
Current:				
General government	620,000	620,000	10,033,504	(9,413,504)
Community development	74,000	74,000	224,917	(150,917)
Total expenditures	694,000	694,000	10,258,421	(9,564,421)
REVENUES OVER (UNDER) EXPENDITURES	9,538,031	9,538,031	117,507	9,708,318
Net change in fund balances	$ 9,538,031	$ 9,538,031	117,507	$ 9,708,318
FUND BALANCES:				
Beginning of year			322,191	
End of year			$ 439,698	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

OMC CFD

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Special assessment taxes	$ 112,934	$ 112,934	$ 112,791	$ (143)
Use of money and property	652	652	(547)	(1,199)
Total revenues	113,586	113,586	112,244	(1,342)
EXPENDITURES:				
Current:				
General government	9,000	9,000	13,827	(4,827)
Community development	16,000	16,000	5,350	10,650
Total expenditures	25,000	25,000	19,177	5,823
REVENUES OVER (UNDER) EXPENDITURES	88,586	88,586	93,067	(7,165)
Net change in fund balances	$ 88,586	$ 88,586	93,067	$ (7,165)
FUND BALANCES:				
Beginning of year			5,665	
End of year			$ 98,732	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Capital Projects

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Intergovernmental	$ 532,097	$ 532,097	$ 60,545	$ (471,552)
Use of money and property	144,110	144,110	(104,060)	(248,170)
Miscellaneous	693,896	693,896	1,879,410	1,185,514
Total revenues	1,370,103	1,370,103	1,835,895	465,792
EXPENDITURES:				
Current:				
General government	-	-	54,590	(54,590)
Public safety	2,961,699	2,961,699	260,283	2,701,416
Community development	71,476,410	71,476,410	15,632,272	55,844,138
Public works	-	-	13,048	(13,048)
Debt service:				
Principal retirement	-	-	34,516,908	(34,516,908)
Total expenditures	74,438,109	74,438,109	50,477,101	23,961,008
REVENUES OVER (UNDER) EXPENDITURES	(73,068,006)	(73,068,006)	(48,641,206)	(23,495,216)
OTHER FINANCING SOURCES (USES):				
Transfers in	6,509,095	6,509,095	6,464,116	(44,979)
Notes and loans issued	51,500,000	51,500,000	136,526,765	85,026,765
Total other financing sources (uses)	58,009,095	58,009,095	142,990,881	84,981,786
Net change in fund balances	$ (15,058,911)	$ (15,058,911)	94,349,675	$ 61,486,570
FUND BALANCES:				
Beginning of year			28,740,082	
End of year			$ 123,089,757	

City of Ontario

Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual

Impact Fees

For the year ended June 30, 2022

	Budget Amounts		Actual	Variance with Final Budget Positive
	Original	Final	Amounts	(Negative)
REVENUES:				
Charges for services	$ 12,996,000	$ 12,996,000	$ 55,761,707	$ 42,765,707
Use of money and property	2,881,390	2,881,390	(3,373,046)	(6,254,436)
Miscellaneous	-	-	23,493	23,493
Total revenues	15,877,390	15,877,390	52,412,154	36,534,764
EXPENDITURES:				
Current:				
General government	5,701	5,701	-	5,701
Public safety	7,782,150	7,782,150	1,764,294	6,017,856
Community development	79,722,053	79,722,053	26,958,577	52,763,476
Total expenditures	87,509,904	87,509,904	28,722,871	58,787,033
REVENUES OVER (UNDER) EXPENDITURES	(71,632,514)	(71,632,514)	23,689,283	(22,252,269)
OTHER FINANCING SOURCES (USES):				
Transfers in	4,900,000	4,900,000	9,819,324	4,919,324
Total other financing sources (uses)	4,900,000	4,900,000	9,819,324	4,919,324
Net change in fund balances	$ (66,732,514)	$ (66,732,514)	33,508,607	$ (17,332,945)
FUND BALANCES:				
Beginning of year			134,322,043	
End of year			$ 167,830,650	

City of Ontario
Internal Service Funds
Year Ended June 30, 2022

Equipment Services Fund is used to account for costs of City's Vehicle and equipment maintenance.

Self Insurance Fund is used to account for costs of operating self insurance programs for general liability and worker's compensation.

Information Technology Fund is used to account for support for the operational departments with reliable system and information on a daily basis.

Facility Maintenance Fund is used to account for the maintenance of all city facilities. This includes improvements to existing facilities such as parks and city buildings.

Other Post Employment Benefits Fund is used to account for liability for all the benefit that the employee may receive after their retirement.

Pension Benefits Fund is used to account for liability and annual CALPERS contribution for employee retirement benefit.

City of Ontario
Combining Statement of Net Position
Internal Service Funds
June 30, 2022

	Equipment Services	Self Insurance	Information Technology	Facility Maintenance
ASSETS				
Current Assets:				
Cash and investments	$ 37,262,353	$ 36,023,032	$ 6,543,599	$ 7,804,898
Receivables:				
Accounts	357,007	-	155,535	-
Accrued interest	145,600	13,732	25,569	31,790
Notes and loans	-	-	-	-
Prepaid costs	2,440	539,470	2,472,354	-
Due from other funds	-	-	-	-
Inventories	932,626	-	-	-
Restricted:				
Cash with fiscal agent	-	435,314	-	4,525,282
Total current assets	38,700,026	37,011,548	9,197,057	12,361,970
Noncurrent:				
Advances to other funds	3,792,438	7,347,036	1,895,719	-
Land held for resale	-	-	-	-
Net pension asset	2,633,213	410,371	3,670,539	-
OPEB asset	561,440	87,496	782,611	-
Capital assets:				
Nondepreciable	846,675	-	6,934,656	26,950,361
Depreciable	80,663,322	-	14,247,183	1,645,116
Less accumulated depreciation	(49,447,046)	-	(7,723,502)	(27,419)
Net capital assets	32,062,951	-	13,458,337	28,568,058
Total noncurrent assets	39,050,042	7,844,903	19,807,206	28,568,058
Total assets	77,750,068	44,856,451	29,004,263	40,930,028
DEFERRED OUTFLOWS OF RESOURCES				
Deferred pension related items	404,798	63,087	564,264	-
Deferred OPEB related items	373,227	58,166	520,257	-
Total deferred outflows of resources	778,025	121,253	1,084,521	-
LIABILITIES				
Current liabilities:				
Accounts payable	236,694	947,632	734,972	125,734
Accrued liabilities	93,199	32,884	163,835	62,632
Accrued interest	-	-	-	251,501
Deposits payable	-	1,002,452	-	-
Compensated absences - current	221,881	27,083	506,503	75,328
Claims and judgements - current	-	12,209,058	-	-
Long-term debt - current portion	-	-	-	1,604,667
Total current liabilities	551,774	14,219,109	1,405,310	2,119,862
Noncurrent liabilities:				
Advances from other funds	-	-	-	-
Compensated absences	39,155	4,779	111,184	13,293
Claims and judgements	-	23,889,942	-	-
Long-term debt	-	-	-	30,607,584
Total noncurrent liabilities	39,155	23,894,721	111,184	30,620,877
Total liabilities	590,929	38,113,830	1,516,494	32,740,739
DEFERRED INFLOWS OF RESOURCES				
Deferred pension related items	2,045,265	318,743	2,850,973	-
Deferred OPEB related items	6,241,606	972,718	8,700,420	-
Total deferred inflows of resources	8,286,871	1,291,461	11,551,393	-
NET POSITION				
Net investment in capital assets	32,062,951	-	13,458,337	881,089
Unrestricted	37,587,342	5,572,413	3,562,560	7,308,200
Total net position	$ 69,650,293	$ 5,572,413	$ 17,020,897	$ 8,189,289

Other Post Employment Benefits	Pension Benefits Fund	Totals
$ 141,648	$ 49,352,036	$ 137,127,566
6,462,583	2,661,999	9,637,124
553	-	217,244
-	-	-
2,783	-	3,017,047
-	-	-
-	-	932,626
-	45,007	5,005,603
6,607,567	52,059,042	155,937,210
-	-	13,035,193
-	56,632,051	56,632,051
-	-	6,714,123
7,165,028	-	8,596,575
-	-	34,731,692
-	-	96,555,621
-	-	(57,197,967)
-	-	74,089,346
7,165,028	56,632,051	159,067,288
13,772,595	108,691,093	315,004,498
-	-	1,032,149
4,763,092	-	5,714,742
4,763,092	-	6,746,891
13,530	-	2,058,562
-	-	352,550
-	1,358,501	1,610,002
-	-	1,002,452
-	-	830,795
-	-	12,209,058
-	5,190,000	6,794,667
13,530	6,548,501	24,858,086
-	94,805,640	94,805,640
-	-	168,411
-	-	23,889,942
-	223,665,000	254,272,584
-	318,470,640	373,136,577
13,530	325,019,141	397,994,663
-	-	5,214,981
79,654,777	-	95,569,521
79,654,777	-	100,784,502
-	-	46,402,377
(61,132,620)	(216,328,048)	(223,430,153)
$ (61,132,620)	$ (216,328,048)	$ (177,027,776)

City of Ontario

Combining Statement of Revenues, Expenditures and Changes in Net Position

Internal Service Funds

For the year ended June 30, 2022

	Equipment Services	Self Insurance	Information Technology	Facility Maintenance
OPERATING REVENUES:				
Interdepartamental charges	$ 17,796,218	$ 14,890,025	$ 14,694,387	$ 10,910,597
Miscellaneous	401,737	8,260	36,982	56,739
Total operating revenues	18,197,955	14,898,285	14,731,369	10,967,336
OPERATING EXPENSES:				
Administration and general	3,689,334	14,640,848	5,151,387	6,982,099
Source and supply	5,251,242	-	7,565,138	-
Claims expense	-	573,574	-	-
Depreciation expense	6,294,311	-	1,592,993	27,419
Total operating expenses	15,234,887	15,214,422	14,309,518	7,009,518
Operating income (loss)	2,963,068	(316,137)	421,851	3,957,818
NONOPERATING REVENUES (EXPENSES):				
Interest revenue	(376,313)	(78,154)	(8,262)	(75,678)
Interest expense	-	-	-	(880,431)
Gain on joint venture	-	-	-	-
Gain on sale of other investments	-	-	1,980	-
Total nonoperating revenues (expenses)	(376,313)	(78,154)	(6,282)	(956,109)
Income before contributions and transfers	2,586,755	(394,291)	415,569	3,001,709
CONTRIBUTIONS AND TRANSFERS:				
Transfers in	3,203,100	23,100	8,419,300	9,831
Transfers out	(128,392)	(24,247)	(148,076)	-
Total contributions and transfers	3,074,708	(1,147)	8,271,224	9,831
Change in net position	5,661,463	(395,438)	8,686,793	3,011,540
NET POSITION:				
Beginning of year	68,696,820	7,005,085	17,535,043	5,177,749
Restatements	(4,707,990)	(1,037,234)	(9,200,939)	-
Beginning of year, as restated	63,988,830	5,967,851	8,334,104	5,177,749
End of year	$ 69,650,293	$ 5,572,413	$ 17,020,897	$ 8,189,289

Other Post Employment Benefits	Pension Benefits Fund	Totals
$ 40,620	$ -	$ 58,331,847
6,462,583	33,080,973	40,047,274
6,503,203	33,080,973	98,379,121
(5,191,752)	518,842	25,790,758
-	-	12,816,380
-	-	573,574
-	-	7,914,723
(5,191,752)	518,842	47,095,435
11,694,955	32,562,131	51,283,686
1,310	226,882	(310,215)
-	(9,856,207)	(10,736,638)
-	-	-
-	11,879,452	11,881,432
1,310	2,250,127	834,579
11,696,265	34,812,258	52,118,265
5,390,739	30,800,000	47,846,070
-	-	(300,715)
5,390,739	30,800,000	47,545,355
17,087,004	65,612,258	99,663,620
(142,418,527)	(281,940,306)	(325,944,136)
64,198,903	-	49,252,740
(78,219,624)	(281,940,306)	(276,691,396)
$ (61,132,620)	$ (216,328,048)	$ (177,027,776)

City of Ontario

Combining Statement of Cash Flows

Internal Service Funds

For the year ended June 30, 2022

	Equipment Services	Self Insurance	Information Technology	Facilitity Maintenance
CASH FLOWS FROM OPERATING ACTIVITIES:				
Cash received from/(paid to) interfund services	$ 18,287,989	$ 14,870,111	$ 14,629,372	$ 12,019,593
Cash paid to suppliers for goods and services	(5,809,749)	727,771	(8,870,152)	-
Cash paid to employees for services	(5,443,084)	(14,922,393)	(7,554,596)	(7,020,168)
Net cash provided by (used in) operating activities	7,035,156	675,489	(1,795,376)	4,999,425
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:				
Cash transfers in	3,203,100	23,100	8,419,300	9,831
Cash transfers out	(128,392)	(24,247)	(148,076)	-
Due to other funds	-	-	-	-
Advance from other funds	5,146,004	10,282,882	73,002	-
Interest paid on pension obligation bonds	-	-	-	-
Principal paid on pension obligation bonds	-	-	-	-
Grant subsidy	-	-	-	-
Net cash provided by (used in) noncapital financing activities	8,220,712	10,281,735	8,344,226	9,831
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:				
Acquisition and construction of capital assets	(4,935,970)	-	(6,029,550)	(14,483,915)
Acquisition of other investments	-	-	-	-
Interest paid on capital debt	-	-	-	(757,961)
Principal paid on debt	-	-	-	(1,232,392)
Proceed from issuance of debt	-	-	-	-
Net cash provided by (used in) capital and related financing activities	(4,935,970)	-	(6,029,550)	(16,474,268)
CASH FLOWS FROM INVESTING ACTIVITIES:				
Change in investments	-	-	-	-
Interest received	(521,913)	(91,887)	(31,851)	(107,390)
Net cash provided by (used in) investing activities	(521,913)	(91,887)	(31,851)	(107,390)
Net cash flows	9,797,985	10,865,337	487,449	(11,572,402)
CASH AND INVESTMENTS - Beginning of year	27,464,368	25,593,009	6,056,150	23,902,582
CASH AND INVESTMENTS - End of year	$ 37,262,353	$ 36,458,346	$ 6,543,599	$ 12,330,180
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:				
Operating income (loss)	$ 2,963,068	$ (316,137)	$ 421,851	$ 3,957,818
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:				
Depreciation	6,294,311	-	1,592,993	27,419
(Increase) decrease in accounts receivable	90,034	(28,174)	(101,997)	1,052,257
(Increase) decrease in prepaid expense	(1,976)	(539,470)	(324,727)	3,891
(Increase) decrease in inventories	(89,709)	-	-	-
Increase (decrease) in accounts payable	(479,739)	232,278	(1,015,653)	(45,881)
Increase (decrease) in accrued liabilities	12,917	14,728	35,366	7,950
Increase (decrease) in unearned revenues	-	-	-	-
Increase (decrease) in deposits payable	-	1,002,452	-	-
Increase (decrease) in claims and judgements	-	591,357	-	-
Increase (decrease) in compensated absences	(3,610)	(8,796)	36,380	(4,029)
Increase (decrease) in net pension liability	(2,739,758)	(426,975)	(3,819,057)	-
Increase (decrease) in deferred pension related items	2,338,257	364,403	3,259,389	-
Increase (decrease) in OPEB liability	(1,817,423)	(283,234)	(2,533,376)	-
Increase (decrease) in deferred OPEB related items	468,784	73,057	653,455	-
Net cash provided by (used in) operating activities	$ 7,035,156	$ 675,489	$ (1,795,376)	$ 4,999,425

Other Post Employment Benefits	Pension Benefits Fund	Totals
$ 5,934,366	$ 30,441,312	$ 96,182,743
-	(52,572)	(14,004,702)
(11,637,246)	(518,842)	(47,096,329)
(5,702,880)	29,869,898	35,081,712
5,390,739	30,800,000	47,846,070
-	-	(300,715)
-	(1,494)	(1,494)
-	(33,650,096)	(18,148,208)
-	(9,180,719)	(9,180,719)
-	(4,360,000)	(4,360,000)
-	-	-
5,390,739	(16,392,309)	15,854,934
-	-	(25,449,435)
-	23,813,113	23,813,113
-	-	(757,961)
-	-	(1,232,392)
-	-	-
-	23,813,113	(3,626,675)
-	-	-
1,867	12,106,334	11,355,160
1,867	12,106,334	11,355,160
(310,274)	49,397,036	58,665,131
451,922	7	83,468,038
$ 141,648	$ 49,397,043	$ 142,133,169
$ 11,694,955	$ 32,562,131	$ 51,283,686
-	-	7,914,723
(568,837)	(2,639,661)	(2,196,378)
368,669	-	(493,613)
-	-	(89,709)
13,530	(52,572)	(1,348,037)
-	-	70,961
-	-	-
-	-	1,002,452
-	-	591,357
-	-	19,945
-	-	(6,985,790)
-	-	5,962,049
(23,193,767)	-	(27,827,800)
5,982,570	-	7,177,866
$ (5,702,880)	$ 29,869,898	$ 35,081,712

This page intentionally left blank

City of Ontario
Custodial Funds
Year Ended June 30, 2022

Redevelopment Financing Authority Fund was used to account for amounts related to the redevelopment agency's financing authority. The City made the determination to roll the fund up into the Successor Agency Fund during the current year, and as such, the fund will no longer be separately reported after June 30, 2022.

West End Communications Authority Fund is used to account for the financial activities of the 7 member, now dissolved, JPA Board with the purpose of providing a cooperative voluntary association, to establish, operate and maintain a consolidated 800 MHZ communication system designed to serve public safety agencies throughout the western end of San Bernardino County, California.

Assessment District Bond Redemption Funds are used to account for the financial activities of old Community Facilities Districts, these funds are the older version of modern CFD funds, the City is the fiduciary for any special tax levies used for bond payments, services, and facilities.

Sanitary Collection Treatment Fund is used to account for the collection of wastewater fees, some of which are collected on behalf of Inland Empire Utilities Agency and then passed through as payments to them.

West End Fire Emergency Response Commission Fund is used to account for the financial activities of the five member Commission formed by a JPA for which Ontario is the treasurer. The Commission was established as a hazardous materials response team to carry out the abatement and emergency control of hazardous waste conditions and to stabilize such conditions until they can be turned over to the County Environmental Health Department.

NMC CFD Funds are used to account for newly created Ontario Ranch Areas special tax districts with imposed tax on properties to fund services, public improvements or infrastructure.

OMC CFD Funds are used to account for established Ontario Area with special tax districts with imposed tax on properties to funds services, public improvements or infrastructure.

CFD Fund is used to account for the purpose of financing public improvement services , the services may include streets, water, sewage , electrical, schools, or parks and other public services to newly developed areas.

City of Ontario
Combining Statement of Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	Redevelopment Financing Authority	West End Communications Authority	Assessment District 106 Bond Redemption	Sanitary Collection Treatment
ASSETS				
Cash and investments	$ -	$ 1,373,078	$ 165,195	$ 27,510,733
Receivables:				
Accounts	-	-	-	21,839
Taxes	-	-	-	-
Notes and leases	-	-	-	-
Accrued interest	-	5,365	645	-
Restricted assets:				
Cash and investments with fiscal agents	-	-	-	-
Total assets	-	1,378,443	165,840	27,532,572
LIABILITIES				
Accounts payable	-	-	-	-
Due to other governments	-	-	-	10,929,507
Total liabilities	-	-	-	10,929,507
NET POSITION				
Restricted for:				
Individuals, organizations, and other governments	-	1,378,443	165,840	16,603,065
Held in trust for private purposes	-	-	-	-
Total Net Position	$ -	$ 1,378,443	$ 165,840	$ 16,603,065

Reassessment Bond Redemption	Assessment District 100C Bond Redemption	Assessment District 103 Bond Redemption	Assessment District 104 Bond Redemption	Assessment District 108 Bond Redemption	Assessment District 107 Bond Redemption
$ -	$ -	$ -	$ -	$ 140,666	$ -
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	550	-
-	-	-	-	-	-
-	-	-	-	141,216	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	141,216	-
-	-	-	-	-	-
$ -	$ -	$ -	$ -	$ 141,216	$ -

City of Ontario
Combining Statement of Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	West End Fire and Emergency Response Commission	NMC CFD Developer Deposits	NMC CFD #28	NMC CFD #30
ASSETS				
Cash and investments	$ 757,383	$ 721,035	$ 62,728	$ (80,035)
Receivables:				
Accounts	-	-	-	-
Taxes	-	-	6,830	9,746
Notes and leases	-	-	-	-
Accrued interest	2,959	-	1,334	1,031
Restricted assets:				
Cash and investments with fiscal agents	-	-	1,293,552	1,855,692
Total assets	764,451	721,035	1,364,444	1,786,434
LIABILITIES				
Accounts payable	19,443	-	-	-
Due to other governments	-	-	-	-
Total liabilities	19,443	721,035	-	-
NET POSITION				
Restricted for:				
Individuals, organizations, and other governments	745,008	-	1,364,444	1,786,434
Held in trust for private purposes	-	-	-	-
Total Net Position	$ 745,008	$ -	$ 1,364,444	$ 1,786,434

NMC CFD #34	NMC CFD #24	NMC CFD #25	NMC CFD #26	NMC CFD #31	NMC CFD #39
$ 25,128	$ 41,145	$ (58,031)	$ (51,560)	$ 238,964	$ 214,701
-	-	-	-	-	-
4,974	8,216	11,632	5,893	-	-
-	-	-	-	-	-
674	1,789	688	923	1,701	1,194
1,036,038	1,934,291	1,237,993	1,663,887	913,000	639,708
1,066,814	1,985,441	1,192,282	1,619,143	1,153,665	855,603
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
1,066,814	1,985,441	1,192,282	1,619,143	1,153,665	855,603
-	-	-	-	-	-
$ 1,066,814	$ 1,985,441	$ 1,192,282	$ 1,619,143	$ 1,153,665	$ 855,603

City of Ontario
Combining Statement of Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	OMC CFD #5	OMC CFD #13	NMC CFD #38	CFD #33
ASSETS				
Cash and investments	$ -	$ 237,033	$ 13,944	$ -
Receivables:				
Accounts	-	-	-	-
Taxes	-	-	10,236	-
Notes and leases	-	-	-	-
Accrued interest	-	1,340	1,258	-
Restricted assets:				
Cash and investments with fiscal agents	-	743,178	2,146,152	-
Total assets	-	981,551	2,171,590	-
LIABILITIES				
Accounts payable	-	-	-	-
Due to other governments	-	-	-	-
Total liabilities	-	-	-	-
NET POSITION				
Restricted for:				
Individuals, organizations, and other governments	-	981,551	2,171,590	-
Held in trust for private purposes	-	-	-	-
Total Net Position	$ -	$ 981,551	$ 2,171,590	$ -

NMC CFD #40	NMC CFD #43	NMC CFD #45	NMC CFD #33	NMC CFD #46	NMC CFD #41
$ 36,580	$ (8,553)	$ 417,973	$ 508,635	$ (55,433)	$ 530
-	-	-	-	-	-
2,207	6,366	8,904	3,316	9,513	62,018
-	-	-	-	-	-
1,184	1,468	6,560	1,454	2,555	8,714
1,873,184	2,640,046	8,864,401	1,220,508	4,599,885	15,677,332
1,913,155	2,639,327	9,297,838	1,733,913	4,556,520	15,748,594
106,280	-	-	-	-	-
-	-	-	-	-	-
106,280	-	-	-	-	-
1,806,875	2,639,327	9,297,838	1,733,913	4,556,520	15,748,594
-	-	-	-	-	-
$ 1,806,875	$ 2,639,327	$ 9,297,838	$ 1,733,913	$ 4,556,520	$ 15,748,594

City of Ontario
Combining Statement of Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	NMC CFD #42	NMC CFD #53	NMC CFD #54	NMC CFD #55
ASSETS				
Cash and investments	$ 8,567	$ (68,638)	$ 8,654	$ 105,440
Receivables:				
Accounts	-	-	-	-
Taxes	1,706	27,852	6,345	1,940
Notes and leases	-	-	-	-
Accrued interest	222	11,547	3,457	-
Restricted assets:				
Cash and investments with fiscal agents	7,113,859	20,757,874	6,431,195	-
Total assets	7,124,354	20,728,635	6,449,651	107,380
LIABILITIES				
Accounts payable	-	-	-	-
Due to other governments	-	-	-	-
Total liabilities	-	-	-	-
NET POSITION				
Restricted for:				
Individuals, organizations, and other governments	7,124,354	20,728,635	6,449,651	107,380
Held in trust for private purposes	-	-	-	-
Total Net Position	$ 7,124,354	$ 20,728,635	$ 6,449,651	$ 107,380

NMC CFD #57	Total Custodial Funds
$ 140,655	$ 32,406,517
-	21,839
-	187,694
-	-
1	58,613
-	82,641,775
140,656	115,320,547
-	125,723
-	10,929,507
-	11,776,265
140,656	103,544,282
-	-
$ 140,656	$ 103,544,282

City of Ontario
Combining Statement of Changes in Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	Redevelopment Financing Authority	West End Communications Authority	Assessment District 106 Bond Redemption	Sanitary Collection Treatment
ADDITIONS:				
Taxes	$ -	$ -	$ -	$ -
Interest and change in fair value of investments	-	(24,245)	(2,909)	-
Fee collections for other governments	-	-	-	-
Bond proceeds and premiums	-	-	-	-
Total additions	-	(24,245)	(2,909)	-
DEDUCTIONS:				
Administrative expenses	-	6,442	-	-
Payments on conduit bonds - principal	-	-	-	-
Interest and fiscal charges	-	-	-	-
Contributions to other governments	-	-	-	-
Total deductions	-	6,442	-	-
Change in net position	-	(30,687)	(2,909)	-
NET POSITION:				
Beginning of year	54,018,572	1,409,130	168,749	16,603,065
Restatements	(54,018,572)	-	-	-
Beginning of year, as restated	-	1,409,130	168,749	16,603,065
End of year	$ -	$ 1,378,443	$ 165,840	$ 16,603,065

Reassessment Bond Redemption	Assessment District 100C Bond Redemption	Assessment District 103 Bond Redemption	Assessment District 104 Bond Redemption	Assessment District 108 Bond Redemption	Assessment District 107 Bond Redemption
$ -	$ -	$ -	$ -	$ -	$ -
-	-	-	-	(2,473)	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	(2,473)	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	(2,473)	-
-	-	-	-	143,689	-
-	-	-	-	-	-
-	-	-	-	143,689	-
$ -	$ -	$ -	$ -	$ 141,216	$ -

City of Ontario
Combining Statement of Changes in Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	West End Fire and Emergency Response Commission	NMC CFD Developer Deposits	NMC CFD #28	NMC CFD #30
ADDITIONS:				
Taxes	$ -	$ -	$ 627,766	$ 965,362
Interest and change in fair value of investments	(12,857)	-	(227)	1,317
Fee collections for other governments	124,741	-	414	88
Bond proceeds and premiums	-	-	-	-
Total additions	111,884	-	627,953	966,767
DEDUCTIONS:				
Administrative expenses	68,184	-	67,500	92,552
Payments on conduit bonds - principal	-	-	180,000	280,000
Interest and fiscal charges	-	-	377,394	511,619
Contributions to other governments	-	-	406	48
Total deductions	68,184	-	625,300	884,219
Change in net position	43,700	-	2,653	82,548
NET POSITION:				
Beginning of year	701,308	-	1,360,406	1,696,019
Restatements	-	-	1,385	7,867
Beginning of year, as restated	701,308	-	1,361,791	1,703,886
End of year	$ 745,008	$ -	$ 1,364,444	$ 1,786,434

NMC CFD #34	NMC CFD #24	NMC CFD #25	NMC CFD #26	NMC CFD #31	NMC CFD #39
$ 540,957	$ 1,099,572	$ 691,202	$ 697,899	$ 360,102	$ 402,895
129	1,442	1,068	1,467	(3,097)	(5,367)
73	789,609	47,627	314,862	5,855	33
-	-	-	-	-	-
541,159	1,890,623	739,897	1,014,228	362,860	397,561
51,423	15,220	107,650	1,655,095	38,934	40,146
160,000	335,000	145,000	150,000	105,000	100,000
291,756	652,169	376,575	384,550	202,843	191,200
27	789,594	31	221,093	5,414	18
503,206	1,791,983	629,256	2,410,738	352,191	331,364
37,953	98,640	110,641	(1,396,510)	10,669	66,197
1,015,797	1,886,769	1,059,586	1,221,893	995,519	784,948
13,064	32	22,055	1,793,760	147,477	4,458
1,028,861	1,886,801	1,081,641	3,015,653	1,142,996	789,406
$ 1,066,814	$ 1,985,441	$ 1,192,282	$ 1,619,143	$ 1,153,665	$ 855,603

City of Ontario
Combining Statement of Changes in Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	OMC CFD #5	OMC CFD #13	NMC CFD #38	CFD #33
ADDITIONS:				
Taxes	$ -	$ 308,437	$ 807,946	$ -
Interest and change in fair value of investments	-	(3,738)	1,116	-
Fee collections for other governments	-	6	103	-
Bond proceeds and premiums	-	-	-	-
Total additions	-	304,705	809,165	-
DEDUCTIONS:				
Administrative expenses	-	34,876	126,040	-
Payments on conduit bonds - principal	-	3,610,000	180,000	-
Interest and fiscal charges	-	201,353	460,369	-
Contributions to other governments	-	3	39	-
Total deductions	-	3,846,232	766,448	-
Change in net position	-	(3,541,527)	42,717	-
NET POSITION:				
Beginning of year	-	4,523,077	1,431,026	-
Restatements	-	1	697,847	-
Beginning of year, as restated	-	4,523,078	2,128,873	-
End of year	$ -	$ 981,551	$ 2,171,590	$ -

NMC CFD #40	NMC CFD #43	NMC CFD #45	NMC CFD #33	NMC CFD #46	NMC CFD #41
$ 495,628	$ 1,062,970	$ 645,219	$ 502,951	$ 539,614	$ 606,082
(1,094)	(1,539)	(1,916)	(3,275)	4,369	12,685
6,213	5,138	72	60	157,864	14,334,955
-	-	-	-	-	15,275,783
500,747	1,066,569	643,375	499,736	701,847	30,229,505
2,916,730	4,633,678	686,864	5,377,361	3,950,479	60,601
95,000	200,000	140,000	100,000	-	-
293,396	709,044	395,336	308,135	227,790	408,330
6,174	5,038	30	22	157,864	14,334,955
3,311,300	5,547,760	1,222,230	5,785,518	4,336,133	14,803,886
(2,810,553)	(4,481,191)	(578,855)	(5,285,782)	(3,634,286)	15,425,619
677,298	1,495,801	871,384	821,197	422,922	-
3,940,130	5,624,717	9,005,309	6,198,498	7,767,884	322,975
4,617,428	7,120,518	9,876,693	7,019,695	8,190,806	322,975
$ 1,806,875	$ 2,639,327	$ 9,297,838	$ 1,733,913	$ 4,556,520	$ 15,748,594

City of Ontario
Combining Statement of Changes in Fiduciary Net Position
Custodial Funds
For the year ended June 30, 2022

	NMC CFD #42	NMC CFD #53	NMC CFD #54	NMC CFD #55
ADDITIONS:				
Taxes	$ 327,189	$ 1,041,597	$ 283,061	$ 119,611
Interest and change in fair value of investments	(5)	18,309	4,465	-
Fee collections for other governments	6,436,129	22,883,960	116,690	-
Bond proceeds and premiums	7,138,628	24,627,006	6,218,830	-
Total additions	13,901,941	48,570,872	6,623,046	119,611
DEDUCTIONS:				
Administrative expenses	26,976	4,176,906	26,039	12,231
Payments on conduit bonds - principal	-	-	-	-
Interest and fiscal charges	320,848	915,035	81,913	-
Contributions to other governments	6,436,129	22,883,960	116,690	-
Total deductions	6,783,953	27,975,901	224,642	12,231
Change in net position	7,117,988	20,594,971	6,398,404	107,380
NET POSITION:				
Beginning of year	-	-	-	-
Restatements	6,366	133,664	51,247	-
Beginning of year, as restated	6,366	133,664	51,247	-
End of year	$ 7,124,354	$ 20,728,635	$ 6,449,651	$ 107,380

NMC CFD #57	Total Custodial Funds
$ 156,059	$ 12,282,119
-	(16,375)
-	45,224,492
-	53,260,247
156,059	110,750,483
15,403	24,187,330
-	5,780,000
-	7,309,655
-	44,957,535
15,403	82,234,520
140,656	28,515,963
-	93,308,155
-	(18,279,836)
-	75,028,319
$ 140,656	$ 103,544,282

This page intentionally left blank

STATISTICAL SECTION (UNAUDITED)

This page intentionally left blank

STATISTICAL SECTION

The statistical section of the City's annual comprehensive financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health.

Financial Trends

These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time:

Schedule 1 - Net Position by Component
Schedule 2 - Changes in Net Position
Schedule 3 - Changes in Fund Balances, Governmental Funds
Schedule 4 - Fund Balances, Governmental Funds

Revenue Capacity

These schedules contain trend information to help the readers assess the factors affecting the City's most significant local revenue sources: property taxes and sales taxes.

Schedule 5 - Assessed Value and Estimated Actual Value of Taxable Property
Schedule 6 - Direct and Overlapping Property Tax Rates
Schedule 7 - Principal Property Taxpayers
Schedule 8 - Property Tax Levies and Collections
Schedule 9 - Taxable Sales by Category
Schedule 10 - Direct and Overlapping Sales Tax Rates
Schedule 11 - Sales Tax Revenue Payers by Industry

Debt Capacity

These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.

Schedule 12 - Ratio of Outstanding Debt by Type
Schedule 13 - Ratio of General Bonded Debt Outstanding
Schedule 14 - Direct and Overlapping Governmental Activities Debt
Schedule 15 - Legal Debt Margin Information
Schedule 16 - Pledged Revenue Coverage

Demographic and Economic Information

These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place and to help make comparisons over time and with other governments.

Schedule 17 - Demographic and Economic Statistics
Schedule 18 - Principal Employers

Operating Information

These schedules contain information about the City's operations and resources to help the reader understand how the City's financial information relates to the services the City provides and the activities it performs.

Schedule 19 - Full-Time City Government Employees by Function
Schedule 20 - Operating Indicators by Function/Program
Schedule 21 - Capital Asset Statistics by Function/Program

Schedule 1

City of Ontario
Net Position by Component
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Governmental activities										
Net investment in capital assets	$ 830,764,191	$ 812,874,736	$ 838,484,374	$ 908,309,555	$ 940,354,455	$ 950,420,687	$ 961,901,972	$ 997,856,845	$ 1,076,360,215	$ 1,106,500,917
Restricted	216,149,880	254,103,989	240,480,450	156,425,046	168,765,518	173,159,152	204,484,800	215,606,868	258,821,167	234,997,596
Unrestricted	128,154,505	137,590,247	(66,639,420)	(1,666,599)	179,846,318	16,250,642	95,440,937	59,045,553	42,386,017	170,115,808
Total governmental activities net position	$ 1,175,068,576	$ 1,204,568,972	$ 1,012,325,404	$ 1,063,068,002	$ 1,288,966,291	$ 1,139,830,481	$ 1,261,827,709	$ 1,272,509,266	$ 1,377,567,399	$ 1,511,614,321
Business-type activities										
Net investment in capital assets	$ 152,493,698	$ 143,574,879	$ 140,873,539	$ 136,336,952	$ 143,660,797	$ 161,791,743	$ 184,562,565	$ 182,086,718	$ 163,989,647	$ 143,491,186
Restricted	4,270,391	10,578,881	5,289,769	1,528,395	369	373	378	3,140,719	3,171,019	371,996
Unrestricted	240,354,654	273,069,164	271,397,325	299,336,371	329,045,082	345,926,734	298,224,116	301,316,946	312,160,529	333,795,739
Total business-type activities net position	$ 397,118,743	$ 427,222,924	$ 417,560,633	$ 437,201,718	$ 472,706,248	$ 507,718,850	$ 482,787,059	$ 486,544,383	$ 479,321,195	$ 477,658,921
Primary government										
Net investment in capital assets	$ 983,257,889	$ 956,449,615	$ 979,357,913	$ 1,044,646,507	$ 1,084,015,252	$ 1,112,212,430	$ 1,146,464,537	$ 1,179,943,563	$ 1,240,349,862	$ 1,249,992,103
Restricted	220,420,271	264,682,870	245,770,219	157,953,441	168,765,887	173,159,525	204,485,178	218,747,587	261,992,186	235,369,592
Unrestricted	368,509,159	410,659,411	204,757,905	297,669,772	508,891,400	362,177,376	393,665,053	360,362,499	354,546,546	503,911,547
Total primary government net position	$ 1,572,187,319	$ 1,631,791,896	$ 1,429,886,037	$ 1,500,269,720	$ 1,761,672,539	$ 1,647,549,331	$ 1,744,614,768	$ 1,759,053,649	$ 1,856,888,594	$ 1,989,273,242

Source: Statement of net position
primary government

Schedule 2

City of Ontario
Changes in Net Position
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Expenses										
Governmental activities:										
General government	$ 34,081,969	$ 28,982,239	$ 81,855,829	$ 40,011,028	$ 36,656,658	$ 27,554,284	$ 34,587,604	$ 31,859,857	$ 20,241,805	$ 53,007,368
Public safety	103,814,741	110,981,159	121,981,375	125,884,228	136,032,820	178,835,586	178,045,825	177,840,309	200,452,838	171,919,144
Community development	45,485,896	41,524,328	62,623,670	19,114,534	38,552,339	42,623,892	76,420,858	92,310,831	111,927,829	97,855,487
Library	3,745,405	4,602,190	4,542,196	4,850,620	5,026,299	5,938,560	-	-	-	-
Public works	18,519,391	25,092,721	23,852,377	38,104,811	50,703,275	42,308,931	40,398,759	28,825,751	7,449,126	5,178,760
Interest on long-term debt	1,880,787	3,017,116	1,786,957	1,712,433	1,630,517	3,921,536	2,661,754	3,493,124	12,416,810	12,602,410
Total governmental activities expenses	$ 207,528,189	$ 214,199,753	$ 296,642,404	$ 229,677,654	$ 268,601,908	$ 301,182,789	$ 332,114,800	$ 334,329,872	$ 352,488,408	$ 340,563,169
Business-type activities:										
Water	$ 21,485,576	$ 30,814,880	$ 54,841,770	$ 42,639,260	$ 41,413,255	$ 41,340,763	$ 52,901,637	$ 57,700,824	$ 68,700,692	$ 32,072,665
Sewer	13,167,026	16,136,421	17,047,306	15,971,504	17,211,364	20,270,716	24,733,369	23,255,045	26,008,652	26,519,496
Integrated Waste	21,664,001	23,164,916	23,877,028	24,970,912	26,663,301	31,337,795	39,475,286	34,380,261	42,010,179	36,928,273
I.T. Fiber	-	-	-	-	993,456	1,770,591	2,027,814	3,943,666	-	-
Total business-type activities expenses	$ 56,316,603	$ 70,116,217	$ 95,766,104	$ 83,581,676	$ 86,281,376	$ 94,719,865	$ 119,138,106	$ 119,279,796	$ 136,719,523	$ 95,520,434
Total primary government expenses	$ 263,844,792	$ 284,315,970	$ 392,408,508	$ 313,259,330	$ 354,883,284	$ 395,902,654	$ 451,252,906	$ 453,609,668	$ 489,207,931	$ 436,083,603
Program Revenues										
Governmental activities:										
Charges for services:										
General government	$ 379,325	$ 445,079	$ 1,641,300	$ 2,622,684	$ 4,141,068	$ 6,149,697	$ 5,507,407	$ 6,965,874	$ 7,634,307	$ 7,124,318
Public safety	4,166,801	3,824,528	3,757,586	3,883,304	7,311,246	20,271,669	27,682,493	26,688,490	19,435,556	24,510,827
Community development	14,780,312	25,244,830	35,769,080	36,046,159	42,262,153	50,699,117	80,911,897	78,671,622	61,020,723	109,380,406
Library	124,581	121,043	155,962	131,407	137,689	122,329	-	-	-	-
Public works	-	-	-	-	-	-	-	-	-	-
Operating contributions and grants	7,859,746	12,081,691	15,015,783	8,710,100	10,220,710	12,542,758	8,465,032	6,542,904	61,503,453	50,334,363
Capital contributions and grants	23,737,443	33,842,540	37,210,682	35,628,037	78,825,884	56,737,883	58,825,481	46,201,742	59,321,543	44,168,230
Total governmental activities program revenues	$ 51,048,208	$ 75,559,711	$ 93,550,393	$ 87,021,691	$ 142,898,750	$ 146,523,453	$ 181,392,310	$ 165,070,632	$ 208,915,582	$ 235,518,144
Business-type activities:										
Charges for services:										
Water	$ 58,276,359	$ 63,193,036	$ 67,342,593	$ 65,653,131	$ 64,533,049	$ 68,933,067	$ 55,447,675	$ 57,676,762	$ 69,185,768	$ 73,241,767
Sewer	20,479,875	21,484,811	21,986,463	23,136,811	25,780,456	27,952,825	28,080,727	27,685,371	30,011,850	28,308,242
Integrated Waste	29,905,739	30,332,538	31,742,051	33,024,400	34,937,033	36,995,472	38,361,984	38,341,478	41,913,089	46,404,294
I.T. Fiber	-	-	-	4,126	38,954	276,033	466,522	747,095	-	-
Operating grants and contributions	100,546	145,881	539,519	174,073	133,279	126,452	119,686	137,783	112,134	2,245,127
Capital grants and contributions	2,405,396	6,642,816	1,329,404	3,505,475	11,223,634	11,256,557	4,460,250	4,548,485	2,576,714	538,336
Total business-type activities program revenues	$ 111,167,915	$ 121,799,082	$ 122,940,030	$ 125,498,016	$ 136,646,405	$ 145,540,406	$ 126,936,844	$ 129,136,974	$ 143,799,555	$ 150,737,766
Total primary government program revenues	$ 162,216,123	$ 197,358,793	$ 216,490,423	$ 212,519,707	$ 279,545,155	$ 292,063,859	$ 308,329,154	$ 294,207,606	$ 352,715,137	$ 386,255,910
Net (Expense)/Revenue										
Governmental activities	$ (156,479,981)	$ (138,640,042)	$ (203,092,011)	$ (142,655,963)	$ (125,703,158)	$ (154,659,336)	$ (150,722,490)	$ (169,259,240)	$ (143,572,826)	$ (105,045,025)
Business-type activities	54,851,312	51,682,865	27,173,926	41,916,340	50,365,029	50,820,541	7,798,738	9,857,178	7,080,032	55,217,332
Total primary government net expense	$ (101,628,669)	$ (86,957,177)	$ (175,918,085)	$ (100,739,623)	$ (75,338,129)	$ (103,838,795)	$ (142,923,752)	$ (159,402,062)	$ (136,492,794)	$ (49,827,693)

City of Ontario
Changes in Net Position
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
General Revenues and Other Changes in Net Position										
Governmental activities:										
Taxes:										
Property taxes - general purpose	$ 45,700,153	$ 45,144,867	$ 48,695,469	$ 60,338,698	$ 53,414,598	$ 56,199,666	$ 63,156,933	$ 67,236,079	$ 72,483,313	$ 79,329,716
Transient occupancy taxes	9,731,382	10,614,156	12,057,576	13,090,992	13,886,637	14,586,233	14,945,483	12,160,235	10,614,109	16,400,754
Sales taxes	67,150,866	67,509,611	84,294,827	78,533,022	86,168,797	87,910,014	94,486,731	90,290,690	105,424,829	129,332,341
Franchise taxes	3,047,369	3,251,592	3,476,151	3,413,854	3,020,829	3,352,120	3,420,656	3,426,464	3,512,001	3,824,973
Business licenses taxes	6,078,094	6,405,595	6,825,185	6,954,932	7,167,613	7,478,153	7,786,821	7,793,962	8,559,248	8,856,928
Other taxes	5,274,601	3,700,067	4,073,788	4,107,065	4,047,435	4,642,529	4,506,129	4,044,908	3,507,185	5,997,517
Intergovernmental, unrestricted:										
Motor vehicle in lieu	74,047	-	71,526	68,099	76,099	91,740	85,244	141,091	134,124	210,261
Use of money and property	979,899	5,174,360	3,755,010	5,422,398	2,617,545	10,834,185	32,107,405	18,599,331	2,779,387	(6,213,473)
Other	3,866,279	4,414,323	2,656,703	2,000,930	3,414,919	2,394,865	1,647,848	4,198,849	12,116,507	9,067,222
Gain on sale of capital asset	1,000,000	-	87,267	-	1,953,200	-	-	605,267	862	11,881,432
Special Item Note 15								(42,373,148)	-	-
Extraordinary gain on dissolution of RDA	-	-	-	-	-	-	-	-	-	-
Transfers	25,526,208	21,925,867	22,762,488	24,793,699	15,961,453	18,448,756	4,647,613	14,472,260	24,150,952	(458,557)
Total governmental activities	$ 168,428,898	$ 168,140,438	$ 188,755,990	$ 198,723,689	$ 191,729,125	$ 205,938,261	$ 226,790,863	$ 180,595,988	$ 243,282,517	$ 258,229,114
Business-type activities:										
Use of money and property	$ 308,392	$ 1,604,534	$ 1,435,511	$ 2,509,989	$ 1,087,037	$ 2,187,574	$ 7,873,778	$ 8,345,624	$ 5,503,540	$ (1,229,512)
Other	17,237	23,416	105,193	8,455	13,917	24,988	245,676	474,940	-	-
Transfers	(25,526,208)	(21,925,867)	(22,762,488)	(24,793,699)	(15,961,453)	(18,448,756)	(4,647,613)	(14,472,260)	(24,150,952)	458,557
Total business-type activities	$ (25,200,579)	$ (20,297,917)	$ (21,221,784)	$ (22,275,255)	$ (14,860,499)	$ (16,236,194)	$ 3,471,841	$ (5,651,696)	$ (18,647,412)	$ (770,955)
Total primary government	$ 143,228,319	$ 147,842,521	$ 167,534,206	$ 176,448,434	$ 176,868,626	$ 189,702,067	$ 230,262,704	$ 174,944,292	$ 224,635,105	$ 257,458,159
Change in Net Position										
Governmental activities	$ 11,948,917	$ 29,500,396	$ (14,336,021)	$ 56,067,726	$ 66,025,967	$ 51,278,925	$ 76,068,373	$ 11,336,748	$ 99,709,691	$ 153,184,089
Business-type activities	29,650,733	31,384,948	5,952,142	19,641,085	35,504,530	34,584,347	11,270,579	4,205,482	(11,567,380)	54,446,377
Total primary government	$ 41,599,650	$ 60,885,344	$ (8,383,879)	$ 75,708,811	$ 101,530,497	$ 85,863,272	$ 87,338,952	$ 15,542,230	$ 88,142,311	$ 207,630,466

Schedule 3

City of Ontario
Changes in Fund Balances, Governmental Funds
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Revenues										
Taxes	$ 134,629,408	$ 132,908,792	$ 156,988,002	$ 176,088,421	$ 167,601,178	$ 173,605,420	$ 186,594,649	$ 184,275,840	$ 203,537,145	$ 243,176,826
Special assessment taxes	1,479,517	1,514,889	1,634,568	2,180,091	3,301,654	3,143,892	5,303,668	8,581,407	11,926,636	11,775,704
Licenses and permits	1,805,849	2,199,674	3,283,593	3,845,404	4,384,727	4,887,991	5,067,374	5,488,023	8,423,831	10,772,502
Intergovernmental	27,864,489	39,695,371	44,390,225	37,492,730	35,412,862	24,359,686	21,912,280	17,814,256	51,794,726	55,860,245
Charges for services	16,108,550	25,895,011	40,368,010	39,628,058	54,446,655	80,404,296	109,518,406	114,818,886	80,961,161	130,243,516
Use of money and property	1,533,296	3,906,235	3,507,845	5,339,722	2,576,499	4,004,514	14,899,017	18,759,439	2,911,661	(5,491,350)
Fines and forfeitures	1,298,235	1,134,395	1,267,994	1,125,237	1,189,956	1,042,090	1,185,128	786,630	656,407	1,060,576
Contributions from property owners	-	-	-	-	24,682,518	25,349,912	34,658,232	15,503,662	38,408,435	-
Miscellaneous	6,408,027	7,062,253	4,556,170	4,534,158	6,017,657	12,389,218	8,275,990	8,286,111	14,645,386	14,193,697
Contributions	-	-	-	-	-	-	928,875	-	-	-
Total Revenues	$ 191,127,371	$ 214,316,620	$ 255,996,407	$ 270,233,821	$ 299,613,706	$ 329,187,019	$ 388,343,619	$ 374,314,254	$ 413,265,388	$ 461,591,716
Expenditures										
Current:										
General government	$ 22,926,658	$ 16,565,106	$ 66,943,163	$ 28,292,531	$ 24,500,521	$ 23,830,837	$ 33,100,934	$ 33,754,652	$ 33,016,792	$ 48,223,193
Public safety	106,934,164	114,109,242	120,286,742	127,942,682	136,721,141	160,838,334	160,884,992	180,119,824	180,834,045	199,451,930
Community development	52,081,393	58,988,089	98,405,497	104,688,312	95,398,612	67,805,408	102,279,086	130,014,298	130,585,988	106,265,455
Library	4,077,037	4,196,204	4,368,241	4,568,202	4,654,465	4,768,627	-	-	-	-
Public works	18,851,564	17,231,048	18,784,827	21,003,964	23,834,203	21,279,011	24,047,574	22,694,083	17,347,477	18,005,014
Debt service:										
Principal retirement	1,290,000	1,350,000	1,410,000	1,480,000	1,565,000	12,000	175,000	1,050,000	5,718,104	39,764,720
Interest and fiscal charges	1,931,758	1,876,513	1,815,778	1,745,753	1,667,190	3,930,914	2,824,049	2,802,938	3,169,583	1,445,519
Bond issuance costs	-	965,190	-	-	-	526,390	-	-	-	-
Pass-through agreement payments	-	-	-	-	-	4,770,057	-	-	-	-
Total Expenditures	$ 208,092,574	$ 215,281,392	$ 312,014,248	$ 289,721,444	$ 288,341,132	$ 287,761,578	$ 323,311,635	$ 370,435,795	$ 370,671,989	$ 413,155,831
Excess (deficiency) of revenues over (under) expenditures	$ (16,965,203)	$ (964,772)	$ (56,017,841)	$ (19,487,623)	$ 11,272,574	$ 41,425,441	$ 65,031,984	$ 3,878,459	$ 42,593,399	$ 48,435,885

City of Ontario
Changes in Fund Balances, Governmental Funds
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Other Financing Sources (Uses)										
Transfers in	$ 37,357,867	$ 34,628,235	$ 34,856,839	$ 34,615,190	$ 36,101,144	$ 58,065,111	$ 43,871,997	$ 52,691,271	$ 49,197,305	$ 17,634,274
Transfers out	(12,209,848)	(17,288,068)	(9,564,945)	(8,310,991)	(29,588,174)	(49,353,662)	(45,445,779)	(29,030,349)	(57,656,404)	(65,638,186)
Long-term debt issued	-	33,390,000	-	-	-	26,810,000	-	23,780,842	-	154,557,765
Bond Discount	-	(380,848)	-	-	-	3,260,875	-	-	-	-
Pass-through agreement payments	-	-	-	-	-	(28,554,885)	-	-	-	-
Gain (loss) on sale of assets	-	4,551	87,267	-	-	-	-	-	-	-
Proceeds from sale of capital equipment	1,000,000	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	$ 26,148,019	$ 50,353,870	$ 25,379,161	$ 26,304,199	$ 6,512,970	$ 10,227,439	$ (1,573,782)	$ 47,441,764	$ (8,459,099)	$ 106,553,853
Special Item	-	-	-	-	-	-	-	(42,373,148)	-	-
Extraordinary gain/(loss) on dissolution of redevelopment agency	-	-	-	-	-	-	-	-	-	-
Net change in fund balances	$ 9,182,816	$ 49,389,098	$ (30,638,680)	$ 6,816,576	$ 17,785,544	$ 51,652,880	$ 63,458,202	$ 8,947,075	$ 34,134,300	$ 154,989,738
Total Current Expenditures	$ 208,092,574	$ 215,281,392	$ 312,014,248	$ 289,721,444	$ 288,341,132	$ 287,761,578	$ 323,311,635	$ 370,435,795	$ 370,671,989	$ 413,155,831
Less: Capital outlay	(22,072,081)	(29,585,954)	(41,745,591)	(79,957,813)	(45,292,825)	(24,876,172)	(26,388,451)	(70,262,127)	(53,552,016)	(44,644,973)
Total Non-Capital Expenditures	$ 186,020,493	$ 185,695,438	$ 270,268,657	$ 209,763,631	$ 243,048,307	$ 262,885,406	$ 296,923,184	$ 300,173,668	$ 317,119,973	$ 368,510,858
Total Debt Service Expenditures	$ 3,221,758	$ 3,226,513	$ 3,225,778	$ 3,225,753	$ 3,232,190	$ 3,942,914	$ 2,999,049	$ 3,852,938	$ 8,887,687	$ 41,210,239
Debt service as a percentage of non-capital expenditures	1.7%	1.7%	1.2%	1.5%	1.3%	1.5%	1.0%	1.3%	2.8%	11.2%

Schedule 4

City of Ontario
Fund Balances, Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
General Fund										
Nonspendable	$ 3,869,157	$ 4,911,968	$ 3,785,154	$ 20,002,802	$ 33,893,841	$ 46,318,442	$ 46,472,802	$ 4,052,097	$ 4,001,189	57,981,078
Restricted	408,576	412,411	415,723	419,644	424,497	430,484	438,872	417,464	361,579	361,579
Committed	42,685,082	43,817,117	42,436,574	23,195,527	28,877,191	21,066,012	415,884	595,469	-	-
Assigned	64,892,830	77,628,587	56,798,002	80,398,228	52,081,697	47,410,303	84,063,218	99,862,976	135,143,086	55,639,545
Unassigned	-	-	-	-	-	-	-	2,622,364	-	-
Total General Fund	$ 111,855,645	$ 126,770,083	$ 103,435,453	$ 124,016,201	$ 115,277,226	$ 115,225,241	$ 131,390,776	$ 107,550,370	$ 139,505,854	$ 113,982,202
All Other Governmental Funds										
Nonspendable	$ 107,297,677	$ 108,638,002	$ 108,436,971	$ -	$ -	$ -	$ -	$ -	$ 32,759	$ -
Restricted	46,333,050	46,603,397	30,597,699	156,005,402	168,341,021	172,728,668	204,045,928	215,189,404	227,287,269	233,394,043
Committed	64,646,487	82,201,933	102,233,386	75,173,595	91,585,019	113,795,063	121,913,367	134,372,092	162,862,379	290,920,407
Assigned	3,462,343	14,169,115	5,653,602	22,785,386	14,197,954	6,098,646	13,872,159	22,962,330	-	
Unassigned	(4,614,745)	(12,975)	(2,626,236)	(23,149,529)	(16,784,621)	(402,755)	(521,927)	(464,083)	(243,566)	-
Total All Other Governmental Funds	$ 217,124,812	$ 251,599,472	$ 244,295,422	$ 230,814,854	$ 257,339,373	$ 292,219,622	$ 339,309,527	$ 372,059,743	$ 389,938,841	$ 524,314,450
Grand Total Governmental Funds	$ 328,980,457	$ 378,369,555	$ 347,730,875	$ 354,831,055	$ 372,616,599	$ 407,444,863	$ 470,700,303	$ 479,610,113	$ 529,444,695	$ 638,296,652

Note: The City implemented GASB Statement No. 54 in fiscal year ended June 30, 2011. Information prior to the implementation of GASB 54 is not presented.

City of Ontario
Assessed Value and Estimated Actual Value of Taxable Property*
Last Ten Fiscal Years
(dollars in thousands)

Fiscal Year Ended June 30	City				Redevelopment Agency			Total Direct Tax Rate [a]
	Secured	Unsecured	Less: Exemptions	Taxable Assessed Value	Secured	Unsecured	Taxable Assessed Value	
2013	$ 12,065,269	$ 1,788,106	$ (112,198)	$ 13,741,177	$ 3,999,768	$ 737,016	$ 4,736,784	1.0039
2014	12,465,751	1,758,596	(110,182)	14,114,165	4,137,730	774,208	4,911,938	1.0035
2015	12,413,859	2,552,384	(108,252)	14,857,991	4,295,948	786,273	5,082,221	1.0035
2016	13,124,582	2,611,079	(105,864)	15,629,797	4,494,605	786,273	5,280,877	1.0035
2017	13,781,901	2,543,614	(109,080)	16,216,435	4,697,741	781,204	5,478,946	1.0035
2018	14,844,332	2,624,317	(108,915)	17,359,734	5,060,484	781,204	5,841,689	1.0035
2019	16,575,762	2,814,842	(108,701)	19,281,903	5,458,072	781,204	6,239,276	1.0035
2020	18,181,749	2,910,729	(110,654)	20,981,823	5,754,326	781,204	6,535,530	1.0035
2021	19,529,581	3,147,303	(111,223)	22,565,661	6,217,924	781,204	6,999,129	1.0035
2022	21,666,906	3,257,643	(112,096)	24,812,452	6,723,763	781,204	7,504,967	1.0035

Source: San Bernardino County Auditor-Controller Property Tax Division, Agency Net Valuations

*In 1978 the voters of the State of California passed Proposition 13 which limited property taxes to a total maximum rate of 1% based upon the assessed value of the property being taxed. The value of the property was set at its 1975-76 level but was allowed to increase by an "inflation factor" (limited to a maximum increase of 2% each year. With few exceptions, property is only reassessed at its value when acquired through a change of ownership or by new construction. The assessed valuation data shown above represents the only data currently available with respect to the actual market value of taxable property and is subject to the limitations described earlier. The estimated actual taxable value is, therefore, not readily available for cities in the State of California.

[a] See Schedule 6 for Total Direct Tax Rate information.

Schedule 6

City of Ontario
Direct and Overlapping Property Tax Rates
Last Ten Fiscal Years
(rate per $100 of taxable value)

	Fiscal Year									
Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2021
Basic Levy	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Chaffey Community College Bond	0.0111	0.0157	0.0109	0.0113	0.0116	0.0088	0.0153	0.0241	0.0111	0.0177
Chaffey High School Bond	0.0101	0.0371	0.0294	0.0409	0.0319	0.0279	0.0402	0.0375	0.0352	0.0371
Chino Unified School Bond	0.0357	0.0358	0.0331	0.0331	0.0383	0.0934	0.0849	0.0790	0.0897	0.0862
Metropolitan Water Agency	0.0035	0.0035	0.0035	0.0035	0.0035	0.0035	0.0035	0.0035	0.0035	0.0035
Mt. View Elementary	0.0328	0.0351	0.0336	0.0314	0.0255	0.0263	0.0206	0.0180	0.0183	0.0615
Ontario-Montclair Elementary Bond	0.0274	0.0294	0.0260	0.0268	0.0264	0.0557	0.0555	0.0428	0.0458	0.0455
Total Direct & Overlapping Tax Rates	1.1206	1.1566	1.1365	1.1470	1.1372	1.2156	1.2200	1.2049	1.2036	1.2515
City's Share of 1% Levy Per Prop 13	0.1681	0.1681	0.1681	0.1681	0.1681	0.1681	0.1681	0.1681	0.1681	0.1681
Total Direct Rate	0.3840	0.1705	0.1706	0.1706	0.1706	0.1706	0.1708	0.1709	0.1703	0.1708

Source: The HDL Companies (San Bernardino County Assessor 2012/13 - 2021-22 tax rate table)

City of Ontario
Principal Property Taxpayers
Current Year and Ten Years Ago

	2022		2013	
Taxpayer	Taxable Value ($)	Percent of Total City Taxable Value (%)	Taxable Value ($)	Percent of Total City Taxable Value (%)
United Parcel Service Company	709,439,327	2.19%	367,419,177	1.98%
Prologis	690,196,633	2.13%	196,075,546	1.06%
Ontario Mills LP	421,371,045	1.30%	253,294,667	1.37%
Watson Land Company	365,371,221	1.13%		
Costco Wholesale Corporation	326,162,037	1.01%		
Vineyard Industrial LLC	296,324,795	0.92%		
Palmer Ontario Properties LP	240,101,984	0.74%		
Bre Jupiter WCA LLC	215,206,680	0.67%		
Colony Commerce Ontario West LP	203,437,590	0.63%		
Ontario Land Ventures	200,968,925	0.62%		
Catellus Finance 1 LLC			217,639,189	1.17%
Majestic-CCC IV Partners			124,049,070	0.67%
SVF Safari LLC			113,563,778	0.61%
Niagara Bottling LLC			108,035,401	0.58%
Comref So California Industrial			94,644,660	0.51%
Southwest Airlines Company Inc			92,794,870	0.50%
Landmark Pr I Ontario LLC			89,815,303	0.48%
Total Top 10 Taxpayers	3,668,580,237	11.34%	1,657,331,661	8.94%
Total Taxable Value	32,357,655,207	100.00%	18,536,210,794	100.00%

Source: HdL, Coren & Cone

City of Ontario
Property Tax Levies and Collections
Last Ten Fiscal Years

Fiscal Year Ended June 30	Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount	Percent of Levy		Amount	Percent of Levy
2013	$ 24,076,262	$ 23,032,185	95.66%	$ 1,250,281	$ 24,282,466	100.86%
2014	24,858,740	24,518,130	98.63%	812,490	25,330,619	101.90%
2015	25,868,724	25,584,269	98.90%	768,052	26,352,321	101.87%
2016	27,397,660	27,022,201	98.63%	755,577	27,777,778	101.39%
2017	28,598,396	28,237,630	98.74%	628,491	28,866,121	100.94%
2018	30,476,605	30,258,907	99.29%	662,586	30,921,494	101.46%
2019	33,855,137	33,811,751	99.87%	275,397	34,087,147	100.69%
2020	36,873,998	36,420,730	98.77%	332,350	36,753,080	99.67%
2021	39,726,164	39,415,629	99.22%	341,296	39,756,925	100.08%
2022	43,670,142	43,614,885	99.87%	496,967	44,111,852	101.01%

Schedule presents **City's property tax only.**

Source: San Bernardino County, Auditor-Controller-Recorder letter received in November of the previous calendar year and General Fund Revenue Statement as of June 30th.

[a] Data provided by the San Bernardino County Assessor's Office for collection of prior year taxes does not segregate the information by fiscal year. Therefore, the City is not able to provide this information in the above schedule.

City of Ontario
Taxable Sales by Category
Last Ten Calendar Years
(in thousands of dollars)
Adjusted for Economic Data

	2013	2014	2015	2016	2017	2018	2019	2020	2021*
Apparel Stores	$ 446,381	$ 478,292	$ 506,104	$ 562,564	$ 602,679	$ 626,122	$ 635,194	$ 390,225	$ 622,351
General Merchandise	191,762	208,902	214,164	221,327	220,619	235,038	224,960	221,697	277,662
Food Stores	58,711	57,522	59,020	59,541	60,947	62,372	62,246	70,451	74,885
Eating and Drinking Places	312,764	337,848	364,330	387,981	414,198	445,640	469,215	366,872	486,401
Building Materials	372,428	431,208	439,564	433,389	472,341	500,052	507,223	514,306	555,770
Auto Dealers and Supplies	1,227,602	1,349,392	1,494,056	1,648,651	1,644,720	1,673,935	1,728,715	1,735,639	2,303,599
Service Stations	612,272	630,762	512,482	476,927	533,997	646,417	633,924	417,895	651,993
Other Retail Stores	613,435	637,249	680,245	707,379	665,723	516,980	530,573	459,994	619,767
All Other Outlets	3,037,860	3,244,032	3,702,310	4,400,503	4,046,167	4,289,385	4,565,898	5,045,549	5,532,404
Total	$ 6,873,215	$ 7,375,207	$ 7,972,275	$ 8,898,262	$ 8,661,391	$ 8,995,941	$ 9,357,948	$ 9,222,628	$ 11,124,832

**Information for 2022 was not yet available. As such, the above schedule presents information for the most recent available past 10 years.*

Sources: State Board of Equalization California Department of Taxes and Fees Administration State Controller's Office, The HdL Companies

Note: Due to confidentiality issues the names of the ten largest revenue payers are not available. The categories presented are intended to provide alternative information regarding the sources of the City's revenue.

City of Ontario
Direct and Overlapping Sales Tax Rates
Last Ten Fiscal Years

Ended June 30	City Direct Rate	County Transportation Authority Rate	San Bernardino County Rate	State Rate
2013	-	0.50%	1.00%	6.50%
2014	-	0.50%	1.00%	6.50%
2015	-	0.50%	1.00%	6.50%
2016	-	0.50%	1.25%	6.25%
2017	-	0.50%	1.25%	6.00%
2018	-	0.50%	1.25%	6.00%
2019	-	0.50%	1.25%	6.00%
2020	-	0.50%	1.25%	6.00%
2021	-	0.50%	1.25%	6.00%
2022	-	0.50%	1.25%	6.00%

Source: California Department of Tax and Fee Administration.

Note: The Bradley-Burns Uniform Local Sales and Use Tax Law was enacted in 1955. The law authorized counties to impose sales and use tax. Effective January 1, 1962, all counties within the State of California have adopted ordinances for the Board of Equalization to collect the local tax. Local tax rate for the San Bernardino County has been 1.25% since January 1, 2017.

The City of Ontario does not impose direct sales and use tax.

Schedule 11

City of Ontario
Sales Tax Revenue Payers by Industry
Dollars In Thousands

	Fiscal Year 2022					Fiscal Year 2013			
Economic Category	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total	Economic Category	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
Autos & transportation	599	7.04%	$ 25,172	22.81%	General retail	2,110	43%	$ 9,857	16.67%
Building & construction	319	3.75%	8,745	7.92%	Food products	647	13.11%	4,361	7.38%
Business & industry	2,870	33.73%	47,271	42.83%	Transportation	532	10.78%	16,792	28.40%
Food & drugs	154	1.81%	1,271	1.15%	Construction	228	4.62%	4,600	7.78%
Fuel & service stations	101	1.19%	10,094	9.15%	Business to business	1,060	21.48%	20,158	34.09%
General consumer goods	3,858	45.33%	11,878	10.76%	Miscellaneous	357	7.24%	3,362	5.69%
Restaurants & hotels	609	7.16%	5,937	5.38%					
						4,934	100.00%	$ 59,129	100.00%
	8,510	100.00%	$ 110,368	100.00%					

Source: The HdL Companies 2022, MuniServices, LLC 2013

Note: Due to confidentiality issues, the names of the ten largest sales tax remitters are not available. The categories presented above are intended to provide alternative information regarding the sources of the City's revenue.

Schedule 12

The City of Ontario
Ratios of Outstanding Debt by Type
(Dollars In Thousands, Except Per Capita)

	Governmental Activities						Business-type Activities					
Fiscal Year Ended June 30	General Obligation Bonds	Tax Allocation Bonds	Revenue Bonds	Loans	Capital Leases	Total Governmental Activities	Term Loan	Certificates of Participation	Total Business-type Activities	Total Primary Government	Percentage of Personal Income [b]	Per Capita
2013	$ 40,417	$ -	$ -	$ -	$ -	$ 40,417	$ -	$ 44,425	$ 44,425	$ 84,842	3.66%	$ 508
2014	72,067	-	-	-	-	72,067	-	74,808	74,808	146,875	4.82%	877
2015	70,647	-	-	-	-	70,647	-	73,488	73,488	144,136	4.65%	852
2016	69,158	-	-	-	-	69,158	-	72,119	72,119	141,277	4.38%	832
2017	67,593	-	-	149	-	67,742	-	70,700	70,700	138,442	4.38%	794
2018	63,153	-	-	137	-	63,290	-	69,225	69,225	132,515	3.85%	754
2019	62,881	-	-	127	-	63,008	-	67,696	67,696	130,704	3.76%	722
2020	298,558 [c]	-	-	23,907	-	322,466	-	67,596	67,596	390,062	10.19%	2,108
2021	293,943	-	-	52,754	-	346,697	-	66,012	66,012	412,708	10.03%	2,231
2022	393,158 [d]	-	-	64,841 [e]	-	457,999	-	67,550 [b]	67,550	525,549	11.51%	2,953

Source: Notes to the Financial Statements, Long Term Debt section.

a See Schedule 17 for personal and population data. These ratios are calculated using personal income and population for the prior calendar year.

b The City issued revenue bonds in the amount of $67.550 million to refund all of the outstanding Ontario Public Financing Authority 2013 Water Revenue Bonds.

c City issued $236.585 million in Pension Obligation Bonds to pay a portion of the City's unfunded pension liability to the California Public Employees' Retirement System (CalPERS) for the benefit of the City public safety police and fire employees.

d The Ontraio Public Financing Authority issued lease revenue bonds in the amount of $35.045 million to provide funds to fully refund the 2013 Lease Revenue Bonds and issued lease revenue bonds in the amount of $90.830 million to finance the acquisition and construction of capital projects.

e The Ontario Housing Authority (Authority) negotiated the purchase of a property and assumed a promissory note and deed from Housing Opportunities Group Inc (HOGI) with a $158,566; the city entered into a loan agreement with CBB to provide funding of financing fiber optic broadband network in the amount of $18,250,000, entered into an installment sale agreement to purchase a parcel of land for the future Great Park in the Ontario Ranch development for $33.100 million, with a five year loan of $23.780 million, entered into a loan agreement with BAPCC, and affiliate of Bank of America, to providing funding for the installation of energy efficiency upgrades to various city facilities, it is a 20 year loan in the amount of $30,546,000, and entered into a loan agreement with the California Energy Commission to provide funding for the installation of LED lights, it is a 10 year loan in the amount of $2,898,000.

City of Ontario
Ratio of General Bonded Debt Outstanding
Last Ten Fiscal Years
(dollars in thousands, except per capita)

Fiscal Year Ended June 30	General Bonded Debt Outstanding: General Obligation Bonds	Redevelopment Bonds: Tax Allocation Bonds	Redevelopment Bonds: Revenue Bonds	Total	Percentage of Assessed Value [a] of Property	Per Capita [b] [c]
2013	$ 40,417	$ -	$ -	$ 40,417	0.24%	$ 242.21
2014	72,067	-	-	72,067	0.41%	430.55
2015	70,647	-	-	70,647	0.40%	417.81
2016	69,158	-	-	69,158	0.38%	407.13
2017	67,593	-	-	67,593	0.31%	387.83
2018	63,153	-	-	63,153	0.27%	359.15
2019	62,881	-	-	62,881	0.25%	347.20
2020	239,573	-	-	239,573	0.87%	1,294.92
2021	293,943	-	-	293,943	0.99%	1,588.80
2022	393,158	-	-	393,158	1.22%	2,209.21

Note: General bonded debt is debt payable with governmental fund resources and general obligation bonds recorded in the enterprise funds (of which the City has none). Details regarding the City's outstanding debt can be found in the notes to the financial statements.

a Assessed value has been used because the actual value of taxable property is not readily available. See Schedule 5 for assessed property value data.

b See Schedule 17 for population data.

c City issued $236.585 million in Pension Obligation Bonds to pay a portion of the City's unfunded pension liability to the California Public Employees' Retirement System (CalPERS) for the benefit of the City's public safety police and fire employees.

d The Ontraio Public Financing Authority issued lease revenue bonds in the amount of $90.830 million to finance the acquisition and construction of capital projects.

Schedule 14 - Direct and Overlapping Governmental Activities Debt

City Assessed Valuation	32,317,419,137
Redevelopment Agency Incremental Valuation	7,504,967,166
Total Assessed Valuation	$ 39,822,386,303 *

*Does not include deduction of the homeowner's exception of $111,223

	Outstanding Debt 6/30/2022	Percentage Applicable [a]	Est. Share of Overlapping Debt 6/30/2022
Overlapping Debt Repaid with Property Taxes:			
Metropolitan Water District	$ 20,175,000	0.953%	$ 192,268
Chaffey Community College District	302,930,000	23.839%	72,215,483
Chino Valley Unified School District	682,369,867	6.624%	45,200,180
Chaffey Union High School District	513,636,737	42.192%	216,713,612
Ontario-Montclair School District	105,895,015	69.532%	73,630,922
Mountain View School District School Facilities Improvement District No. 1	8,494,676	99.466%	8,449,314
Mountain View School District School Facilities Improvement District No. 2	18,985,000	98.655%	18,729,652
Mountain View School District CFD No. 1997-1	434,000	100.000%	434,000
Ontario Community Facilities District No. 13	3,205,000	100.000%	3,205,000
Ontario Community Facilities District No. 24	14,600,000	100.000%	14,600,000
Ontario Community Facilities District No. 25	8,220,000	100.000%	8,220,000
Ontario Community Facilities District No. 26	8,520,000	100.000%	8,520,000
Ontario Community Facilities District No. 28	8,320,000	100.000%	8,320,000
Ontario Community Facilities District No. 30	13,185,000	100.000%	13,185,000
Ontario Community Facilities District No. 31	4,680,000	100.000%	4,680,000
Ontario Community Facilities District No. 33	5,890,000	100.000%	5,890,000
Ontario Community Facilities District No. 34	7,455,000	100.000%	7,455,000
Ontario Community Facilities District No. 38	10,090,000	100.000%	10,090,000
Ontario Community Facilities District No. 39	4,915,000	100.000%	4,915,000
Ontario Community Facilities District No. 40	6,245,000	100.000%	6,245,000
Ontario Community Facilities District No. 41	13,845,000	100.000%	13,845,000
Ontario Community Facilities District No. 42	7,085,000	100.000%	7,085,000
Ontario Community Facilities District No. 43	15,595,000	100.000%	15,595,000
Ontario Community Facilities District No. 45	8,860,000	100.000%	8,860,000
Ontario Community Facilities District No. 46	7,130,000	100.000%	7,130,000
Ontario Community Facilities District No. 53	21,455,000	100.000%	21,455,000
Ontario Community Facilities District No. 54	6,135,000	100.000%	6,135,000
Total overlapping debt repaid with property taxes	1,828,350,295		610,995,431
Overlapping General Fund Debt:			
San Bernardino County General Fund Obligations	188,035,000	12.139%	22,825,569
San Bernardino County Pension Obligation Bonds	119,835,000	12.139%	14,546,771
San Bernardino County Flood Control District GF Obligation	44,780,000	12.139%	5,435,844
Chaffey Community College District Certificates of Participation	27,675,000	23.839%	6,597,443
Cucamonga School District Certificate of Participation	3,426,000	52.684%	1,804,954
City of Ontario General Fund Obligations	**150,895,000**	**100.000%**	**150,895,000**
City of Ontario Pension Obligation Bonds	**228,855,000**	**100.000%**	**228,855,000**
City of Ontario General Fund Obligations-Unamortized			
Bond Premium and Discount	**13,408,167**		**13,408,167**
Loans Payable	**64,840,743**		**64,840,743**
West Valley Vector Control District Certificate of Participation	1,866,938	32.945%	615,063
Total overlapping general fund debt	843,616,848		509,824,553
Overlapping Tax Increment Debt (Successor Agency):	$ 23,872,900	100.00%	23,872,900
Total overlapping debt			686,693,974
City direct debt			457,998,910
Total direct and overlapping debt			$ 1,144,692,884

[a] For debt repaid with property taxes, the percentage of overlapping debt applicable is estimated using taxable assessed property values. Applicable percentages were another governmental unit's taxable assessed value that is within the City's boundaries and dividing it by each unit's total taxable assessed value.

Note: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the City. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the City. This process recognizes that, when considering the City's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident, and, therefore, responsible for repaying the debt of each overlapping government.

Source: California Municipal Statistics, Inc.
City direct debt can be obtained from Schedule 12
City bond premium and discount can be obtained from
Note 8 in notes to Basic Financial Statements.
City Loans Payable can be obtained from
Note 8 in notes to financial statements.

Schedule 15

City of Ontario
Legal Debt Margin Information
Last Ten Fiscal Years
(dollars in thousands)

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Assessed valuation [a]	$ 13,741,177	$ 14,114,165	$ 14,857,991	$ 15,629,797	$ 16,216,435	$ 17,359,734	$ 19,281,903	$ 20,981,823	$ 22,565,661	$ 24,812,452
Conversion percentage [b]	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Adjusted assessed valuation	$ 3,435,294	$ 3,528,541	$ 3,714,498	$ 3,907,449	$ 4,054,109	$ 4,339,934	$ 4,820,476	$ 5,245,456	$ 5,641,415	$ 6,203,113
Debt limit percentage [c]	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Debt limit	$ 515,294	$ 529,281	$ 557,175	$ 586,117	$ 608,116	$ 650,990	$ 723,071	$ 786,818	$ 846,212	$ 930,467
Total net debt applicable to limit:										
General obligation bonds	39,995	72,035	70,625	69,145	67,590	60,200	60,035	295,570	291,080	379,750
Legal debt margin	$ 475,299	$ 457,246	$ 486,550	$ 516,972	$ 540,526	$ 590,790	$ 663,036	$ 491,248	$ 555,132	$ 550,717
Total debt applicable to the limit as a percentage of debt limit	7.76%	13.61%	12.68%	11.80%	11.11%	9.25%	8.30%	37.57%	34.40%	40.81%

Source: City of Ontario, Administrative Services Agency

a Assessed valuation includes the City portion only.

b The California Code Section 43605 provides for a legal debt margin limit of 15% of gross assessed valuation. However, this provision was enacted when assessed valuation was based upon 25% market value. Effective with the 1981-82 fiscal year, each parcel is now assessed at 100% of market value (as of the most recent change in ownership for that parcel). The computation shown above reflects a conversion of assessed valuation data for each fiscal year from the current full valuation perspective to the 25% level that was in effect at the time that legal margin debt was enacted by the State of California for local governments within the State.

c The legal debt limit of 15% is established by the State of California Code Section 43605.

City of Ontario
Pledged Revenue
Coverage
(Dollars in thousands)

Fiscal Year Ended June 30	Pledged-Revenue Coverage (Dollars In Thousands) Revenue	Less Operating Expenses	Net Available Revenue	Debt Service Principal	Debt Service Interest	Coverage
2013	$ 57,433	$ 26,692	$ 30,741	$ 1,145	$ 2,266	9.01
2014	60,108	33,427	26,681	2,025	3,576	3.98
2015	60,176	39,894	20,282	1,220	3,576	3.98
2016	55,649	39,639	16,010	1,270	3,527	3.34
2017	59,459	36,604	22,855	1,320	3,476	4.77
2018	61,126	42,748	18,377	1,375	3,423	3.83
2019	59,888	40,578	19,310	1,430	3,368	4.02
2020	55,828	50,003	5,824	1,485	3,311	1.21
2021	63,669	52,588	11,081	1,485	3,282	2.32
2022	72,949	46,774	26,176	1,545	3,213	5.50

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements. Operating expenses do not include interest, depreciation, or amortization expenses.

City of Ontario
Demographic and Economic Statistics
Last Ten Calendar Years

Calendar Year	Population (1)	Personal Income (in thousands) (2)	Per Capita Personal Income (2)	Unemployment Rate (3)
2013	$ 166,866	$ 3,047,233	$ 18,522	10.7%
2014	167,382	3,100,249	18,774	8.2%
2015	169,089	3,224,189	19,068	5.8%
2016	169,869	3,159,733	18,601	6.5%
2017	174,283	3,444,006	19,761	5.5%
2018	175,841	3,474,794	19,761	3.4%
2019	181,107	3,826,610	21,129	3.0%
2020	185,010	4,114,067	22,237	8.3%
2021	185,010	4,566,417	24,682	5.6%
2022	177,963	4,392,483	24,682	6.8%

Source: (1) - Ontario (City) QuickFacts from the US Census Bureau
(2) - Ontario (City) QuickFacts from the US Census Bureau
(3) - California Labor Market Info, EDD.

City of Ontario
Principal Employers
Principal Employment Sectors - Current Year and Nine Years Ago

Employer	2021 Number of Employees [a]	2021 Percentage of Total City Employment	2012 Number of Employees	2012 Percentage of Total City Employment
United Parcel Service	5,000 - 9,999			
Workforce Personnel, Inc	5,000 - 9,999			
Ontario Montclair Elementary School	1,000 - 4,999			
Chaffey Union High School	1,000 - 4,999			
FedEx	500 - 999			
Qvc, Inc	500 - 999			
AutoZone	500 - 999			
The Home Depot	500 - 999			
Cardenas Market LLC	500 - 999			
Uline Inc	250 - 499			
Cardinal Health	250 to 499	[a] Left intentionally blank	[a] Left intentionally blank	[a] Left intentionally blank
Wal-Mart Associates, Inc	250 to 499			
Ventura Foods, LLC	250 to 499			
Gold Star Foods, Inc	250 to 499			
Toyota Motor Sales USA, Inc	250 to 499			
Staples Contract Commercial	250 to 499			
Starbucks	250 to 499			
Mag Instrument	250 to 499			
Citizens Business Bank	250 to 499			
Carmax Auto	250 to 499			
Total	-	-	-	0.00%

**Information for 2022 was not yet available. As such, the above schedule presents information for the most recent available year and 9 years prior.*

Notes: [a] Per EDD, employment numbers are confidential therefore, only the data for the range of numbers of employees are available.

Source: EDD
City of Ontario Business License Dept

City of Ontario
Principal Employers
Principal Employment Sectors - Current Year and Nine Years Ago

Employment Sector	2021 Number of Employees [a]	2021 Percentage of Total City Employment	2012 Number of Employees	2012 Percentage of Total City Employment
Distribution	25,057	21.02%	23,194	25.69%
Retail/Wholesale Trade	25,137	21.08%	14,768	16.36%
Manufacturing	10,417	8.74%	11,970	13.26%
Administrative Support	16,420	13.77%	10,575	11.71%
Construction	5,456	4.58%	2,984	3.31%
Education	4,839	4.06%	4,993	5.53%
Other Services	2,569	2.15%	4,156	4.60%
Business Services	3,913	3.28%	3,534	3.91%
Management of Companies and Enterprises	1,555	1.30%	2,468	2.73%
Financial Institution/Insurance/Real Estate	4,594	3.85%	3,066	3.40%
Hotels and Entertainment	6,456	5.41%	2,604	2.88%
Information	1,583	1.33%	1,074	1.19%
Health Services	10,110	8.48%	2,375	2.63%
Utilities	151	0.13%	781	0.87%
Public Administration	973	0.82%	1,202	1.33%
Aerospace (in the engineering figures)	-	0.00%	533	0.60%
Total	119,230	100.00%	90,277	100.00%

**Information for 2022 was not yet available. As such, the above schedule presents information for the most recent available year and 9 years prior.*

Source: Number of employees by sector estimates - California EDD

[a] most current number of employees as of 2016

Schedule 19

City of Ontario
Full-Time City Government Employees by Function
Last Ten Fiscal Years

	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
General Government	103	148	137	147	122	126	144	149	138	141
Public Safety	492	495	499	506	596	600	624	640	640	603
Community Development	118	145	157	156	183	131	133	195	127	110
Public Works	331	285	289	289	296	355	376	329	417	406
Total	1,044	1,073	1,082	1,098	1,197	1,212	1,277	1,313	1,322	1,260

Source: City of Ontario, FY 2021-22 Adopted Budget, p.63, Current 2021-22 Full-Time Positions

Note: A full-time employee is scheduled to work 2,080 hours per year (including vacation and sick leave).

City of Ontario
Operating Indicators by Function/Program
Last Ten Fiscal Years

Function/Program	Fiscal Year 2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
General government										
Building permits issued	3,550	3,724	3,987	4,353	4,231	5,130	4,652	4,568	5,827	7,499
Police										
Physical arrests	8,959	8,546	8,280	8,916	10,433	10,024	7,955	6,415	5,142	4,258
Citations	13,161	9,377	8,469	7,957	6,733	7,058	9,415	5,340	4,078	4,989
Fire										
Emergency response	15,783	16,736	16,794	18,326	19,418	20,223	20,258	20,623	22,211	22,634
Fire inspections	4,227	4,168	4,650	6,986	3,269	2,843	2,938	3,200	7,146	
Public works										
Street resurfacing (miles)	16.10	18.50	15.20	11.26	8.97	11.00	13.50	8.00	5.4	3.6
Parks and recreation										
Number of recreation classes	1,402	1,299	1,265	1,233	1,202	1,106	1,125	806	202	199
Number of facility rentals	4,337	6,118	6,259	5,761	6,754	6,468	5,472	3,181	3,771	2,636
Library										
Total volumes of books borrowed	387,092	393,308	390,740	466,189	433,527	407,395	419,646	312,583	147,781	278,069
Total volumes of audio/visual items borrowed	129,435	133,041	121,908	127,989	120,066	100,901	100,333	65,548	21,577	16,630
Water										
Number of recycled water connections	221	220	244	290	333	339	417	426	442	497
Number of potable connections	33,304	33,134	33,504	34,000	34,468	35,308	36,831	30,912	37,631	41,567
Average daily potable consumption (MGD)	32	34	29	30	26	30	27	26	28	26.94
Solid waste										
Refuse collected (tons per day)	545	564	592	598	655	683	678	739	799	793
Recyclables collected (tons per day)	49	49	48	50	54	55	61	75	98	97
Recyclables recovered (tons per day)	33	38	38	39	37	40	41	49	59	58
Organic-Food Waste Collection Avg Tons/Day										2
Green Waste Collection Avg Tons/Day										93

Source: City of Ontario, various departments

City of Ontario
Capital Asset Statistics by Function/Program
Last Ten Fiscal Years

	Fiscal Year									
Function/Program	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Police										
Police stations	2	2	2	2	2	2	2	2	2	2
Fire										
Fire stations	8	8	8	8	8	9	9	9	10	10
Public works										
Streets (miles) [a]	552	552	543	503	503	486	508	499	510	530
Traffic signals	191	191	191	191	207	207	209	217	228	237

[a] *Number of street miles were adjusted to reflect only the mileage in the City of Ontario ~ not the surrounding cities.*

Source: City of Ontario, various departments

CITY OF ONTARIO CALIF.
SCHOOLS & CHURCHES
BUSINESS & AGRICULTURE
BALANCED COMMUNITY
INCORPORATED 1891

MAYOR
PAUL S. LEON

MAYOR PRO TEM
ALAN D. WAPNER

COUNCIL MEMBERS
JIM W. BOWMAN
DEBRA DORST-PORADA
RUBEN VALENCIA

CITY TREASURER
JAMES R. MILHISER

CITY CLERK
SHEILA MAUTZ

CITY MANAGER
SCOTT OCHOA

EXECUTIVE DIRECTOR OF FINANCE
ARMEN HARKALYAN

2022
CITY OF ONTARIO

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Management Services Prepared By: Brandi Belmontes Staff Member Presenting: Darlene M. Sanchez, Assistant City Manager Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 16

SUBJECT: **DESIGNATION OF VOTING DELEGATE FOR THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT**

RECOMMENDATION: That the City Council appoint Mayor Paul Leon as the City Delegate Representative for the West Valley Mosquito and Vector Control District Board of Trustees for the 2023-2024 term.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: There is no direct fiscal impact by taking this action. However, representation and participation in West Valley Mosquito and Vector Control District will help guide policy on matters that may have an impact on the City.

BACKGROUND & ANALYSIS: The West Valley Mosquito and Vector Control District was founded on December 5, 1983, by the San Bernardino County Board of Supervisors to address mosquito abatement issues. This District is responsible for habitat modification for vector reduction, inspection of swimming pools, pre-construction vector surveys, inspection for mosquitos, honeybee hive removal in vegetation and non-structural areas, and inspection for rodents.

Each City has an appointed person serving on the Board of Trustees while the County has an at-large representative.

The deadline to submit the 2023-2024 City of Ontario representative is January 2, 2023.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: Records Management Prepared By: Claudia Y Isbell Staff Member Presenting: Ruben Duran, City Attorney Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 17

SUBJECT: **ADOPTION OF AN ORDINANCE ADOPTING A MAP FOR THE DISTRICT-BASED ELECTIONS UNDER THE CALIFORNIA VOTING RIGHTS ACT**

RECOMMENDATION: That the City Council adopt an Ordinance adding a new article 3 to title 2 of volume 1 of the Ontario Municipal Code to change the city's electoral system from at-large to by-district elections.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: There is not a direct fiscal impact associated with this Public Hearing.

BACKGROUND & ANALYSIS: On April 19, 2022, the City Council conducted the first of five public hearings to receive community input regarding communities of interest. The second public hearing took place on May 10, 2022, at which time Staff introduced and provided a demonstration of the mapping tool that was subsequently released to the public. At that public hearing, the City Council also received input regarding communities of interest. Ten initial draft maps were made available on the City's district website on June 13, 2022, for public review. Six additional draft maps were posted on the City's district website on June 30, 2022. On June 21, 2022, the City conducted the third Public Hearing where the City demographer presented and the City Council received input from the community. On July 5, 2022, the City conducted its fourth public hearing in the districting process. The City Attorney's Office evaluated publicly submitted comments and maps for compliance with the California Voting Rights Act and Federal Voting Rights Act, and initial draft maps were presented to Council for consideration at the fourth public hearing. On July 19, 2022, the City conducted the fifth public hearing. At the fifth public hearing, the City Council provide direction to Staff and the City's demographers to advance certain maps for further consideration (Map 4, Map 6, and Map 10) and to conduct additional public outreach and community engagement regarding proposed maps. To that end, the City continued to encourage public comments on the transition to districts process and the proposed district maps. In an effort to engage Ontario residents in the districting process, five community workshops were initially held in various areas of the City to provide background and specific directions on creating maps. These workshops were held in

English and Spanish. There were four additional community workshops to specifically go over the mapping tool. The four additional community workshops were also held in English and Spanish. In addition, Staff distributed paper map kits at the Ontario Senior Center and during the City's Concerts in the Park events. Following the fifth public hearing on July 19th, the City held seven additional community engagement meetings, three virtually (including one in Spanish), two at community centers, and two in conjunction with the Route 66 Cruisin' Reunion event. During the additional community outreach, a seventeenth map was submitted by Mr. Chris Robles, plaintiff in the California Voting Rights Act lawsuit against the City. Mr. Robles worked collaboratively with the Center for Community Action and Environmental Justice and the Black and Brown Alliance in creating a seventeenth map, "Map 17". The City's demographic consultant examined each of the seventeen maps and determined that the districts drawn in the draft maps are within the population deviation of 10% or less, are contiguous, and compact, albeit to varying degrees. Map 17, submitted on September 6, 2022, is very compact, with contiguous districts, and respects the communities of interests identified through the public hearing process. Additionally, Map 17 respects the geographic integrity of the City's historical district in the northwest quadrant of the City and the Ontario Ranch area in the southern portion of the City. In fact, Map 17 is extremely similar to maps the City Council advanced for further consideration at the July 19th public hearing and in particular, Map 6, which was submitted by the City's demographic consultant. As such, in an effort to promote a collaborative design approach with various community stakeholders, Map 17 emerges as not only a legally compliant map option, but one that represents the community's interests and desires.

On November 1, 2022, the City Council took action to introduce an Ordinance approving Map 17. Subsequently, on November 15, 2022, the City Council directed staff to amend the proposed sequencing of Map 17 in order to address community input. More specifically, the City Council requested Districts 1 and 4 transition to by-district elections in 2024, and Districts 2 and 3 transition to by-district elections in 2026.

On December 6, 2022, the City Council took action to reintroduce an Ordinance approving Map 17 with the revised proposed sequencing requested during the prior City Council meeting. Staff recommends the City Council adopt the Ordinance as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW ARTICLE 3 TO TITLE 2 OF VOLUME 1 OF THE ONTARIO MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS AND MAINTAINING AN ELECTIVE MAYOR, ESTABLISHING DISTRICT BOUNDARIES, SCHEDULING ELECTIONS WITHIN THE DISTRICTS, AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City of Ontario, California ("City") is a general law city, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City and its legislative body, the City Council, supports the full participation of all eligible and registered voters in electing Members of the City Council; and

WHEREAS, four of the members of the Ontario City Council are currently elected in at-large elections, in which each City Councilmember is elected by all registered voters of the entire City, with the Mayor being separately elected by all registered voters of the entire City, pursuant to California Government Code sections 34871 and 34900 et seq.; and

WHEREAS, on September 28, 2016, Governor Edmund G. Brown, Jr. signed Assembly Bill 2220 ("AB 2220"), which became effective January 1, 2017, and amended California Government Code section 34886 to authorize the City Council of any city, regardless of population size, to adopt an ordinance change to a by-district system of electing City Councilmembers, including with an elective mayor, without the need to submit such an ordinance to voters for approval; and

WHEREAS, on September 28, 2016, Governor Edmund G. Brown, Jr. also signed Assembly Bill 350 ("AB 350"), which became effective January 1, 2017, which requires a City that changes to district-based elections to hold public hearings before and after drawing a preliminary map or maps of the proposed district boundaries, and to publish and make available for release at least one draft map and the potential sequencing of elections; and

WHEREAS, on or about March 5, 2020, the City received a complaint asserting that the City's current at-large electoral system violates the California Voting Rights Act of 2001 ("CVRA"); and

WHEREAS, the complaint does not contain sufficient evidence of a violation of the CVRA, but the cost of defending against a lawsuit under the CVRA is extremely high, even if the City is successful, and such an expensive defense would severely burden the City's budget and curtail the City's ability to provide needed services to its residents; and

WHEREAS, on or about June 2, 2021, in order to avoid spending additional taxpayer dollars in the defense of a potentially extremely expensive lawsuit, the City Council determined that it is in the best interest of the City to enter into a settlement agreement and move from its current at-large electoral system to a by-district election for members of the City Council, with an elective mayor pursuant to California Government Code section 34886 and in furtherance of the purposes of CVRA, and to that end, the City Council has undertaken an extensive public outreach effort, including multiple workshops and public hearings, at which time the public was invited to participate and provide input as to the proposed boundaries, content and composition of the districts and the potential sequencing of elections; and

WHEREAS, under the provisions of California Election Code section 10010, a City that changes from an at-large method of election to a district-based election must do all of the following before a public hearing at which the City Council votes to approve or defeat an ordinance establishing district-based elections:

- Before drawing a draft map or maps of the proposed boundaries of the districts, the City must hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts.

- After all draft maps are drawn, the City must publish and make available for release at least one draft map and the potential sequence of the elections.

- The City must hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections. The first version of a draft map must be published at least seven days before consideration at a hearing; and

WHEREAS, on February 27, 2020, the City Council adopted a Resolution of Intention, outlining the City Council's intention to transition from at-large to district-based elections, specific steps the City Council will undertake to facilitate this transition, and an estimated time frame for doing so; and

WHEREAS, on April 5, 2022 and May 10, 2022, the City Council conducted two (2) public hearings for the purpose of soliciting public input and comments on the composition of the proposed election districts; and

WHEREAS, the City Council also conducted public workshops on April 4, 6, 11, 12, and 13, 2022, at which time the City provided information on the districting process and informed the public on ways to become involved; and

WHEREAS, on May 14, 2022 and June 4, 2022, the City conducted four (4) additional public workshops, to instruct the public in the use of the online and paper mapping tools; and

WHEREAS, ten (10) draft election district maps were placed on the City's public webpage for public review on June 14, 2022; and

WHEREAS, six (6) additional draft election district maps were placed on the City's public webpage for public review on June 28, 2022; and

WHEREAS, on September 8, 10, 16, 17, 24, 2022 and October 8, 12, 22, 2022 the City conducted additional outreach in the form of community engagement meetings both in person and virtually; and

WHEREAS, as a result of the additional public meetings and community engagement, one (1) additional draft election district map was submitted by the plaintiff in the aforementioned California Voting Rights Act action to transition to by-district elections, labeled Map 17 and drafted in collaboration with the Black and Brown Alliance and the Center for Community Action and Environmental Justice; and

WHEREAS, Map 17 is population balanced, draws compact, contiguous districts, respects the communities of interest identified by various speakers during the public hearing process, and recognizes the geographic integrity of the historic district in the northwest quadrant of the City and the Ontario Ranch area located in the southern portion of the City; and

WHEREAS, Map 17 was placed on the City's public webpage for public review on October 24, 2022; and

WHEREAS, on June 21, July 5, July 19, 2022, November 1, 2022, and December 6, 2022, the City Council conducted five (5) additional public hearings, at which time all interested persons were afforded an opportunity to provide input regarding the content of the draft maps and the proposed sequence of elections, and at which time the City Council did hear and consider such public input regarding the content of the draft maps and the proposed sequence of elections; and

WHEREAS, the purpose of this ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for election of the Members of the City Council of the City of Ontario by-district in four (4) single-member districts as reflected in Exhibit A to this ordinance, and providing for the election of an elective Mayor of the City of Ontario to be elected City-wide; and

WHEREAS, pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the City Council of the City of Ontario made by this ordinance is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) and to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new Article 3 is hereby added to Title 2 of Volume 1 of the Ontario Municipal Code with the title "City Council Electoral System" to read as follows:

"Sec. 2-1-301 City Council Electoral System

(a) At-large election—Mayor. Pursuant to California Government Code section 34886, the mayor shall be voted on at-large.

(b) City Council districts established. Four City Council districts are hereby established in the City of Ontario. The boundaries and identifying number of each district shall be as described on the Council District Map 17 attached hereto as Exhibit "A" and incorporated herein by this reference.

(c) Election of members of the City Council by district.

A. Following the effective date of the ordinance codified in this section and upon the commencement of "by district" elections in the order established in section (d) of this section 2-42, members of the City Council shall be elected "by district" as defined in California Government Code Section 34871 or any successor statute. Except for the Mayor, a person shall not be eligible to be elected to be a member of the City Council unless he or she is otherwise qualified as required by law and resided in the district, and both resided in the geographical area making up the district from which he or she is nominated to be elected and was a registered voter of the City of Ontario at the time nomination papers are issued to the candidate as provided for in Section 10227 of the California Elections Code. It is the intent of the City Council, in enacting this ordinance, that no term of any member of the City Council that commences on or prior to the effective date of the ordinance codified in this section shall be affected prior to its expiration date.

B. Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the member is to be elected.

C. The terms of the office of each member elected to the City Council, including the Mayor, shall remain four years.

(d) Commencement of district elections. It is the intent of the City Council, in enacting this ordinance, that this section shall not affect any term of office in existence or commencing on or before the effective date of the ordinance codified in this section. Commencing with the general municipal election in November of 2024 and thereafter, the voters in districts 1 (one) and 4 (four) shall elect members of the City Council by district for full four-year terms. At the general municipal election in 2026 and thereafter, the voters in districts 2 (two) and 3 (three) shall elect members of the City Council and the Mayor shall be elected at large for full four-year terms.

(e) Adjustment of boundaries.

A. Pursuant to Elections Code Section 21601, as it may be amended, the City Council shall, by ordinance or resolution, adjust the boundaries of any or all of the districts following each decennial federal census. Using the census as a basis, the City Council shall adjust the boundaries so that the districts shall be as nearly equal in population as practicable and in compliance with all applicable provisions of law. Any adjustment of district boundaries shall be made by ordinance or resolution, adopted by the City Council before the first day of November of the year following the year in which each decennial federal census is taken. Prior to the public hearing approving the adjustment of the district boundaries, the City Council shall hold at least one public hearing on the proposed district boundaries as required by Election Code Section 21607.

B. At the time of any annexation of territory to the City, the City Council shall designate, by resolution adopted by a vote of at least a majority of the City Council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries if necessary in accordance with Election Code Section 21603, as it may be amended.

C. Pursuant to Elections Code Section 21606, the term of office of any Council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected. At the first election for Council following adjustment of the boundaries of the districts, a person meeting the requirements of Government Code Section 34882 shall be elected to the City Council for each district under the readjusted district plan that has the same district number as a district whose incumbent's term on the Council is due to expire.

(f) Implementation. If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts."

SECTION 2. Effective Date. This Ordinance shall be become effective thirty (30) days after its adoption.

SECTION 3. Inconsistencies. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation government the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 4. Interpretation. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its state purposes.

SECTION 5. CEQA. Pursuant to Section 15320 of the Guidelines for the Implementation of the California Environmental Quality Act ("CEQA"), further review under CEQA is not required because the City Council action in establishing district-based elections consists of a change in the organization or reorganization of a local governmental agency where the change does not change the geographical area in which previously existing powers are exercised. Therefore, the City Council finds that it can be seen with certainty that there is no possibility that this action will result in any environmental effect. The City Clerk is hereby directed to file a Notice of Exemption with the County Clerk within three (3) days following the date of this Ordinance.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Ontario.

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Ontario hereby declares it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED on this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3224 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

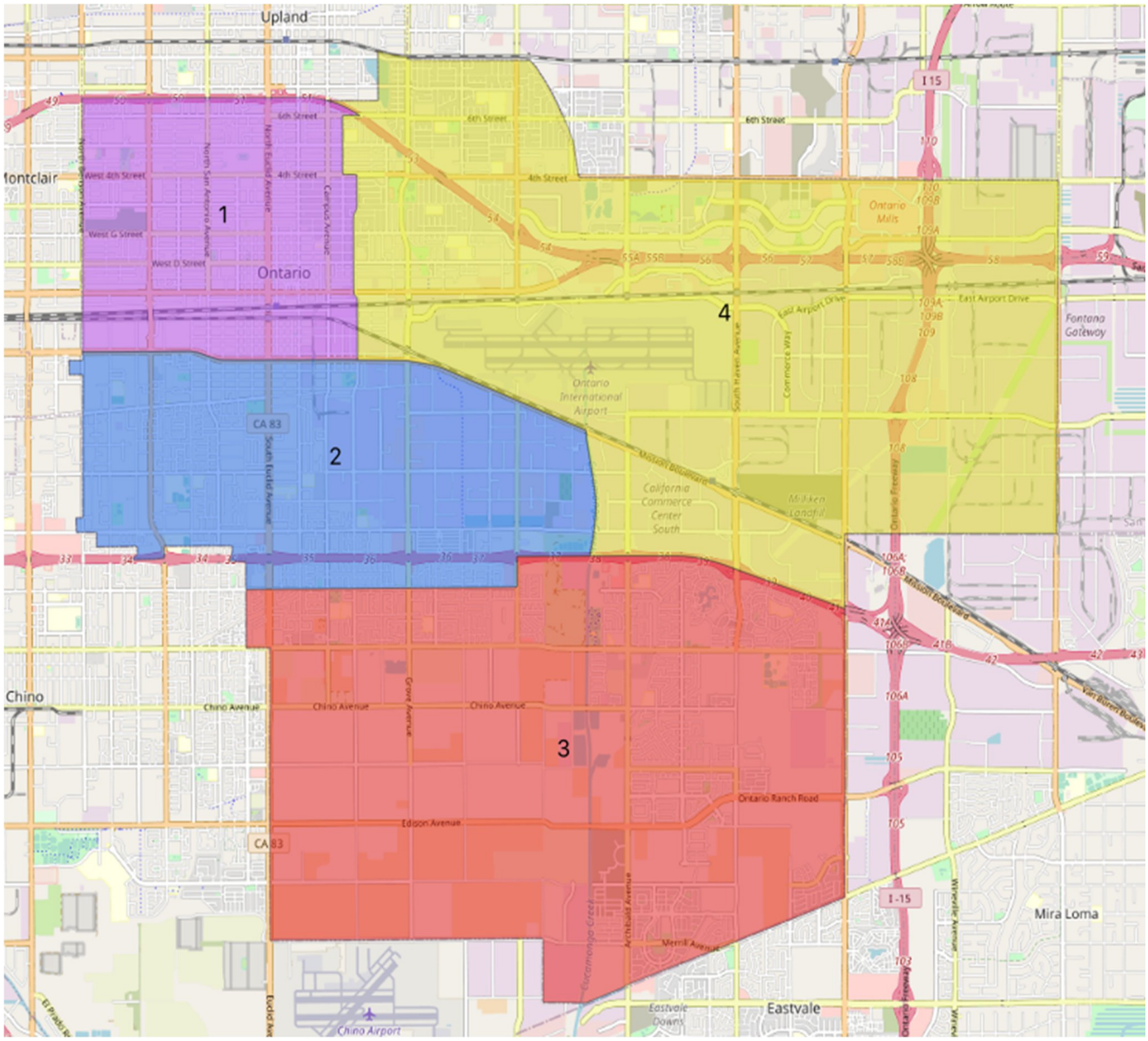
I hereby certify that the foregoing is the original of Ordinance No. 3224 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A
ELECTION DISTRICT MAP

Map 17 – Submitted by Plaintiff Chris Robles, CCAEJ, & Brown and Black Coalition



CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **CONSENT CALENDAR**
Department: City Manager's Office Prepared By: Ruben Duran Department: Prepared By: Claudia Y Isbell Staff Member Presenting: Ruben Duran, City Attorney Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 18

SUBJECT: **ADOPTION OF ORDINANCES REVISING THE CITY'S MUNICIPAL CODE BY (1) ADDING BARKING DOG VIOLATIONS AND CIVIL FINES, (2) AMENDING VARIOUS CODE ENFORCEMENT PROCEDURES, (3) ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES, (4) ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE ONTARIO FIRE CODE, (5) AMENDING PARKING RESTRICTIONS RELATED TO STREET SWEEPING AND TRASH COLLECTION, (6) AMENDING AND CLARIFYING PERFORMANCE STANDARDS, REPORTING OBLIGATIONS, AND ENFORCEMENT OUTCOMES RELATED TO THE TRANSIENT OCCUPANCY TAX, (7) IMPLEMENTING REGULATIONS FOR THE SHORT TERM RENTAL OF PROPERTY IN THE CITY, (8) UPDATING PENALTIES FOR THE ILLEGAL CULTIVATION OF CANNABIS, (9) ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY; (10) REFLECTING UPDATES TO THE ONTARIO POLICE DEPARTMENT COMMAND STRUCTURE.**

RECOMMENDATION: That the City Council consider and take the recommend actions below on Ordinances that were introduced at a regular meeting on December 6, 2022.

A. Adopt an Ordinance to repeal certain sections of the Ontario Municipal Code and add a new Article 2.5 to Chapter 1 of Title 6, relating to the City's regulation of barking dog violations and methods of enforcement related thereto.
B. Adopt an Ordinance to amend certain sections of the Ontario Municipal Code, relating to the City's code enforcement procedures, including administrative civil penalties, citations, and appeals.
C. Adopt an Ordinance to amend Sections 4-6.1009 and 4-6.1016 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code, add Section 4-6.1117 to Article 1 of Chapter 6 of Title 4 of the Ontario Municipal Code, and add Section 4-6.1020 to Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code adopting standards for oversized vehicle parking and further regulating the parking of commercial vehicles.
D. Adopt an Ordinance to add Section 4-4.27 to Chapter 4 of Title 4 of the Ontario Municipal Code, relating to the City's enforcement of the provisions of the Ontario Fire Code.

E. Adopt an Ordinance to amend Section 4-6.1019 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code, relating to parking restrictions on public streets for street sweeping and trash collection.
F. Adopt an Ordinance to amend Chapter 6 of Title 3 of the Ontario Municipal Code, relating to performance standards, reporting obligations, and enforcement outcomes related to the transient occupancy tax.
G. Adopt an Ordinance to add Section 5.03.363 to Division 5.03 of Chapter 5 of the Ontario Development Code, relating to regulations of short-term rentals.
H. Adopt an Ordinance to amend Chapter 18 of Title 6 of the Ontario Municipal Code, relating to penalties for the illegal cultivation of cannabis.
I. Adopt an Ordinance to add Chapter 24 to Title 4 of the Ontario Municipal Code relating to the prohibition of unlawful possession of catalytic converters in the City.
J. Adopt an Ordinance to amend Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code reflecting updates to the Ontario Police Department command structure.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Stricter regulation of violations of the Ontario Municipal Code, Ontario Fire Code, and Ontario Development Code may result in increased collection of administrative fines, which are payable to the City. Staff does not anticipate any increased enforcement cost on the staffing side, as current staffing levels support the need for stricter regulation.

BACKGROUND & ANALYSIS:

I. BARKING DOG & NOISY ANIMAL VIOLATIONS AND CIVIL FINES ORDINANCE

Currently, Sections 6.1-217 through 6.1-223 of Article 2 of Chapter 1 of Title 6 of the Ontario Municipal Code regulate barking dogs within the City. In order to clarify the obligations of pet owners and responsible persons to address barking dogs, the City has determined an amendment to its current regulatory framework is warranted. Accordingly, Staff is proposing the repeal of current Sections 6.1-217 through 6.1-223, and the addition of a new Article 2.5 of Chapter 1 of Title 6 to:

A. Clearly define what constitutes a barking dog or other noisy animal, who is responsible for enforcement, and who is a responsible person for purposes of enforcing violations.
B. Clarify that barking dogs or other noisy animals may be declared public nuisances when the City receives at least two declarations within a 60 day period that state the declarants live within a certain distance of the dog or other noisy animal in question and that the dog or other noisy animal has made noise for long periods and caused annoyance to the declarant;
C. Set forth a clear framework for the imposition of administrative fines pursuant to the finding of a barking dog or other noisy animal violation;
D. Institute fair and equitable administrative hearing procedures to address protests to any

fines imposed as a result of a barking dog or other noisy animal violation, including the right to judicial review in some cases.

The Ordinance will ensure that the rights of residents to own and enjoy pets are protected, while continuing to uphold the character and quality of the community and enhance neighboring property owners' enjoyment of their properties.

II. UPDATES TO CODE ENFORCEMENT PROCEDURES ORDINANCE

Currently, code enforcement in the City is governed by a series of chapters in the Municipal Code, including chapters 1-2, 1-4, 1-5, 2-11, 4-6, and 5-22. In order to clarify, simplify, and optimize these current code enforcement procedures (including issuance of citations, imposition of penalties, the right to an appeal, and other various cleanup items), the City has determined that an amendment to its current regulatory framework is warranted. Accordingly, Staff are proposing these amendments to chapters 1-2, 1-4, 1-5, 2-11, 4-6, and 5-22 to:

A. Clarify the procedures through which code enforcement Staff impose administrative civil penalties, and through which members of the public can seek administrative appeals;
B. Simplify the procedures for service of administrative citations, and correct pre-existing references to now-defunct municipal courts;
C. Rename the "Code Enforcement Department" to the "Community Improvement Department" per City policy;
D. Designate truck route violations as misdemeanors; and
E. Clarify the procedures for summary abatement of nuisances and issuance of notices of violation.

The Ordinance will ensure that the Community Improvement Department continues to have the necessary tools to identify and correct violations of the City's laws, while protecting the rights of the public to due process, including administrative and judicial appeals in certain cases.

III. OVERSIZED VEHICLE PARKING ORDINANCE

1. Commercial Vehicle Parking

California Vehicle Code Section 22507 authorizes the City to restrict or prohibit the stopping, parking, or standing of vehicles on local streets during all or certain hours of the day. The current provisions governing stopping, standing, or parking for certain purposes or in certain places within the City are set forth in Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code.

Current Ontario Municipal Code regulations allow the street parking of commercial vehicles for specified periods of time. Section 4-6-1.009(c) of Article 10 of Chapter 6 of Title 4 allows for the street parking of commercial vehicles for up to 72 hours in industrial zones. Section 4-6-1.009(d) of Article 10 of Chapter 6 of Title 4 allows for the street parking of commercial vehicles on truck routes for up to an hour.

Section 4-6-1.009(h) of Article 10 of Chapter 6 of Title 4 allows for the street parking of commercial vehicles within residential zones at any time except between the hours of 2:00 AM and 6:00 AM.

The Police Department has received numerous complaints about the parking of commercial vehicles within the City's jurisdiction, including along designated truck routes. The Police Department has found that the current regulations related to commercial vehicle parking have not been effective at addressing the parking of commercial vehicles along the City streets given the difficulty between distinguishing the length of time in which commercial vehicles have been parked.

The proposed ordinance makes edits to various provisions of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code in order to remove the specific time periods from these sections. There are also exemptions from the regulations in place for valid commercial activity. The intent of the proposed ordinance is to prevent the parking of such commercial vehicles on City streets unless they are currently performing services and loading/unloading goods.

2. Oversized Vehicle Parking

The Ontario Municipal Code does not currently contain any provisions specifically addressing the parking of oversized vehicles on public streets. The Ontario Municipal Code does currently regulate vehicle parking on public streets in Section 4-6.1011, which states that "[n]o person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street, alley, or City-owned parking lot or parking facility for a period of seventy-two (72) or more consecutive hours. However, the Police Department has found that this regulation has not been effective at addressing oversized vehicle parking because a vehicle owner may move the vehicle and then re-park near the same area, thereby evading the restriction.

The addition of Section 4-6.1020 to Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code would provide comprehensive regulations related to oversized vehicle parking. This includes permitting to allow parking of the oversized vehicles on City streets for a limited amount of time for valid uses. Additionally, the new language includes common sense exemptions from the regulations such as for public safety vehicles or vehicles in need of emergency repair.

Accordingly, Staff proposes amending Sections 4-6.1009 and 4-6.1016 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code, adding Section 4-6.1117 to Article 1 of Chapter 6 of Title 4 of the Ontario Municipal Code, and adding Section 4-6.1020 to Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code adopting standards for oversized vehicle parking and further regulating the parking of commercial vehicles.

IV. ADMINISTRATIVE PENALTIES FOR FIRE CODE VIOLATIONS ORDINANCE

Government Code section 53069.4 authorizes the City to issue administrative citations to enforce its ordinances in addition to criminal, civil or other legal remedies established by law. Currently, Section 4-4.15 of Chapter 4 of Title 4 of the Ontario Municipal Code provides that violations of the Ontario Fire Code are to be categorized as an infraction or misdemeanor subject to the provisions of Chapter 2 of Title 1 of the Ontario Municipal Code.

Chapter 2 of Title 1 of the Ontario Municipal Code currently outlines procedural requirements for criminal violations of the Ontario Municipal Code. In addition, Chapter 2 of Title 1 of the Ontario Municipal Code provides for limited civil actions as well as penalties for violations of the Ontario

Municipal Code. However, neither Chapter 2 of Title 1 or Chapter 4 of Title 4 of the Ontario Municipal Code provide authorization for enforcement officials to issue administrative citations for violations of the Ontario Fire Code.

Essentially, the current enforcement structure focuses on prosecuting Ontario Fire Code violations as criminal matters or requiring the City to go to court in order to enforce a civil penalty. As a result, the current enforcement structure requires a significant amount of time investment by enforcement Staff and has limited the ability of enforcement Staff to quickly respond to violations. This Ordinance will ensure that the City has another tool at its disposal in order to address violations of the Ontario Fire Code in a timely manner.

Accordingly, Staff are proposing the addition of Section 4-4.27 to Chapter 4 of Title 4 of the Ontario Municipal Code in order to outline an administrative fine schedule for proposed violations of the Ontario Fire Code and make violations of the Ontario Fire Code subject to administrative citations as outlined in Chapter 5 of Title 1 of the Ontario Municipal Code.

V. RESTRICTED PARKING FOR TRASH COLLECTION SERVICES ORDINANCE

California Vehicle Code section 22507 permits local authorities to restrict the parking or standing of vehicles on designated streets or highways, or portions thereof, during all or certain hours of the day. On July 6, 2021, the City adopted Ordinance No. 3188, adding Section 4-6.1019 to Article 10 of Chapter 6 of Title 4 to establish parking restrictions on public streets for street sweeping. Section 4-6.1019 currently allows the City to designate certain restricting parking zones in order to allow for effective street sweeping. Section 4-6.1019 also currently provides a process whereby residents may propose a request for the creation of street sweeping parking restrictions on designated streets. Staff have found that trash collection poses similar issues as street sweeping where the location of vehicles during the performance of these services can prevent these services from being carried out in an efficient manner.

Accordingly, Staff proposes amending Section 4-6.1019 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code in order to extend the provisions of Section 4-6.1019 to trash collection.

VI. TRANSIENT OCCUPANCY TAX ORDINANCE

Currently, Chapter 6 of Title 3 of the Ontario Municipal Code contains provisions related to the imposition of a transient occupancy tax ("TOT") for the privilege of occupying a hotel in the City. Staff has found that the current TOT provisions lack clarity in a number of areas. Specifically, the proposed ordinance seeks to clarify that:

A. The Executive Director of Finance, or an authorized representative, is the "Tax Administrator" for TOT purposes;
B. Minors may not rent rooms in a hotel, unless such minor is accompanied by a parent or legal guardian;
C. Each manager or person in control of a hotel must keep a register of transient guests, which is subject to reasonable City Staff or law enforcement inspection;
D. Operators must report the total rents charged and remit the TOT tax due to the City each month, rather than quarterly;

E. Hourly rates are prohibited, and rates must be conspicuously posted and charged at the posted rate only;
F. Certain civil and criminal penalties may apply to persons in violation of the transient occupancy tax provisions;
G. Operators must keep records in conformance with standards developed by the City's Tax Administrator, and the Tax Administrator will have the right to inspect such records at all reasonable times;
H. The Tax Administrator may conduct an audit to ensure compliance with the Chapter, pursuant to certain procedural requirements;
I. The City may record unpaid fines, penalties, and related costs as a lien upon and against the hotel subject to notice as required by law;
J. Any cessation in business or transfer of ownership triggers certain noticing and payment obligations;
K. The Tax Administrator is given additional powers and duties, including to adopt administrative rules and regulations consistent with the Ontario Municipal Code, and to make administrative agreements that act as a variance from the strict requirements of Chapter 6 of Title 3 of the Ontario Municipal Code.

Accordingly, Staff is proposing to amend Chapter 6 of Title 3 of the Ontario Municipal Code in order to provide additional clarity for the transient occupancy tax provisions of the Ontario Municipal Code.

VII. SHORT TERM RENTALS ORDINANCE

While short term rentals provide options to the traveling public and income to the affected host property owner or tenant, they can also impact the community. Over the past few years, there has been an increase in the number of properties in the City being offered on websites such as Airbnb, VRBO, and Homeaway. Other cities have responded by passing ordinances to prohibit the practice, while others allow the practice, subject to varying degrees of regulation and taxation.

The Ontario Development Code is currently silent on the practice. The City has determined that there should be a reasonable balance between the regulation of short-term rental operations and the recognized need to protect the character of residential neighborhoods.

The proposed ordinance is beneficial to the public health, safety, and general welfare of the community as it establishes a permitting system, performance standards, and penalty provisions related to short-term rental operations.

Accordingly, Staff is proposing to add Section 5.03.363 "Short Term Rentals," to Division 5.03 of Chapter 5 of the Ontario Development Code in order to implement regulations related to Short Term Rentals.

VIII. ILLEGAL CULTIVATION OF CANNABIS ORDINANCE

The Adult Use of Marijuana Act and the Medicinal Adult-Use Cannabis Regulation and Safety Act allows persons 21 years of age or older to possess, plant, cultivate harvest, dry, or process not

more than six living cannabis plants and possess the cannabis produced by the plants. State law also allows local jurisdictions to enact and enforce reasonable regulations related to the cultivation and possession of cannabis.

The City adopted Ordinance No. 3059 in October 2016 in order to regulate personal, medical and commercial marijuana uses in the City. Section 6-18.03(c)(2)(iii) provides that a person may not plant, cultivate, harvest, dry, or process more than a combined total of 6 cannabis plants inside the private residence or accessory structure located upon the grounds of the private residence.

In the intervening years, there have been several high-profile illegal large scale commercial cultivation of cannabis operations within the City that have resulted in action taken by law enforcement. The City finds that such indoor illegal large-scale operations pose significant safety risks to persons and property and are commonly part of larger criminal networks.

In order to combat this problem, the proposed ordinance seeks to update the penalties related to the violation of Chapter 18 of Title 6 of the Ontario Municipal Code. Specifically, the proposed ordinance will make it clear that each plant grown in excess of the limit set forth in the Ontario Municipal Code constitutes a separate and distinct violation of the Municipal Code and allow such violations to be subject to administrative citations. The proposed ordinance also seeks to update Chapter 18 of Title 6 of the Ontario Municipal Code to be more consistent with the provisions of the Adult Use of Marijuana Act.

Accordingly, Staff is proposing to amend Chapter 18 of Title 6 of the Ontario Municipal Code in order to update penalties for the illegal cultivation of cannabis.

IX. UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS ORDINANCE

Catalytic converters are an external component of a vehicle, accessible from the underside of a parked car. They convert most of a vehicle's emissions into less harmful forms, improving air quality and vehicle performance. As part of their construction, catalytic converters contain valuable materials such as platinum and palladium, rare metals that command ever-increasing prices on the recyclables market. Nationwide thefts numbered approximately 26,000 in May 2021.

Catalytic converter thefts are on the rise because individuals are incentivized to commit catalytic converter thefts for multiple reasons including: (1) the ease and undetectable nature of committing such thefts, potentially in a matter of seconds and through the use of common tools such as a reciprocating saw; (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns; and (3) loopholes in legislation protecting criminals from prosecution unless a victim can be identified.

There is currently no City legislation applicable within the City of Ontario to directly define and punish catalytic converter thefts absent an identifiable victim. Additionally, there is currently no City, State, or Federal legislation applicable within the City of Ontario requiring individuals to provide proof to law enforcement as to how they obtained catalytic converters in their possession. This limits law enforcement's ability to (1) protect the public by preventing catalytic converter thefts and (2) seize suspected stolen catalytic converters when there is no identifiable victim present. As a

result, preventing and punishing these crimes at present is nearly impossible due to the ease and speed with which catalytic converter thefts can be committed and the difficulty of tracing a particular catalytic converter back to its prior owner (the victim), because catalytic converters typically have no identifying markers.

The Legislature has enacted, and the Governor has signed into law, Senate Bill (SB) 1087 and Assembly Bill (AB) 1740, which generally prohibit (1) individuals from purchasing a used catalytic converter from anyone other than certain specified sellers, including automobile dismantlers, automotive repair dealers, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter; and (2) requires core recyclers to keep a detailed written record, including the year, make, and model of the car form which a catalytic converter was removed, as well as a copy of the vehicle's title, prior to purchasing a catalytic converter from a seller.

The Legislature has not expressed its intent, whether explicitly or impliedly, to occupy the field of catalytic converter theft legislation. Pursuant to Article XI, Section 7 of the California Constitution, the City has broad discretionary power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

Individuals in possession of stolen catalytic converters are able to recycle them for substantial profit at relatively low risk, while victims are forced to commit to costly repairs. By criminalizing the mere possession of an unattached catalytic converter absent proof of ownership or lawful possession, this ordinance would combat this criminal practice by: (1) achieving deterrence by establishing zero-tolerance for catalytic converter thefts; (2) establishing sanctions for possessing stolen catalytic converters; (3) prohibiting the falsification of information in documents and records used to verify ownership or lawful possession of a catalytic converter; (4) preventing criminals from profiting from the sale and recycling of stolen catalytic converters; (5) providing indirect justice to the victims of catalytic converter theft cases that have gone or will go unsolved for the reasons discussed above; and (6) minimizing the fiscal and personnel impact on the City of Ontario and the Ontario Police Department by reducing the time invested in deterring and investigating catalytic converter thefts.

Accordingly, Staff is proposing to add Chapter 24 to Title 4 of the Ontario Municipal Code in order to establish regulations prohibiting the unlawful possession of catalytic converters in the City.

X. UPDATE TO CITY POLICE DEPARTMENT COMMAND STRUCTURE ORDINANCE

Currently, Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code establishes the responsibilities and composition of the Ontario Police Department. Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code establishes the powers and duties of Captains within the Ontario Police Department. Specifically, Section 2-3.210 outlines the command structure where Captains will take charge of the Ontario Police Department in the absence of the Police Chief.

Recently, the City has established an additional position of Deputy Chief within the Ontario Police Department. It is the intent for the Deputy Chief to serve as the second-in-command within the Ontario Police Department and take charge in the absence of the Police Chief.

Accordingly, Staff is proposing amending Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code to reflect the addition of this new command position to the Ontario Police Department.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REPEALING SECTIONS 6-1.217 THROUGH 6-1.223 OF ARTICLE 2 OF CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, AND ADDING ARTICLE 2.5, "BARKING DOG AND NOISY ANIMAL VIOLATIONS AND CIVIL FINES," TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE

WHEREAS, the City of Ontario ("City') presently provides for the regulation of animals and fowl in Chapter 1 of Title 6 of Volume 1 of the Ontario Municipal Code, and specifically regulates barking dogs as a nuisance subject to City abatement through Sections 6-1.217 – 6-1.223 of the Ontario Municipal Code; and

WHEREAS, in order to clarify the obligations of dog owners to prevent extended periods of barking that create a disturbance, and to set forth the citation, hearing, and appeal procedures regarding the same, the City now wishes to amend the Municipal Code accordingly; and

WHEREAS, the provisions of this Ordinance will balance the need for peaceful and quiet neighborhoods against the rights of dog owners to keep and care for their dogs as they see fit; and

WHEREAS, this Ordinance provides adequate procedural and due process protections to dog owners who violate its provisions and are subject to administrative citations and fines as a result.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Sections 6-1.217, 6-1.218, 6-1.219, 6-1.220, 6-1.221, 6-1.222, and 6-1.223 of Article 2 of Chapter 1 of Title 6 of the Ontario Municipal Code are hereby repealed in their entirety.

SECTION 3. Title 2.5, entitled "Barking Dog and Noisy Animal Violation and Civil Fines", is hereby added to Chapter 1 of Title 6 of the Ontario Municipal Code to read in full as follows:

"Article 2.5 Barking Dog and Noisy Animal Violations and Civil Fines"

Sec. 6-1.250. Definitions.

For the purposes of this Article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) “Barking dog” means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 30 minutes or more in any 24-hour period, or intermittent barking for 60 minutes or more during any 24-hour period. A dog shall not be deemed a “barking dog” for purposes of this Chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.

(b) “Civil Citation” means a notice issued pursuant to this Article that there has been a violation of this Chapter.

(c) “Day or Days” as used in this Article shall mean calendar day or calendar days, respectively, unless otherwise expressly provided. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

(d) “Director” means the Community Improvement Director, or his or her designee.

(e) “Enforcement Officer” means the City Manager, Police Chief, Humane Officer, City Health Officer, Sheltermaster, Community Improvement Officer, or other such persons as the Council may designate.

(f) “Hearing Officer” means the person designated by the City Manager, or his or designee, to serve as the overseeing authority for administrative hearings held pursuant to this Article 2.5.

(g) “Issued” means giving a civil citation to a violator. Issuance occurs on the date when a barking dog or noisy animal civil citation is personally served on the violator, or the date it is mailed to the property where the barking dog or noisy animal is located or where the barking dog or noisy animal violation occurred, or the date the citation is posted in a conspicuous place either on the property where the barking dog or noisy animal is located or where the barking dog or noisy animal violation occurred. When service is made by posting, the barking dog or noisy animal citation shall also be mailed within 24 hours of posting to any address known for the violator.

(h) “Noisy Animal” shall mean any animal other than a dog that makes a noise which emanates from the animal. The noise must be for an extended period of time to the disturbance of another person, either continuously for 30 minutes or more in any 24-hour period, or intermittently for a total of 60 or more accumulated minutes during any 24-hour period. An animal shall not be considered a "noisy animal" for purposes of this Article if

the animal is making noise because a person is trespassing or threatening to trespass upon private property in or upon which the animal is situated, or when the animal is being teased or provoked, or if the animal is injured.

(i) "Notice of Decision" means a form used by a Hearing Officer to inform a violator and/or complainant of an administrative hearing decision regarding provisions of this Chapter.

(j) "Owner" means any person who possesses, has title to or an interest in, harbors or has control, custody or possession of a dog or animal, and the verb forms of "to own" shall include all those shades of meaning.

(k) A "Responsible Person" may also be referred to as a "violator" herein. A Responsible Person is any of the following:

(1) A person who allows a barking dog or noisy animal violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog or noisy animal.

(2) A person whose agent, employee, or independent contractor allows a barking dog or noisy animal violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog or noisy animal.

(3) A person who is the owner of, and a personal who is a lessee or sublessee with the current right of possession of, real property in or upon which a barking dog or noisy animal violation occurs.

(4) For purposes of this Article, "person" includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

(5) For the purposes of this Article, there may be more than one Responsible Person for a barking dog or noisy animal violation, and a minor at least fourteen (14) years of age may be a Responsible Person subject to the provisions of this Article.

Sec. 6-1.251. Applicability.

(a) This Section makes any violation for keeping, maintaining, or permitting the behavior of a barking dog or noisy animal, as defined in Section 6-1.250, subject to civil fine.

(b) This Article therefore establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines for barking dog or noisy animal violations pursuant to Government Code section 53069.4 and the plenary police power of the City.

(c) The issuance of a civil citation under this Article is solely at the City's discretion. By adopting this Article, the City does not intend to limit its discretion to utilize any other remedy, civil or criminal, including declaring a barking dog or noisy animal a public nuisance and abating as such.

(d) The purpose of issuing civil citations pursuant to this Article is to encourage voluntary and complete compliance with the provisions of this Code and to eliminate nuisances for the protection and benefit of the entire community.

Sec. 6-1.252. Barking Dog and Noisy Animals Declared Public Nuisance.

(a) A barking dog or noisy animal, as defined in Section 6-1.250, may be declared to be a public nuisance that may be abated as provided in this Section.

(b) A barking dog or noisy animal may be deemed a public nuisance when two or more declarations, made under penalty of perjury and made by declarants living in separate households, are filed with the Enforcing Officer within a sixty (60) day period stating in detail all of the following:

(1) That the declarant is a resident of a residential neighborhood located within 200 yards of the boundaries of the premises where the dog or animal is located;

(2) Within the past month declarant has heard the dog bark or animal make noise for substantially long periods to the extreme annoyance of the declarant;

(c) Upon receipt of two such declarations, the Enforcing Officer shall assign an officer to investigate the complaints. The officer shall personally interview both the complainants and the Owner and/or Responsible Party.

(d) If the investigating officer determines that there is merit to the complaints, the Owner and/or Responsible Party shall be notified by the officer that the dog's barking, or animal's noises, is annoying the neighbors and that it must be abated.

(e) If any further declaration is received by the Enforcing Officer concerning the same barking dog or noisy animal, within a six (6) month period from the last of the initial declarations, the Enforcing Officer may take action by notifying the Owner and/or Responsible Party by certified mail, return receipt requested, that an administrative hearing is to be held. Such administrative hearing will be held in accordance with the provisions of Section 1-5.08 of this Code.

Sec. 6-1.253. Barking Dog or Noisy Animal Citation – General.

(a) In addition to treating a barking dog or noisy animal as a public nuisance, any Enforcement Officer also has the authority to issue a civil citation to any Responsible Person for a barking dog or noisy animal violation that the Enforcement Officer did not see or hear occur based on a complaint, signed under penalty of perjury, lodged by a

member of the community who has been disturbed by the barking dog or noisy animal. A Responsible Person to whom a civil citation is issued shall be liable for and shall pay to the City the fine or fines described in the barking dog or noisy animal citation when due. Where the Responsible Person is a minor under the age of eighteen (18) years, the minor's parents or legal guardian shall be liable for and held responsible for payment of their minor child's citation fines and/or late penalties. In any case, the Responsible Person (or his/her parents or legal guardian, when the Responsible Person is under the age of eighteen) shall have the right to appeal the issuance of the citation pursuant to the provisions of this Article.

(b) Prior to issuing a civil citation for a barking dog or noisy animal, the Responsible Person shall be given a 10-day period within which to correct the problem.

(c) Each day a barking dog or noisy animal violation exists beyond the initial 10-day period allowed for correction shall be a separate violation and may be subject to a separate citation and fine. A barking dog or noisy animal civil citation may include a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more Code sections.

Sec. 6-1.254. Barking Dog or Noisy Animal Citation – Contents.

Each barking dog or noisy animal citation shall contain the following information:

(a) Date on which a complaint or personal inspection established the barking dog or noisy animal violation(s).

(b) Name of the Responsible Person for the barking dog or noisy animal violation(s) (if known).

(c) Address where the barking dog or noisy animal violation(s) occurred.

(d) The Code sections violated.

(e) Whether the violation(s) were established by inspection or by complainant.

(f) Amount of the fine for the violation(s) and procedure to pay the fine to avoid a late payment penalty.

(g) Designation of prior civil citations issued for the same Code violation(s), if known by the Enforcement Officer.

(h) Notification of an assigned administrative hearing date, time and location where the civil fine may be contested.

(i) Description of the procedure for requesting a continuance of the assigned administrative hearing.

(j) A notice that a barking dog or noisy animal violation is a nuisance and that collection of unpaid fines and/or penalties can result in additional fines, penalties and/or imprisonment in the County jail.

(k) Signature of the Enforcement Officer who issued the barking dog or noisy animal citation and/or civil fine.

(*l*) Date upon which the barking dog or noisy animal citation and/or civil fine was issued.

(m) Proof of service to be completed by the Enforcement Officer indicating whether citation was issued by personal service, by mail, or by posting in a conspicuous place on the property where the barking dog or noisy animal violation occurred.

(n) A self-addressed envelope in which the violator can mail the civil fine to the City if the citation is not contested.

(o) Any other information deemed necessary by the Enforcement Officer for enforcement or collection purposes.

Sec. 6-1.255. Service of Barking Dog or Noisy Animal Citation.

A barking dog or noisy animal citation may be served as follows:

(a) An Enforcement Officer may personally serve the barking dog or noisy animal citation on the Responsible Person. The Responsible Person shall be requested to sign a copy of the citation showing his or her receipt of the citation and notice of the Responsible Person's right to an administrative hearing. Signing the citation shall not constitute an admission of guilt.

(b) An Enforcement Officer may mail the civil citation by certified mail, return receipt requested, if the property owner and/or occupier's name is known, but the violator is not present when personal service is attempted. The citation shall be mailed to the address where the barking dog or noisy animal violation occurred.

(c) An Enforcement Officer may post a copy of the barking dog or noisy animal citation in a conspicuous place on the property where the barking dog or noisy animal violation occurred if the property owner and/or occupier's name is unknown. In this event, the citation shall also be mailed addressed to the owner of the property where the barking dog or noisy animal violation occurred as reflected on the County's property tax rolls. A copy of the citation shall also be mailed within 24 hours of posting the citation addressed to "Resident" at the address where the barking dog or noisy animal violation occurred.

Sec. 6-1.256. Amount of Barking Dog or Noisy Animal Civil Fines.

Fines for violating the provisions of this Article shall be as follows:

(a) An administrative fine not exceeding one hundred dollars ($100) for a first violation.

(b) An administrative fine not exceeding two hundred dollars ($200) for a second violation within one (1) year of the first violation.

(c) An administrative fine not exceeding five hundred dollars ($500) for each additional violation within one (1) year of the first violation.

Sec. 6-1.257. Payment of Barking Dog or Noisy Animal Civil Fines.

(a) After receiving a barking dog or noisy animal citation pursuant to Section 6-1.256, the violator may respond by either of the following methods:

(1) The violator may choose to correct the barking dog or noisy animal violation and pay the fine stated in the citation to the City within thirty (30) days from the date of the citation. A late payment of twenty dollars ($20) shall be charged if the fine is not paid within thirty (30) days of the citation date. Payment shall be made by enclosing the fine amount by check or money order in the self-addressed envelope attached to the civil citation and mailing the envelope to the Director by U.S. First class mail, postage prepaid. The Director may authorize payment to be made in accordance with any other method, at any location within the City, or to any address.

(2) The violator may choose to appear at an administrative hearing on the assigned administrative hearing date contained in the citation. In that event, the fine is due and payable to the Hearing Officer at the conclusion of the hearing if the Hearing Officer upholds the barking dog or noisy animal citation. The Hearing Officer may allow the violator an additional period of time within which to pay the fine if, in the Hearing Officer's sole discretion, such additional time for payment is necessary.

(b) Payment of a fine shall not excuse the violator from correcting the barking dog or noisy animal violation. The issuance of a barking dog or noisy animal citation and/or payment of a fine shall not bar the City from taking any other enforcement action regarding a barking dog or noisy animal violation that is not corrected, including issuing additional barking dog or noisy animal citations and/or criminal complaints.

Sec. 6-1.258. Administrative Hearing.

(a) Any person who receives a barking dog or noisy animal citation may contest it by appearing at the assigned administrative hearing date, time and location noted on the barking dog or noisy animal citation. A violator may contest the barking dog or noisy animal citation by denying that a violation occurred, by denying that it was not corrected within the original ten (10) day correction period, if applicable, or by denying that the violator is a Responsible Person for the violation.

(b) If the citation fine is not paid prior to the assigned date and time of the administrative hearing noted on the barking dog or noisy animal citation, the violator must personally attend the administrative hearing on the date, time and place specified. A failure to personally appear at the administrative hearing shall constitute an abandonment of any defense the violator may have to the barking dog or noisy animal citation.

Sec. 6-1.259 Hearing Procedures.

(a) Hearings shall be conducted by a Hearing Officer either: (i) on the date, time and place specified in the barking dog or noisy animal citation, or (ii) on the date assigned when a continuance pursuant to subsection (f) below has been granted. The violator and complainant shall be notified of the assigned hearing date, time and location by the Director or his/her designee.

(b) The violator and complainant shall be given the opportunity to testify and to present evidence relevant to the barking dog or noisy animal citation.

(c) The citation itself and accompanying complaint's affidavit signed under penalty of perjury attesting to the barking dog or noisy animal violation provided to the Hearing Officer shall be accepted by the Hearing Officer as prima facie evidence of the violation and the facts stated in such documents.

(d) Neither the Enforcement Officer nor any other representative of the City shall be required to attend the hearing.

(e) The failure of the recipient of an administrative citation to appear at the administrative citation hearing, including after a continuance is granted pursuant to subsection (f) below, shall constitute forfeiture of the fine and a failure to exhaust his/her administrative remedies.

(f) The Director may continue a hearing one time upon a request for continuance made by the violator, complainant, or a representative of the City, which request must be based upon a showing of good cause. A Hearing Officer may also continue a hearing upon his or her own motion to request additional information with respect to the violation. All continuance requests shall either: (i) be made in person at the hearing, or (ii) be made by a written request received by the Director via e-mail, facsimile or letter at least one week (7 days) prior to the hearing date. If a continuance is granted, the parties will be notified, and a new hearing date shall be scheduled that is within fourteen (14) days of the date on which the hearing was first scheduled to take place. If the request for continuance is denied, the parties will be notified, and the hearing shall proceed as originally scheduled.

(g) The hearing shall be conducted informally, and the legal rules of evidence need not be followed.

(h) The Hearing Officer is not required to provide transcriptions of hearings, but is required to make available tapes of hearings for a fee.

Sec. 6-1.260. Decision After Administrative Hearing.

(a) After considering all the evidence and testimony submitted at an administrative hearing, the Hearing Officer shall issue a written decision to the violator and complainant to uphold or to dismiss the barking dog or noisy animal citation based upon a conclusion of whether or not a violation occurred for which the violator was a Responsible Person. The Hearing Officer's decision is final. The Hearing Officer has no discretion or authority to reduce the amount of a fine.

(b) If the Hearing Officer's decision is to uphold the barking dog or noisy animal citation, the civil fine imposed for the violation shall be due at the conclusion of the administrative hearing, or at some other time as directed by the Hearing Officer. If the decision is to dismiss the barking dog or noisy animal citation, the civil fine shall no longer be due and payable.

(c) The employment, performance evaluation, compensation and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the Hearing Officer.

Sec. 6-1.261. Right to Judicial Review.

(a) A Responsible Person may seek judicial review of the administrative hearing decision by filing an appeal with the Superior Court within twenty (20) calendar days after the Responsible Person receives a copy of the notice of decision at the conclusion of the hearing in accordance with the provisions of California Government Code section 53069.4.

(b) No judicial appeal is permitted where a violator has failed to appear at an assigned administrative hearing, or is deemed to have abandoned the contest of the barking dog or noisy animal citation by an unexcused nonappearance at the hearing, or where a citation has been dismissed by a Hearing Officer because a complainant has failed to appear at an assigned administrative hearing.

Sec. 6-1.262. Collection of Unpaid Fines.

(a) The City, at its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines and late penalties. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines and late penalties owed by a violator under this Chapter have been collected.

(b) Failure to timely remit payment of a citation fine and/or late penalty authorized under Section 6-1.257 above will result in criminal liability and a warrant may be issued for a violator's arrest. Nonpayment of such fine and/or late penalty shall be a

misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the County jail for a period of not more than six (6) months or by both such fine and imprisonment."

SECTION 4. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 6. CEQA. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3229 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3229 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1-2, 1-4, 1-5, 2-11, 4-6, AND 5-22 OF THE ONTARIO MUNICIPAL CODE RELATED TO VARIOUS CODE ENFORCEMENT PROCEDURES.

WHEREAS, this Ordinance amends Chapters 1-2, 1-4, 1-5, 2-11, 4-6, and 5-22, clarify, simplify, and optimize various procedures and processes; and

WHEREAS, this Ordinance also amends Chapter 1-2 clarify the procedures for imposition of administrative civil penalties and recovery of attorneys' fees in nuisance abatement actions; and

WHEREAS, this Ordinance also amends Chapter 1-4 to clarify and elaborate on the procedures for administrative appeals; and

WHEREAS, this Ordinance also amends Chapter 1-5 to simplify the procedures for service of administrative citations and corrects a reference to defunct municipal courts; and

WHEREAS, this Ordinance also amends Chapter 2-11 to incorporate the renaming of Code Enforcement Department to the Community Improvement Department; and

WHEREAS, this Ordinance also amends Chapter 4-6 to designate truck route violations as misdemeanors in order to permit issuance of higher administrative fines; and

WHEREAS, this Ordinance amends Chapter 5-22 to clarify the procedures for summary abatement and issuance of notices of violation, and authorizes recordation of notices of violation; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Sections 1-2.01 and 1-2.10 of Chapter 2 of Title 1 of the Ontario Municipal Code are hereby amended to state in full as follows:

"Sec. 1-2.01. Punishment for violation.

(a) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements or provisions of this Code heretofore or hereafter enacted or the provisions of any Code adopted by reference by this Code, or any condition of any

permit, license, or other entitlement issued pursuant to this Code. Any person violating any such provision or failing to comply with any of the mandatory requirement of this Code, or any Code adopted by reference by this Code, shall be guilty of an infraction, unless the citing official or the prosecuting attorney determines that it would in the interests of justice to prosecute the offense as a misdemeanor. All violations or failures to comply that are specifically declared to be misdemeanors elsewhere in this Code, or any Code adopted by reference by this Code, shall be prosecuted as misdemeanors unless the citing official or the prosecuting attorney determines that it would be in the interests of justice to prosecute the offense as an infraction.

(b) Any person convicted of an infraction under the provisions of this Code, or any Code adopted by reference by this Code, shall be punished by:

(1) A fine not exceeding One Hundred Dollars ($100.00) for a first violation;
(2) A fine not exceeding Two Hundred Dollars ($200.00) for a second violation of the same provision within one (1) year; and
(3) A fine not exceeding Five Hundred Dollars ($500.00) for each additional violation of the same provision within one (1) year.

(c) Any person convicted of a misdemeanor shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(d) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of or failure to comply with any provision of this Code, or the provisions of any Code adopted by reference by this Code, is committed, continued, or permitted by such person and shall be punishable accordingly.

(e) In addition to the penalties provided by this section, or elsewhere in this Code, or in any Code adopted by reference by this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code, or the provisions of any Code adopted by reference by this Code, shall be deemed a public nuisance and may be abated by the City, and each day such condition continues shall be regarded as a new and separate offense.

(f) A prevailing party in any judicial action, administrative proceeding, or special proceeding to abate, or cause the abatement of, a violation of this code or any public nuisance, or in any appeal or other judicial action arising therefrom, is entitled to recover reasonable attorneys' fees. Attorney's fees are not recoverable by any party as a prevailing party unless the City elects in writing to seek recovery of the city's attorney's fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorneys' fees in favor of any party. Unpaid attorney's fees shall constitute a debt that is collectible in any manner allowed by law.

(g) Any person who violates any provision or fails to comply with any requirement or provision of this Code heretofore or hereafter enacted or any provision of any Code adopted by reference by this Code shall be liable for a civil penalty not to exceed One Thousand Dollars ($1,000.00) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct

the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant. The civil penalty prescribed by this subsection shall be assessed and recovered and a civil action brought by the City Attorney in any court of competent jurisdiction. The civil penalty prescribed by this section may be sought in addition to injunctive relief, specific performance or any other remedy; provided, however, that a civil penalty shall not be sought for any violation for which a criminal prosecution has been commenced."

"Sec. 1-2.10. Civil penalties.

(a) The Council finds that there is a need for alternative methods of enforcement of the Ontario Municipal Code and applicable state codes in addition to the penalties provided by § 1-2.01. The Council further finds that the assessment of civil penalties is a necessary alternative method of code enforcement. The administrative assessment of civil penalties established in this section is in addition to any other remedies established by law which may be pursued to address Municipal Code or state law violations.

(b) Civil penalties may be assessed against a responsible party for continued violations of the Municipal Code or applicable state codes, whether of the same section or any combination, that reflect a continuing disregard for the requirements of such laws. The Code Enforcement Director or his or her designee may issue a notice to the responsible party stating the violation, including a description of the conditions that give rise to the violation, and assessing a civil penalty pursuant to this section. The civil penalty shall not begin to accrue until thirty (30) days after the date of the notice. The notice shall state the City's intention to assess a civil penalty and the amount of such penalty. The civil penalty may be enforced as a lien or special assessment pursuant to subsection (e) of this section. The imposition of civil penalties authorized under this section may be combined with other notices issued under this Code in the discretion of the City.

(c) Notwithstanding subsection (b), the City may provide less than thirty (30) days' notice to remedy a condition before imposing a civil fine if the City determines that a specific condition of the property threatens public health or safety and provided that notice of that determination and time for compliance is given.

(d) Civil penalties may be assessed at a daily rate not to exceed One Thousand Dollars ($1,000) per day. The actual amount assessed, up to One Thousand Dollars ($1,000) per day, shall be set by the Code Enforcement Director, based upon a civil penalties schedule set by the City Manager. In determining the amount to be imposed on a daily rate, or the actual final amount to be assessed, the Code Enforcement Director or his or her designee shall consider the following factors:

(1) Duration of the violation.
(2) Frequency or occurrence of the violation or other similar violations.
(3) Seriousness of the violation in relation to its threat or impact upon public health, welfare, or safety.
(4) History of violations.
(5) Activity taken by the responsible party to obstruct or interfere with correction of the violation.
(6) Good faith or bad faith efforts by responsible party to comply.

(7) The impact of the violation on the surrounding property and community.

(8) The financial ability of the responsible party to have corrected the violation in a timely fashion.

(e) Civil penalties, as confirmed by resolution of the City Council, shall constitute a special assessment against the property to which it relates, and after its recording, as thus made and confirmed, the same shall constitute a lien on the property in the amount of such assessment. The notices of such special assessment, and any other notice required by this section, shall be provided to the owner by certified mail, as determined from the County Assessor's or County Recorder's records. The assessment shall be collected at the same time and in the same manner as ordinary city taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes shall be applicable to the special assessment. If any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection. The City may conduct a sale of vacant residential developed property for which the payment of such assessment made pursuant to this subdivision is delinquent. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.

(f) Appeals. Upon request by the owner, lessee, occupant, or person having charge of the affected premises and if received by the Code Enforcement Director within ten (10) days after mailing the final notice and order or notice of violation, which includes the imposition of civil penalties to be assessed, the City Manager or his or her designee shall hold a hearing, which shall be open to the public. The City Manager or his or her designee shall hear and consider objections and/or protests from any owner, lessee, occupant, person having charge of the affected premises, or other interested persons relative to the accrual of civil penalties. The City Manager or his or her designee shall hear and receive all relevant evidence and testimony relative to the violations upon which the civil penalties are based and shall consider all of the factors listed in subsection (d) of this section. This hearing may be continued from time to time. Upon or after the conclusion of the hearing, the City Manager or his or her designee shall determine the amount of civil penalties to be assessed. This decision shall be final.

(g) Unpaid civil penalties may be assessed against the affected premises as specified in § 1-4.05.

(h) Fines and penalties collected resulting from enforcement of this section shall be placed in the general fund and used solely for the purpose of the code enforcement program in order to ensure and maintain the character and well-being of the City."

SECTION 3. Sections 1-4.02 through 1-4.04 of Chapter 4 of Title 1 of the Ontario Municipal Code are hereby amended to state in full as follows:

"Sec. 1-4.02. Time limit for filing.

(a) The appellant shall file a notice of appeal with the City Clerk within fourteen (14) days after service of the notice of the administrative decision concerned, or, if there is no such service or none is required, no later than fourteen (14) days after the date of the decision that is the subject of the appeal.

(b) A written notice of appeal must contain the following information:

(1) The full name, mailing address, e-mail address, and telephone number of the appellant;
(2) A description of the specific action or decision being appealed, including the date of the action; and
(3) The grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy.

(c) If the City Clerk does not receive a timely notice of appeal, if the notice of appeal is incomplete, or if the notice of appeal does not comply with all of the requirements set forth in this section, the right to appeal the action is waived. In this event, the action is final and binding. A failure to file a timely or proper notice of appeal also constitutes a failure to exhaust administrative remedies.

Sec. 1-4.03. Hearings: Notices.

Upon receipt of the filing of the notice of appeal in proper form, the City Clerk shall place the matter as soon as reasonably possible on the Council agenda for a regular meeting of the City Council which will be held no later than thirty (30) days from the date of the filing of the notice of appeal. Except in cases of emergency when the Council may determine the matter immediately, the Council shall set the matter for hearing at the next regularly scheduled meeting. The City Clerk shall cause written notice of the hearing to be given to the applicant not less than ten (10) days prior to such hearing, unless such notice is waived in writing by the applicant.

Sec. 1-4.04. Hearings.

At such hearing the appellant shall show cause on the ground specified in the notice of appeal why the action appealed from should not be approved. The formal rules of evidence and discovery do not apply. The rules of privilege are effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence may be excluded. The standard of proof applicable to the hearing is proof by a preponderance of the evidence. The Council may continue the hearing from time to time, and its findings on the appeal shall be final and conclusive in the matter."

SECTION 4. Sections 1-5.11 and 1-5.13 of Chapter 5 of Title 1 of the Ontario Municipal Code are hereby amended to state in full as follows:

“Sec. 1-5.11. Right to judicial review.

Any person aggrieved by an administrative decision of a Hearing Officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in San Bernardino County in accordance with the timeliness and provisions set forth in Cal. Gov't Code § 53069.4.”

“Sec. 1-5.13. Notices.

(a) The administrative citation and all notices required given by this chapter shall be served on the responsible party by personal delivery or first class mail to the citee at his or her last-known business or residence address as same appears in public records of the City, the San Bernardino County Tax Assessor’s Office, and/or the Secretary of State. Service by mail is deemed complete upon deposit with the United States Postal Service. If service cannot be accomplished personally or by mail for citations involving a real property-related violation of the Code, the officer shall post the citation on the real property where the violation is alleged to have occurred.

(b) Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

(c) The City may elect to issue administrative citation penalties that may be collected through means of property liens and special assessments in accordance with § 1-4.05 of this Code for special assessments or in the manner provided in § 5-22.07(b) of this Code for liens. Upon the issuance of any administrative penalty citation in accordance with this subsection (c), the City may file in the office of the San Bernardino County Recorder a notice of the pendency of the administrative action.”

SECTION 5. Section 2-11.01 of Chapter 11 of Title 2 of the Ontario Municipal Code is hereby amended to state in full as follows:

“Sec. 2-11.01. Appointment.

The City Manager shall appoint specific City employees as Code Enforcement Officers of the City. The Code Enforcement Department is now known as the Community Improvement Department. Accordingly, the Code Enforcement Director is now known as the Community Improvement Director, and Code Enforcement Officers are now known as Community Improvement Officers. Wherever the former terms are used in this Code, they are deemed to refer to a Community Improvement.”

SECTION 6. Section 4-6.1602 of Chapter 6 of Title 4 of the Ontario Municipal Code is hereby amended to state in full as follows:

“Sec. 4-6.1602. Penalties: Citations.

(a) The penalties for violations of the provisions of the following articles of this chapter, if such penalties are paid within thirty (30) days after the writing of the citation, shall be in the following amounts:

(1) Article 9, Thirty-seven and 50/100ths Dollars ($37.50);

(2) Article 10, except §§ 4-6.1004(a), 4-6.1009 and 4-6.1010, Thirty-seven and 50/100ths Dollars ($37.50);
(3) Article 10, § 4-6.1004(a), Forty-two and 50/100ths Dollars ($42.50);
(4) Article 10, § 4-6.1009, One Hundred Twenty-two and 50/100ths Dollars ($122.50);
(5) Article 10, § 4-6.1010, Fifty and 50/100ths Dollars ($50.50);
(6) Article 11, Thirty-seven and 50/100ths Dollars ($37.50);
(7) Article 12, Thirty-seven and 50/100ths Dollars ($37.50);
(8) Article 13 subsection (e), Thirty-seven and 50/100ths Dollars ($37.50);
(9) Article 17, Thirty-seven and 50/100ths Dollars ($37.50);
(10) California Vehicle Code 22500(e)(f), Thirty-seven and 50/100ths Dollars ($37.50);
(11) California Vehicle Code Section 22500.1, Sixty-seven and 50/100ths Dollars ($67.50);
(12) California Vehicle Code Section 22502(a), Fifty and 50/100ths Dollars ($50.50);
(13) California Vehicle Code Section 22507.8, Three Hundred Seventeen and 50/100ths Dollars ($317.50);
(14) California Vehicle Code Section 22514, Sixty-seven and 50/100ths Dollars ($67.50);
(15) California Vehicle Code Section 22522, Two Hundred Seventy-five and 50/100ths Dollars ($275.50);
(16) California Vehicle Code Section 5204(a), Sixty-seven and 50/100ths Dollars ($67.50).

(b) Payment after thirty (30) days of issuance. The penalties for violations of the provisions of the following articles of this chapter, if such penalties are paid after thirty (30) days after the writing of the citations, shall be in the following amounts:

(1) Article 9, Fifty Dollars ($50.00);
(2) Article 10, Fifty Dollars ($50.00);
(3) Article 11, Fifty Dollars ($50.00);
(4) Article 12, Fifty Dollars ($50.00);
(5) Article 13, subsection (e), Fifty Dollars ($50.00);
(6) Article 17, Fifty Dollars ($50.00);
(7) California Vehicle Code Section 22500(e)(f), Fifty Dollars ($50.00);
(8) California Vehicle Code Section 22500.1, Fifty Dollars ($50.00);
(9) California Vehicle Code Section 22502(a), Fifty Dollars ($50.00);
(10) California Vehicle Code Section 22507.8, Fifty Dollars ($50.00);
(11) California Vehicle Code Section 22514, Fifty Dollars ($50.00);
(12) California Vehicle Code Section 22522, Fifty Dollars ($50.00);
(13) California Vehicle Code Section 5204(a), Fifty Dollars ($50.00).

(c) The penalty for any other violation of Article 13, except § 4-6.1304 and § 4-6.1305(e), shall be:
(1) One Hundred Dollars ($100.00) for the second violation of the same provision within twelve (12) months;

(2) Two Hundred Fifty Dollars ($250.00) for each additional violation of the same provisions within twelve (12) months; and

(3) Any person violating any provisions of this article shall be guilty of a separate violation for each and every day during which any violation of any provision of this article is committed, continued or permitted by such person shall be penalized accordingly.

(d) A violation of § 4-6.1304 is specifically declared to be a misdemeanor, unless the citing official or the prosecuting attorney determines that it would be in the interests of justice to prosecute the offense as an infraction. The civil or administrative penalty for a violation of § 4-6.1304 shall be One Thousand Dollars ($1000.00)."

SECTION 7. Sections 5-22.02, 5-22.04, and 5-22.07 of Chapter 22 of Title 5 of the Ontario Municipal Code are hereby amended, and Sections 5-22.09 and 5-22.10 are hereby added, to state in full as follows:

"Sec. 5-22.02. Maintenance of property.

It is a public nuisance for any person owning, leasing, occupying or having charge of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon:

(a) Land, topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties;

(b) Buildings which are abandoned, partially destroyed or permitted to remain unreasonably in a state of partial construction;

(c) The failure to close, by such means as will protect against entry without the use of substantial force, all doorways, windows and other openings leading into vacant structures;

(d) Paint deterioration upon buildings, causing dry rot and warping or lack of weather protection;

(e) Broken windows constituting a hazardous condition, or inviting trespassers and malicious mischief, or constituting a condition tending to depreciate the aesthetic and property values of surrounding properties;

(f) Overgrown vegetation:

(1) Likely to harbor rats, vermin and other vectors;

(2) Constituting unsightly appearance;

(3) Having a tendency to depreciate the aesthetic and property values of surrounding properties; or

(4) Causing a fire hazard;

(g) Dead, decayed, diseased or hazardous trees, and other nuisance vegetation:

(1) Constituting unsightly appearance;

(2) Creating fire hazards or health problems dangerous to public safety and welfare; or
(3) Having a tendency to depreciate the aesthetic and property values of surrounding properties;

(h) Wrecked or otherwise disabled or abandoned vehicles, except in cases of emergency and in no event for a period longer than five (5) days, and motors, equipment, and automotive parts or accessories stored anywhere other than within a fully enclosed space, carport, garage, or approved automobile wrecking yard;

(i) Vehicles, trailers, recreational vehicles, and boats kept or stored in yard areas, other than on paved driveways installed in accordance with the City's land use and development standards, where they are not screened from streets or highways;

(j) The existence of rubbish, tin cans, or other waste matter of any type upon any alley, sidewalk or vacant lot within the City;

(k) Accessible conditions dangerous to children, including:

(1) Abandoned and broken equipment;
(2) Refrigerators or freezers with latching doors;
(3) Unprotected and/or hazardous pools, ponds and excavations; or
(4) Neglected machinery;

(l) Broken or discarded furniture and household equipment on the premises for unreasonable periods and visible from the street or neighboring properties, and having a tendency to depreciate the aesthetic and property values of surrounding properties;

(m) Boxes, lumber, trash, rubbish and other debris either inside or outside buildings and visible from public streets or neighboring properties for unreasonable periods, and having a tendency to depreciate the aesthetic and property values of surrounding properties;

(n) The accumulation of rubbish, litter or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings;

(o) Trash containers stored in front or side yards and visible from public streets except when placed in places of collection at the time permitted;

(p) Keeping of property with a lack of adequate landscaping or ground cover sufficient to prevent blowing dust and erosion;

(q) Any device, decoration, design, graffiti, fence structure, clothes line, or vegetation, which is unsightly by reason of its condition or its inappropriate location;

(r) The outside storage of building materials, machinery, or other material or equipment used in or for a business on any lot in any residential district, except during construction on the lot;

(s) The maintenance of signs and/or sign structures relating to uses no longer conducted, or products no longer sold on vacant commercial, industrial, or institutional buildings more than forty- five (45) days after such building becomes vacant;

(t) The maintenance of any structure in a state of substantial deterioration, such as peeling paint on a facade, broken windows, roofs in disrepair, damaged porches, broken steps, or other such deterioration or disrepair not otherwise constituting a violation, and which is visible from a public right-of-way or neighboring properties, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties;

(u) The substantial lack of maintenance of grounds within the City, on which structures exist, where the grounds are visible by the public from a public right-of-way or neighboring properties, where such condition would have a tendency to depreciate the aesthetic and property values of surrounding properties;

(v) Property maintained (in relation to others) so as to establish a prevalence of depreciated values, impaired investment, and social and economic maladjustments that the capacity to generate taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein;

(w) The maintenance of any yard, including any parkway as defined in § 7-3.03, which is visible from the public right-of-way without live and healthy grass and/or landscaping, or the failure to adequately irrigate such yard or parkway. If such yard or parkway is so maintained, the City may, pursuant to this chapter, abate such conditions and collect the costs thereof by any reasonable method, including the installation and maintenance of healthy grass and/or landscaping and/or an irrigation sprinkler system, as well as the continued utilization of such irrigation sprinkler system;

(x) The maintenance of any vacant lot without live and healthy grass, landscaping, or screening combined with perimeter landscaping, where such lot is adjacent to an improved sidewalk and/or parkway;

(y) The existence of solid waste such as excessive animal feces or human waste of any kind;

(z) The presence of any abandoned shopping cart, to the extent not otherwise remedied by law.

(aa) Any condition that violates the requirements or provisions of this Code, any code adopted by reference by this Code, or any condition of any permit, license, or other entitlement issued pursuant to this Code."

"Sec. 5-22.04. Notice of violation.

(a) If the Code Enforcement Director, or his or her designee, after investigation, believes that one (1) or more public nuisances exist on premises within the City, the Code Enforcement Director, or his or her designee, shall cause to be served upon the owner, lessee, occupant or person having charge of the affected premises, a Notice of Violation. The Notice of Violation shall (i) list the conditions constituting a public nuisance, (ii) order the owner, lessee, occupant or person having charge of the affected premises to abate the nuisance or nuisances listed in the Notice of Violation, (iii) provide notice of the right to appeal the Notice of Violation under § 5-22.05, (iv) provide notice that the City may record the Notice of Violation with the San Bernardino County Recorder's Office against the premises if the nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, within the given deadline, and (v) provide notice of the City's election to recover attorneys' fees in accordance with § 5-22.06(c), if sought. The Notice of Violation shall provide a reasonable time in which the owner, lessee, occupant or person having charge of the premises may abate the nuisance or nuisances cited in the Notice of Violation.

(b) Service of the Notice of Violation shall be made upon the owner, lessee, occupant or person having charge of the affected premises pursuant to divisions (b) or (c) of § 5-22.07 (Assessment of Costs).

(c) Any property owner, lessee, occupant, or person having charge of the affected premises, shall have the right to have any such premises rehabilitated, or to have the cited nuisance or nuisances abated in accordance with the Notice of Violation, at his or her own expense, provided the same is done prior to the expiration of the abatement period set forth in the Notice of Violation. Upon such abatement in full, proceedings under this chapter shall terminate.

(d) To the extent such nuisance is not completely abated by the owner, lessee, occupant, or person having charge of the affected premises, as directed within the designated period of abatement, the Code Enforcement Director, or his or her designee, is authorized and directed to cause the same to be abated by City forces or private contract in any reasonable manner; and the Code Enforcement Director, or his or her designee, is expressly authorized to enter the affected premises for such purpose. Upon request of the designated official, other City departments shall cooperate fully and shall render all reasonable assistance in abating any such nuisance."

"Sec. 5-22.07. Assessment of costs.

(a) To the extent the Code Enforcement Director, or his or her designee, determines that the public nuisance or nuisances cited in the Notice of Violation existed on the affected premises, and the cost of abatement of such nuisance or nuisances was reasonable, the Code Enforcement Director, or his or her designee, shall make a written order setting forth these findings and ordering that, if such costs are not paid within a specified period, the owner, lessee, occupant, or other person having charge of the affected premises, shall be personally liable for such costs. Upon resolution of the City Council, such costs shall be collected by:

(1) A lien on the affected premises pursuant to California Government Code § 38773.1; or
(2) A special assessment against the affected premises pursuant to California Government Code § 38773.5.

(b) If the City chooses to collect its abatement costs through a lien on the affected premises, the notices to the owner of the affected premises required by this chapter shall be served in the same manner as summons in a civil action pursuant to Code of Civil Procedure Part 2, Title 5, Chapter 4, Article 3 (commencing with § 415.10). If the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, after diligent search cannot be found, notices to the owner may be served by posting a copy thereof in a conspicuous place upon the affected premises for a period of ten (10) days, and publication thereof in a newspaper of general circulation, published in San Bernardino County pursuant to California Government Code § 6062. The lien shall be recorded in the San Bernardino County Recorder's Office, and from the date of recording, shall have the force, effect, and priority of a judgment lien. The lien shall specify the amount of the lien, the name of the City as the agency on whose behalf the lien is filed, the date of the Notice of Violation and order of the City Council, the street address, legal description and assessor's parcel number of the affected premises on which the lien is imposed, and the name and address of the recorded owner of the affected premises. In the event that the lien is discharged, released, or satisfied, either through payment or

foreclosure, notice of the discharge containing the information specified in the preceding sentence shall be recorded by the City. The lien and the release of the lien shall be indexed in the grantor-grantee index. The lien may be foreclosed by an action brought by the City for a monetary judgment.

(c) If the City chooses to collect its abatement costs through a special assessment, the notices required by this chapter shall be provided to the owner by certified mail, as determined from the County Assessor's or County Recorder's records. Notice of the special assessment, and requests for a hearing regarding the special assessment, shall be in accordance with § 1-4.05 (Appeal Hearing for Special Assessments) of this Municipal Code.

The special assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties, and the same procedure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to the special assessment. If any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property, but instead shall be transferred to the unsecured roll for collection. The City may conduct a sale of vacant residential developed property for which the payment of such assessment made pursuant to this subdivision is delinquent. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.

(d) All other notices required by this chapter shall be delivered by first class US Mail, postage prepaid to the recipient thereof."

"Sec. 5-22.09. Recordation of Notice of Violation.

(a) If a violation has not been fully abated or corrected, as determined by the City, within the deadline set forth in a Notice of Violation, or within the deadline provided in a decision on an appeal of a Notice of Violation in the event of an appeal, then the City, in its sole discretion, may record the Notice of Violation with the San Bernardino County Recorder's Office against said premises.

(b) The City shall record a Notice of Release of Notice of Violation with the San Bernardino County Recorder's Office within 10 business days of its determination that a violation or a public nuisance has been fully abated or corrected with all required City approvals, permits, licenses and the passage of all City required inspections."

"Sec. 5-22.10. Emergency Action to Abate an Imminent Hazard.

(a) Notwithstanding any provision of this Code to the contrary, an enforcement official may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property. Prior to abating the nuisance, the City may attempt to notify a responsible person of the imminent hazard and request its abatement by said person. The enforcement official may, in his or her discretion, dispense with an attempt of prior notification of a responsible person if the nature or severity of the hazard justifies such inaction.

(b) Within 10 business days, or as soon as reasonably possible thereafter, following emergency actions of City Personnel to abate an imminent hazard, the City shall serve any responsible person with a Notice of Emergency Abatement of an Imminent Hazard. The notice shall contain a brief description of the condition(s) and reasons why it constitutes an imminent hazard, the law prohibiting or pertaining to the imminent hazard, and the actions the City took to abate the imminent hazard. A Notice of Emergency Abatement may be appealed in the same manner as a Notice of Violation in accordance with the provisions of § 5-22.05. The City shall be entitled to recover its fees and costs for the abatement of an imminent hazard. In such instances, the City shall follow the procedures set forth in this Chapter."

SECTION 8. All existing provisions of the Ontario Municipal Code that are repeated herein are repeated only to aid decision-makers and the public in understanding the effect of the proposed changes. Restatement of existing provisions does not constitute a new enactment.

SECTION 9. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 10. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 11. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 12. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____

PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3230 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3230 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 4-6.1009 AND 4-6.1016 OF ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, ADDING SECTION 4-6.1117 TO ARTICLE 1 of CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, AND ADDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES.

WHEREAS, California Vehicle Code Section 22507 authorizes the City of Ontario ("City") to restrict or prohibit the stopping, parking, or standing of vehicles on local streets during all or certain hours of the day; and

WHEREAS, the general provisions governing stopping, standing, or parking for certain purposes or in certain places within the City are set forth in Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code; and

WHEREAS, the Police Department has received numerous complaints about the parking of commercial vehicles within the City's jurisdiction, including along designated truck routes; and

WHEREAS, the Police Department has found that the current regulations related to commercial vehicle parking have not been effective at addressing the parking of commercial vehicles along the City streets; and

WHEREAS, the Ontario Municipal Code also does not specifically address oversized vehicle parking on public streets; and

WHEREAS, the Ontario Municipal Code does generally regulate vehicle parking on public streets in Section 4-6.1011, which states that "[n]o person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street, alley, or City-owned parking lot or parking facility for a period of seventy-two (72) or more consecutive hours"; and

WHEREAS, the Police Department has found that this regulation has not been effective at addressing oversized vehicle parking because a vehicle owner may move the vehicle and then re-park near the same area, thereby evading the restriction; and

WHEREAS, the City wishes to amend the Ontario Municipal Code to address the parking of commercial vehicles alongside City streets and establish standards for oversized vehicle parking as well as a process to impose such restrictions; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Section 4-6.117. Commercial Vehicles is hereby added to the Ontario Municipal Code, to read, as follows:

"Sec.4-6.117. Commercial Vehicles

"Commercial Vehicle" shall have the same meaning as defined in Section 260 of the California Vehicle Code."

SECTION 3. Section 4-6.1009(c) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(c) In industrial zones, it shall be unlawful for the owner or driver of any commercial vehicle, truck tractor and semitrailer or truck tractor exceeding a gross weight of five (5) tons to allow such vehicle, truck tractor and semitrailer or truck tractor to remain standing upon any street, alley or avenue."

SECTION 4. Section 4-6.1009(d) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(d) On designated truck routes, it shall be unlawful for the owner or driver or any commercial vehicle, truck tractor and semitrailer or truck tractor exceeding a gross weight of five (5) tons to allow such vehicle, truck tractor and semitrailer or truck tractor to remain standing upon said designated truck route."

SECTION 5. Section 4-6.1009(e) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(e) The operator of any commercial vehicle of legal weight may park said vehicle:

(1) While making pickups or deliveries of goods, wares and merchandise from or to any building or structure, for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure for which a building permit has previously been obtained therefor; or

(2) When such vehicle is parked in connection with and in aid of the performance of a service to or on a property in the block in which said vehicle is parked.

(3) When such vehicle is experiencing mechanical difficulties and the operator is waiting for roadside assistance to address such difficulties."

SECTION 6. Section 4-6.1009(h) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(h) Within residential zoning districts and residential land use districts of specific plans, it is unlawful for the driver, owner, or operator or any large commercial vehicle to park, or cause to be parked, such vehicles on a public street or alley except:

(1) In connection with, and in aid to, the performance of a service on a property adjacent to where the large commercial vehicle is parked;

(2) While loading and unloading goods, and the large commercial vehicle is allowed to remain parked until such work is completed;

For the purposes of this subsection, the term "large commercial vehicle" shall include, but not be limited to, large commercial vehicles, trailers, motor trucks, semi-trailers, or other large portable commercial equipment that exceeds a width of eighty (80) inches, or exceeds a height of seven (7) feet, or exceeds a length of twenty-five (25) feet."

SECTION 7. Section 4-6.1016. Removal of vehicles of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"Sec. 4-6.1016. Removal of vehicles.

In the event of the violation of the provisions of § 4-6.309 of Article 3, §§ 4-6.1003 through 4-6.1005, 4-6.1007, 4-6.1009, 4-6.1011, 4-6.1014 and 4-6.1020 of Article 10, § 4-6.1108 of Article 11, and §§ 4-6.1204 and 4-6.1207 of Article 12 of this chapter, the Police Department is hereby authorized to have the violating vehicles towed away and stored, and the owner, driver, or other person with a right of possession of the vehicle shall pay all lawful charges before the vehicle is returned, in addition to any fine or penalty imposed by the City by citation as well as any bail or fine imposed by the courts for the citation of the violation."

SECTION 8. Section 4-6.1020. Oversized Vehicle Parking is hereby added to the Ontario Municipal Code, to read, as follows:

"Sec. 4-6.1020. Oversized vehicle parking

(a) Prohibition on Public Streets

No person shall park, or leave standing on any public street, alley or right of way in the city any oversized vehicle without properly displaying a valid oversized vehicle temporary parking permit.

(b) Definitions

(1) Oversized Vehicle: Any vehicle, whether motorized or nonmotorized, that exceeds twenty feet (20') in length, or eighty inches (80") in width or seventy eight inches (78") in height or that weighs more than six thousand (6,000) pounds (gross

vehicle weight). Any extension caused by any mirror or any accessory attached to such vehicle shall be considered part of the measured distance.

Notwithstanding the length, width, and height requirements for an oversized vehicle, the following vehicles shall also be considered oversized vehicles subject to the prohibitions contained in Section 4-6.1020(a) of this article:

(i) Buses as defined in the California Vehicle Code;

(ii) Trailers, including boat trailers, and semitrailers, as these are defined in the California Vehicle Code, and standalone boats not connected to trailers;

(iii) Trailer coaches as defined in the California Vehicle Code; and

(iv) Recreational vehicles as defined in this article.

(2) Recreational Vehicle: A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. Recreational vehicle shall also include:

(i) Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy;

(ii) Motor Home: A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy;

(iii) Slide-In Camper: A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper;

(iv) Travel Trailer: A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

(c) <u>Exemptions</u>

The provisions of Section 4-6.1020(a) of this article shall not apply to any of the following:

(1) Any commercial vehicles. The parking of commercial vehicles shall be controlled by Section 4-6.1009 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code.

(2) Any ambulance, paramedic or public safety vehicle involved in responding to an emergency.

(3) Any vehicle being repaired under emergency conditions for less than eight (8) hours. For purposes of this section "emergency repairs" shall mean sudden and unexpected repairs occurring during transport of the vehicle.

(4) Any vehicle belonging to federal, state or local authorities while conducting official government business.

(5) Any vehicle displaying a valid permit issued pursuant to Sections 4-6.1020(d) and (e) of this article.

(d) Temporary Parking Permits

The License Official, or his or her designee, shall issue a temporary parking permit to any resident of the City, for parking of an oversized vehicle that belongs to that resident, or a guest of the household in which such resident resides, provided the following conditions are met:

(1) The permit is obtained by a resident of the property in front of which the oversized vehicle will be parked in accordance with this article.

(2) The oversized vehicle is parked on the street immediately adjacent to the property upon which the person requesting the permit resides.

(3) The duration of the permit shall not exceed forty-eight (48) hours.

(4) At the discretion of the License Official, or his or her designee, a permit may be issued for a period not to exceed seventy-two (72) hours to accommodate houseguests.

(5) No more than two (2) permits shall be issued for any specific oversized vehicle within any given calendar month. Permits may not be issued for consecutive periods, and there must be a minimum of forty-eight (48) consecutive hours between the issuance of permits for a specific property or a specific oversized vehicle.

(6) The oversized vehicle shall not be used for overnight camping, lodging, residing in, or any use for accommodation purposes.

(7) The oversized vehicle shall not visibly block or obscure any existing safety or traffic control device, nor shall it be parked in such position that another's driveway approach is jeopardized, and it shall otherwise meet all other parking requirements for the street upon which it is parked.

(8) The oversized vehicle is not licensed, registered or used for commercial purposes.

(9) The License Official, or his or her designee, determines that the parking of the oversized vehicle would not create a public safety hazard. Such a determination may be made based on factors, including, without limitation, the size of the oversized vehicle, the configuration of the street or the location of any nearby driveways, trees, improvements or structures.

(e) Permit Restrictions

(1) It shall be unlawful for any person to whom a permit is issued pursuant to Section 4-6.1020(d) of this article to transfer, sell, rent or lease such permit or allow such permit to be used by any person other than a guest of that person, either with or without consideration.

(2) It shall be unlawful for any person to borrow, buy or otherwise acquire for value or use or display any parking permit, except as provided for in Section 4-6.1020(d) of this article.

(3) Each permit issued pursuant to Section 4-6.1020(d) of this article shall be subject to all of the conditions and restrictions set forth in Section 4-6.1020(d) of this article. The issuance of such permit shall not be construed to be a permit for or approval of any violation of any provision of this code or any other law or regulation.

(4) The issuance of a permit pursuant to Section 4-6.1020(d) of this article shall not be construed or interpreted as a warranty or representation by the city or its officials, officers or employees that the parking of any oversized vehicle is or is not in compliance with any other provision of law. Neither the enactment of this part nor the preparation or delivery of any permit pursuant thereto shall impose any mandatory duty upon the City, its officials, officers or employees to completely and accurately determine the safety of the parking of any oversized vehicle or impose any liability on the city, its officials, officers or employees regarding the same.

(5) The City Council may establish a reasonable permit fee by separate resolution to recover the City's administrative costs in preparing and issuing permits.

(f) Permit Display

Parking permits issued pursuant to Sec. 4-6.1020(d) of this article shall be clearly displayed on the oversized vehicle's dashboard or windshield."

SECTION 9. Posting of Notice. Pursuant to California Vehicle Code Section 22507, and relevant case law, the City Traffic Engineer is hereby directed to place, or cause to be placed appropriate signs and/or markings giving adequate notice of the parking restrictions contained within this Ordinance.

SECTION 10. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 11. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 12. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 13. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3231 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3231 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 15, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING SECTION 4-4.27 TO CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE ONTARIO FIRE CODE.

WHEREAS, the City of Ontario ("City") has adopted by reference with certain amendments, additions, deletions, and exceptions, the 2019 California Fire Code with errata, incorporating therein the 2018 International Fire Code as published by the International Code Council and adopted by the California State Building Standards Commission (hereinafter referred to as the "Ontario Fire Code") for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion; and

WHEREAS, violations of the Ontario Fire Code are subject to criminal and civil penalties as outlined in Chapter 2 of Title 1 of the Ontario Municipal Code; and

WHEREAS, Government Code section 53069.4 authorizes the City to issue administrative citations to enforce its ordinances in addition to criminal, civil or other legal remedies established by law, which may be pursued to address violations of the Ontario Municipal Code; and

WHEREAS, it is the intent of the City to allow violations of the Ontario Fire Code, at its discretion, to be addressed through the institution of a criminal action, a civil action, or administrative action; and

WHEREAS, the City wishes to add Section 4-4.27 to the Ontario Municipal Code to establish administrative penalties for violations of the Ontario Fire Code as well as a process to impose such penalties; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Section 4-4.27. Administrative fines is hereby added to the Ontario Municipal Code, to read, as follows:

"Sec. 4-4.27. Administrative fines

(a) In addition to any other remedy available at law, any person in violation of this chapter is subject to an administrative fine as defined below:

(1) A fine not exceeding one hundred dollars ($100.00) for the first occurrence of each separate violation of the Ontario Fire Code;

(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of the same Ontario Fire Code provision within one (1) year from the date of the first violation.

(3) A fine not exceeding one thousand dollars ($1,000.00) for a third or more violation(s) of the same Ontario Fire Code provision within one (1) year from the date of the first violation.

(b) The provisions and procedures concerning administrative citations set forth in Chapter 5 of Title 1 of the Ontario Municipal Code shall apply to administrative citations issued for violations of this chapter. To the extent there are any conflicts between the provisions of the two chapters, the provisions of this chapter shall supersede and control administrative citations issued for violations of this chapter.

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3232 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3232 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-6.1019, "RESTRICTED PARKING FOR STREET SWEEPING SERVICES," OF THE CITY'S MUNICIPAL CODE TO PROVIDE FOR RESTRICTED PARKING FOR PURPOSES OF TRASH COLLECTION.

WHEREAS, California Vehicle Code section 22507 permits local authorities to restrict the parking or standing of vehicles on designated streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, on July 6, 2021, the City of Ontario adopted Ordinance No. 3188, adding Section 4-6.1019 to Article 10 of Chapter 6 of Title 4 to establish parking restrictions on public streets for street sweeping; and

WHEREAS, the City Council now wishes to amend Section 4-6.1019 of the City's Municipal Code to reference the City's ability to further prohibit parking on certain streets or highways, or portions thereof, due to scheduled trash collection services in addition to street sweeping; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Ordinance by this reference.

SECTION 2. The City Council hereby amends Section 4-6.1019 of the City of Ontario's Municipal Code to read in full as follows (deletions are marked in ~~strikethrough~~, and additions are marked in underline):

"Sec. 4-6.1019. Restricted parking for street sweeping and trash collection services.

(a) When the City Council determines the stopping, standing or parking of any vehicle upon any street, or portion of the street, impedes street sweeping and/or trash collection services and ~~a~~ffects public health, safety and welfare, a restricted parking area may be established within the City.

(b) The Public Works Agency Executive Director is authorized to establish a process for public input to propose designated restricted parking zones for street sweeping or trash collection services.

(c) The City Council may establish a designated restricted parking zone for street sweeping and trash collection services by resolution.

SECTION 3. Signage. The City Manager shall cause appropriate signage to be posted on each street on which parking is restricted for the purpose of street sweeping or trash collection services. The signage shall be in accordance with the requirements of Vehicle Code section 22507 and shall set forth the days and hours during which parking is prohibited for the purpose of street sweeping or trash collection. The parking restrictions established in this Ordinance shall become effective upon posting of the signage.

SECTION 4. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 5. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____

PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3233 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3233 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 6, "TRANSIENT OCCUPANCY TAXES," OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE.

WHEREAS, the City of Ontario ("City") currently imposes an 11 and ¾ percent transient occupancy tax ("TOT") for the privilege of occupying a hotel in the City, and otherwise regulates the imposition of and exceptions to the TOT through Chapter 6 of Title 3 of the Ontario Municipal Code ("OMC").

WHEREAS, the City desires to amend the current TOT provisions to clarify that:

(a) The Executive Director of Finance, or an authorized representative, is the "Tax Administrator" for TOT purposes;

(b) Minors may not rent rooms in a hotel, unless such minor is accompanied by a parent or legal guardian;

(c) Each manager or person in control of a hotel must keep a register of transient guests, which is subject to reasonable City staff or law enforcement inspection;

(d) Operators must report the total rents charged and remit the TOT tax due to the City each month, rather than quarterly;

(e) Hourly rates are prohibited, and rates must be conspicuously posted and charged at the posted rate only;

(f) Certain civil and criminal penalties may apply to persons in violation of the Chapter;

(g) Operators must keep records in conformance with standards developed by the City's Tax Administrator, and the Tax Administrator will have the right to inspect such records at all reasonable times;

(h) The Tax Administrator may conduct an audit to ensure compliance with the Chapter, pursuant to certain procedural requirements;

(i) The City may record unpaid fines, penalties, and related costs as a lien upon and against the hotel subject to notice as required by law;

(j) Any cessation in business or transfer of ownership triggers certain noticing and payment obligations;

(k) The Tax Administrator is given additional powers and duties, including to adopt administrative rules and regulations consistent with the OMC, and to make administrative agreements that act as a variance from the strict requirements of Chapter 6 of Title 3 of the OMC.

WHEREAS, the proposed ordinance is beneficial to the public health, safety, and general welfare of the community, as it clarifies performance standards, reporting obligations, and enforcement outcomes applicable to the payment and audit of TOTs in the City, which impact residents who benefit from the services funded by the TOTs; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Chapter 6 of Title 3 of the OMC is hereby amended in full to read as set forth in "Exhibit A," attached hereto and made a part hereof by this reference (additions are marked in underline, and deletions are marked in ~~strikethrough~~).

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3234 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3234 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

City of Ontario

CHAPTER 6: TRANSIENT OCCUPANCY TAXES

3-6.01 Title of provisions

3-6.02 Definitions

3-6.03 Tax imposed

3-6.04 Exemptions from provision

3-6.05 Operator's duties

3-6.06 Letting of room to minors – prohibited - Exceptions

3-6.0~~6~~7 Hotel registration and certificate

3-6.08 Guest Registration

3-6.0~~7~~9 Reporting and remitting

3-6.10 Room rates and regulations – Hourly rates prohibited

3-6.~~08~~11 Penalties and interest

3-6.~~09~~12 Failure to collect and report tax

3-6.~~10~~13 Appeals

3-6.1~~1~~4 Recordkeeping and inspection

3-6.1~~2~~5 Refunds

3-6.1~~3~~6 Actions to collect

~~3-6.14 Violations of provisions~~

3-6.17 Cessation or change of ownership

3-6.18 Additional powers and duties of the Tax Administrator

Sec. 3-6.01. Title of provisions.

This chapter shall be known as the “Uniform Transient Occupancy Tax Law” of the City.

Sec. 3-6.02. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) “Hotel” shall mean any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, vacation rental, short-term rental, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure, or portion thereof.

(b) “Occupancy” shall mean the use or possession, or the right or entitlement to the use or possession, of any room or rooms, or portion thereof, in any hotel or hotels for dwelling, lodging, or sleeping purposes.

(c) “Operator” shall mean the person who is the proprietor of the hotel whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character, other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent, however, shall be considered to be compliance by both.

(d) “Person” shall mean any individual, short-term renter, vacation renter, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(e) “Rent” shall mean the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property, and services of any kind or nature, without any deduction therefrom whatsoever.

(f) “Tax Administrator” shall mean the ~~License Official~~ Executive Director of Finance of the City of Ontario, or his or her authorized representative.

(g) “Transient” shall mean any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) consecutive calendar days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. Any individual person who exercises or is entitled to occupancy for a period of thirty (30) consecutive calendar days or less shall be deemed to be a transient, regardless of whether the reservation and/or payment for occupancy is made directly by the person exercising occupancy or another person, or entity. The intent is to tax the individual person occupying, or having the right or entitlement to occupancy, the hotel room. “Transient” includes any employee or officer of the State government or of the government of a political subdivision of the State. “Transient” does not mean or include any Federal officer or employee when on official Federal government business, or any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty, who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

~~For purposes of this definition, the exercise of or entitlement to occupancy shall be evidenced by any of the following:~~

~~(1) A person’s signature on a hotel registration card or form, a hotel invoice or receipt, or any other document associated with a person's occupancy in a hotel; and/or~~

~~(2) A person providing identification to hotel staff as proof of employment, membership, or affiliation with any person as a condition of or in connection with exercising occupancy in a hotel.~~

In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the provisions of this chapter may be considered.

Sec. 3-6.03. Tax imposed.

For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of eleven and three-quarters percent (11¾%) of the rent charged by the operator. Such tax shall constitute a debt owed by the transient to the City, which debt shall be extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the ~~License Official~~ Tax Administrator may require that such tax shall be paid directly to the ~~License Official~~ City.

Sec. 3-6.04. Exemptions from provision.

(a) No tax shall be imposed upon:

(1) Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax provided for in this chapter; and

(2) Any Federal officer or employee when on official Federal government business, or any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty, who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

(b) No exemption shall be granted except upon a claim therefor made at the time the rent is collected and under penalty of perjury upon a form prescribed by the ~~License Official~~ Tax Administrator. Any Federal officer or employee when on official federal government business claiming such an exemption shall provide to the operator as conclusive evidence that his or her occupancy is for the official business of his or her employer:

(1) Travel orders from his or her government employer; or a government warrant issued by his or her employer to pay for the occupancy; or a government credit card issued by his or her employer to pay for the occupancy; and

(2) Photo identification, proof of his or her governmental employment as an employee or officer as described in subsection (b)(1), and proof, consistent with these provisions, that his or her occupancy is for the official business of his or her governmental employer.

Sec. 3-6.05. Operator's duties.

Each operator shall collect and hold in trust for the account and benefit of the City the tax imposed by the provisions of this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged.

No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax, or any part thereof, will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in this chapter.

Sec. 3-6.06. Letting of room to minors – Prohibited - Exceptions.

Letting of rooms to minors shall be prohibited. Any person or corporation owning, controlling or managing any hotel in the City, who rents or lets any room or rooms to, or allows any room or rooms to be occupied by any minor under the age of eighteen (18) years, unless such minor is accompanied by his or her parent, parents, or legal guardian, shall immediately by telephone, and within twenty-four (24) hours by written report, notify the Ontario Police Department of such fact.

Sec. 3-6.0~~6~~7. Hotel ~~R~~registration and certificate.

On or before May 6, 1965, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting an occupancy to transients shall register such hotel with the ~~License Official~~ Tax Administrator and obtain from ~~him~~ the Tax Administrator a "Transient Occupancy Registration Certificate." Any operator that operates a hotel within the City shall at all times post the certificate in a conspicuous place on the hotel premises. All other operators shall maintain a copy of the certificate at their place of business, as indicated on the certificate. Such certificate shall, among other things, set forth the following information:

(a) The name ~~and address~~ of the operator;

(b) The address of the hotel ~~(if the operator operates a hotel within the City)~~;

(c) The date upon which the certificate was issued; and

(d) A statement as follows: "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Law by registering with the ~~License Official~~ Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting such tax to the ~~License Official~~ City. This certificate shall not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including, but not limited to, those requiring a permit from any board, commission, department, or office of this City. This certificate shall not constitute a permit.

Sec. 3-6.08. Guest registration.

(a) Every manager or person in control of any hotel in the city shall keep a register for the registration of transient guests. The guest register shall at all times be open and

subject to reasonable inspection by city officials or by any law enforcement officer in the City.

(b) Guests Must Register. No person in control of any hotel in the city shall let or assign for temporary or transient occupancy any suite, room or bed in that hotel, to any person until after such person shall have registered his or her name and address in the register herein provided to be kept, and thereafter such register shall be made to show correctly the year, month, day and hour of the arrival of such person at the hotel and the number of the suite or room let or assigned to such guest; and such person in control of such hotel or the letting of any suite, room or bed therein shall at the time of the departure of each guest, endorse upon such register the date of such departure, nor shall any person erase or alter any name or address written in such register.

(c) Registration Information Required. The operator of any hotel shall keep a register on forms approved by or supplied by the City, of the names and home or business addresses of all persons to be accommodated with the length of stay indicated. At the time of registration, the operator or his or her employee shall verify the identification of the registrant by requesting to see, and copying onto the registration form any of the following: the registrant's valid driver's license number, the registrant's valid military identification, the registrant's valid passport number and country of issuance. The operator or his or her employee must also include on the registration forms the make, type and license number of the registrant's automobile, trailer or other vehicle, and the state in which such vehicle is registered and the year of registration, for any vehicle that is parked on the premises. Hotels that can demonstrate that they take sufficient reasonable steps to control access to and from parking areas on the premises shall not be required to include this information on registration forms. Such sufficient reasonable steps to control access to and from parking areas shall include, but not be limited to, valet parking, automated access gates, and parking attendants.

(d) Pre-Arrival Registration. In the event that the hotel utilizes a pre-arrival registration or approval procedure that obviates the requirement for an arriving guest to go to the front desk and provide information typically required as part of the hotel's customary registration process, the hotel shall not be required to comply with subsection (c) of this section; provided, however, that the hotel's pre-arrival registration or approval procedure must be submitted to and approved by the Tax Administrator, and the facility must obtain such guest related information of the type specified in subsection (c) as the Tax Administrator might reasonably require.

(e) Illegal Registration. No person shall register at any hotel in the city, under the name of any other person, or by any assumed, false or fictitious name. No person placing any information required by this section shall falsely or inaccurately state such information.

Sec. 3-6.0~~7~~9. Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar ~~quarter~~ month, ~~or at the close of any shorter reporting period which may be established by the License Official,~~ make a return to the ~~License Official~~ Tax

Administrator, on forms provided by him or her, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the ~~License Official~~ City. The ~~License Official~~ Tax Administrator ~~may establish shorter reporting periods for any certificate holder if he or she deems it necessary in order to ensure collection of the tax, and he or she~~ may require further information in the return. ~~Returns and payments shall be due immediately upon cessation of business for any reason.~~ Returns and payments submitted by United States mail or other mail delivery service shall be deemed to have been made as of the date post marked. Returns and payments submitted electronically Monday through Friday before 5:00 p.m., shall be deemed to have been paid that same day. Returns and payments submitted electronically Monday through Friday after 5:00 p.m., shall be deemed to have been paid the following calendar day. Returns and payments submitted electronically Friday after 5:00 p.m., Saturday, Sunday, or any day in which the City is closed for business, shall be deemed to have been paid the next business day. Any payment received after the due date, regardless of weekend or holiday, will be considered late, with penalties and interest applying. All taxes collected by operators pursuant to the provisions of this chapter shall be held in trust for the account of the City until payment thereof is made to the ~~License Official~~ City.

Sec. 3-6.10. Room rates and regulations – Hourly rates prohibited.

(a) Posting of Rates. Every manager or person in control of a hotel in the city shall post in a conspicuous place on the premises a printed statement of the specific charge or rate of charges by the day, week or month to be charged for said room or rooms.

(b) Charges in Excess of Rates Posted—Prohibited. No charge or sum shall be collected or received by any manager or person in control of a hotel for any greater sum than entitled to under the statement of charges or rates posted.

(c) Posting of Rules and Regulations of Establishments. Every manager or person in control of a hotel is required to post in a conspicuous place on the premises a printed statement of the general rules and regulations of said hotel.

(d) Hourly Rates. No person or business providing transient sleeping accommodations in any hotel shall charge or accept money or other consideration by an hourly rate or any rate less than that which is charged or accepted for one full day's accommodations within any twenty-four (24) hour period.

Sec. 3-6.0~~8~~11. Penalties and interest.

(a) Original delinquency. Any operator who shall fail to report and remit any tax imposed by the provisions of this chapter within the time required shall pay a penalty in the amount of one-half of one percent (0.5%) per day of the tax due and owing in addition to the amount of the tax, up to thirty (30) days following the date on which the remittance first became delinquent.

(b) Continued delinquency. Any operator who shall fail to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the

remittance first became delinquent shall pay a second delinquency penalty in the amount of ten percent (10%) of the tax due and owing in addition to the amount of the tax and the one-half of one percent (0.5%) penalty, up to thirty (30) days, first imposed pursuant to subsection (a).

(c) Fraud. If the ~~License Official~~ Tax Administrator shall determine that the non-payment of any remittance due pursuant to the provisions of this chapter is due to fraud, a penalty in the amount of twenty five percent (25%) of the amount of the tax due and owing shall be added thereto in addition to the penalties set forth in subsections (a) and (b) of this section.

(d) Interest. In addition to the penalties imposed, any operator who shall fail to remit any tax imposed by the provisions of this chapter shall pay interest at the rate of one-half of one percent (0.5%) per month, or fraction thereof, on the amount of the tax due and owing, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(e) Penalties and interest merged with tax. Every penalty imposed and such interest as accrues pursuant to the provisions of this section shall become a part of the tax required to be paid by the provisions of this chapter.

(f) Civil Penalties. Any violation of this chapter, and any failure to pay assessed penalties, delinquencies, or interest specified herein may result in alternative remedies, such as referral to a collection agency, civil action, or any other legal remedy.

(g) Criminal Penalties. In addition to the penalties, delinquencies, interest, or other consequences set forth in subsections (a) through (e) above, any operator who fails or refuses to collect the tax, fails or refuses to make any return, fails or refuses to keep adequate records or open them up for inspection by the city, fails or refuses to furnish other data reasonably requested by the tax administrator, or makes a false or fraudulent return with intent to evade the tax, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to Ontario Municipal Code Chapter 1-2 (Penalty Provisions). Each and every day during any portion of which any violation is committed, continued, or permitted, shall constitute a separate offense and shall be punished accordingly.

(h) Waiver. Notwithstanding any provision in this chapter to the contrary, the tax administrator may waive any penalty or interest, or any portion thereof, imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this chapter if the non-collection occurred in good faith. In determining whether the non collection was in good faith, the tax administrator will take into consideration industry practice or other objective precedents.

Sec. 3-6.0~~9~~12. Failure to collect and report tax~~: Determination by License Official~~.

(a) Determination. If any operator shall fail or refuse to collect such tax and to make, within the time provided in this chapter, any report and remittance of such tax, or any portion thereof, required by the provisions of this chapter, the ~~License Official~~ Tax Administrator shall proceed in such manner as he or she may deem best to obtain the

facts and information on which to base his or her estimate of the tax due. As soon as the ~~License Official~~ Tax Administrator shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any such tax imposed by the provisions of this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the ~~License Official~~ Tax Administrator shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by the provisions of this chapter. In the event such determination is made, the ~~License Official~~ Tax Administrator shall give notice of the amount so assessed by serving it personally or depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address.

(b) Hearing. Such operator may, within ten (10) days after the service or mailing of such notice, make an application in writing to the ~~License Official~~ Tax Administrator for a hearing on the amount assessed. If an application by the operator for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the ~~License Official~~ Tax Administrator shall become final and conclusive and immediately due and payable. If such an application is made, the ~~License Official~~ Tax Administrator shall give not less than five (5) days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in such notice why the amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing the operator may appear and offer evidence why such specified tax, interest, and penalties should not be so fixed. After such hearing the ~~License Official~~ Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is filed as provided in § 3-6.10 of this chapter.

Sec. 3-6.1~~0~~13. Appeals.

Any operator aggrieved by any decision of the ~~License Official~~ Tax Administrator with respect to the amount of such tax, interest, and penalties, if any, may appeal to the City Manager, or his or her designee, ~~Council~~ by filing a notice of appeal with the City Clerk within fifteen (15) days after the service or mailing of the determination of the tax due. The City Manager, or his or her designee ~~Council~~ shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the City Manager, or his or her designee ~~Council~~ shall be final and conclusive and shall be served upon the appellant in the manner prescribed in this chapter for the service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

Sec. 3-6.~~11~~14. Record~~keeping and inspection~~s.

(a) It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by the provisions of this chapter to keep and preserve, for a period of ~~three (3)~~ four (4) years, all records as may be necessary to determine the amount of such tax as ~~he~~ the operator may have been liable for the collection of and payment to the City.~~, which records the License Official shall have the right to inspect at all reasonable~~

~~times.~~ All records shall be maintained in conformance with standards set forth by the Tax Administrator. The Tax Administrator shall have the right to inspect such records at all reasonable times.

(b) Any audit which must be performed to secure compliance with the terms of this section is to be performed in the city of Ontario. If for any reason the audit cannot be performed in Ontario, the operator shall reimburse the City for the actual cost of all transportation, lodging, meals, travel time and other incidental costs reasonably incurred by the City in conducting the audit.

(c) The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this chapter, of any person required to collect and/or remit a tax pursuant to this chapter. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of four (4) years next preceding the date of receipt of the written notice by said person from the Tax Administrator. Upon completion of the audit, the Tax Administrator may make a deficiency determination pursuant to Section 3-6.09 of this chapter for all taxes, penalties and interest owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this chapter, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.

Sec. 3-6.~~12~~15. Refunds.

(a) Claim. Whenever the amount of any tax, interest, or penalty has been overpaid, or paid more than once, or erroneously or illegally collected or received by the City pursuant to the provisions of this chapter, such amount may be refunded as provided in subsections (b) and (c) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the ~~License Official~~ Tax Administrator within one (1) year after the date of payment. The claim shall be on forms furnished by the ~~License Official~~ Tax Administrator.

(b) Operator's Compensation. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the ~~License Official~~ Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

(c) Transient's Compensation. A transient may obtain a refund of taxes overpaid, paid more than once, or erroneously or illegally collected or received by the City by filing a claim in the manner provided in subsection (a) of this section but only when the tax was paid by the transient directly to the ~~License Official~~ Tax Administrator, or when the transient, having paid the tax to the operator, establishes to the satisfaction of the ~~License~~

~~Official~~ Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

(d) Evidence. No refund shall be paid pursuant to the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto.

(e) Eligibility. The Tax Administrator shall determine the eligibility of any person who asserts a right to a refund from the tax imposed by this chapter.

Sec. 3-6.~~13~~16. Actions to collect.

(a) Collection. Any tax required to be paid by any transient pursuant to the provisions of this chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City pursuant to the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

(b) Liens. When the fines, penalties, and related costs are not paid within the prescribed time, the amount of those fines, penalties, and their related costs may be recorded as a lien upon and against the hotel without further hearing, subject to notice of the lien as required by law.

~~Sec. 3-6.14. Violations of provisions.~~

~~No person shall fail or refuse to register as required by this article, or to furnish any return required to be made by this article, or to fail or refuse to furnish a supplemental return or other data required by the License Official pursuant to this article. No person shall make a false or misleading statement on any return or claim required or permitted to be made by the provisions of this article.~~

Sec. 3-6.17. Cessation or change of ownership.

(a) Cessation of Business. If any operator liable for any amount under this chapter sells out, transfers, or quits his or her business, he or she shall make a final return and remittance within fifteen (15) days after the date of selling or quitting the business.

(b) Duty of Successor, Assignee, or Transferee. If any operator liable for any amount of tax, interest or penalty under this chapter sells out, transfers, or quits his or her business, his or her successors, assigns, or transferees shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the tax administrator either a receipt reflecting full payment or a certificate stating that no amount is due. If a purchaser of a business fails to withhold from the purchase price as required, he or she shall be personally liable for the payment of the amount required to be withheld by him or her to the extent of the purchase price.

Sec. 3-6.18. Additional powers and duties of the Tax Administrator.

(a) General. The Tax Administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this chapter.

(b) Administrative Rules, Regulations and Discretion. The Tax Administrator may adopt administrative rules and regulations not inconsistent with provisions of this chapter for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. The administrative ruling shall not impose a new tax, revise an existing tax methodology as stated in this section, or increase an existing tax, except as allowed by California Government Code Section 53750(h)(2), as may be amended or renumbered from time to time. A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office. To the extent that the Tax Administrator determines that the tax imposed under this chapter shall not be collected in full for any period of time from any particular operator or transient, that determination shall be considered an exercise of the Tax Administrator's discretion to settle disputes and shall not constitute a change in taxing methodology for purposes of Government Code Section 53750 or otherwise. The Tax Administrator is not authorized to amend the City's methodology for purposes of Government Code Section 53750 and the City does not waive or abrogate its ability to impose the Transient Occupancy Tax in full as a result of promulgating administrative rulings or entering into agreements.

(c) Administrative Agreements. Upon a proper showing of good cause, the Tax Administrator may make administrative agreements, with appropriate conditions, to vary from the strict requirements of this chapter and thereby:

1. Conform to the billing procedures of a particular operator so long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this chapter; or

2. To avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit. A copy of each such agreement shall be on file in the Tax Administrator's office, and are voidable by the Tax Administrator or the City Manager at any time.

(d) Compromise Limits. The Tax Administrator, with the written approval of the City Attorney, may compromise a claim pursuant to this chapter where the portion of the tax proposed to be released is less than five thousand dollars (5,000.00); and, with the approval of the City Attorney and the City Council, may compromise such a claim where the portion of the tax proposed to be released is equal to or greater than five thousand dollars (5,000.00).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW SECTION 5.03.363, "SHORT TERM RENTALS," TO DIVISION 5.03 OF CHAPTER 5 OF THE ONTARIO DEVELOPMENT CODE, IMPLEMENTING REGULATIONS FOR THE SHORT TERM RENTAL OF PROPERTY IN THE CITY.

WHEREAS, the growing popularity of "home-sharing" and other short-term vacation rentals, through the use of websites such as Airbnb, VRBO, and Homeaway, allow individual homeowners, landlords, and tenants to list homes, apartments, and rooms for rent at the price and duration of their choosing; and

WHEREAS, the City Council finds that unregulated "home-sharing" and use of existing housing as short-term rentals can escalate the demand for City services and create adverse impacts in residential zones; and

WHEREAS, the City has determined that there should be a reasonable balance between the regulation of short-term rental operations and the recognized need to protect the character of residential neighborhoods; and

WHEREAS, the proposed ordinance is beneficial to the public health, safety, and general welfare of the community as it establishes performance standards to ensure the compatibility between short-term vacation rentals and the residential character of neighborhoods in which they may be located; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. A new Section 5.03.363, "Short Term Rentals," is hereby added to Division 5.03 of Chapter 5 of the Ontario Development Code, to read in full as follows:

"5.03.063: Short Term Rentals

A. Definitions. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

1. *Booking transaction* means any reservation or payment service provided by a person who facilitates a short-term rental, home sharing, or similar transaction between a prospective guest and a host.

2. *Director* means the finance director of the City of Ontario.

3. *Dwelling unit* means a structure or portion thereof which is used for human habitation.

4. *Guest* means a person who rents a short-term rental for a period of less than 30 days.

5. *Group* means a single guest or any number of guests who are occupying a short-term rental on a single rental agreement.

6. *Host* means a person engaged in providing short-term rental at their primary residence.

7. *Hosted stay* means short-term rental activity whereby the host remains on the site of his or her primary residence throughout the duration of the guest's stay, expect during daytime and/or work hours.

8. *Hosting platform* means a marketplace in whatever form or format which facilitates the short-term rental activity, through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

9. *Primary residence* means the dwelling unit used as the permanent residence or usual place of return for housing by the host. A person may have only one primary residence.

10. *Short-term rental* means a dwelling unit, or any portion thereof, that is rented by the host to another party for a period of not more than 30 consecutive days in exchange for any form of monetary or non-monetary consideration, including trade, fee, swap or any other consideration in lieu of cash payment. Hosted stays, Un-hosted stays, and vacation rentals are types of short-term rental.

11. *Transient occupancy tax* or *"TOT"* means the tax imposed on occupancies of 30 consecutive calendar days or less under Chapter 6 of Title 3 of the Ontario Municipal Code.

12. *Un-hosted stay* means a short-term rental activity whereby the host remains off the site of his or her primary residence-site for some or all of the duration of the guest's stay.

13. *Vacation rental* means a dwelling unit that is not a primary residence, and which is available for temporary lodging, for compensation or any form of consideration. The term "vacation rental" shall not include: single-room occupancy buildings, bed and breakfast inns, hotels, a dwelling unit for which a tenant has a month-to-month rental agreement and the rental payments are made on a monthly basis, or corporate housing.

B. Permit required for authorized short-term rental

No person, either for themselves or any other person, shall cause, allow, conduct, permit, maintain, or facilitate short-term rental at any dwelling unit within the city without first obtaining a short-term rental permit pursuant to this chapter, and complying with all other applicable provisions of this code. A short-term rental permit shall only be issued to authorize hosted stays and un-hosted stays. Vacation rentals are prohibited.

C. Permit application

To apply for a short-term rental permit, a person seeking to become a host must file an application with the director, accompanied by a nonrefundable processing fee in an amount established by resolution of the city council. The application shall be in a form prescribed by the director and shall contain, at a minimum, the following:

1. The legal name, current address and telephone number of the applicant;

2. Address of the short-term rental property, and if applicable, location telephone number;

3. An index of all residents of the property with name and date of birth, juveniles may be listed by title and age only;

4. A diagram of the property indicating areas intended for use as short-term rental;

5. Documentation indicating the number of bedrooms within the dwelling unit, such as a record from the County Assessor's Office;

6. A parking plan indicating sufficient lawful parking on the property for all vehicles belonging to residents and one additional space for each bedroom of the house to be used for short-term rental;

7. A copy of a valid business license issued pursuant to Chapter 1 of Title 3 of the Ontario Municipal Code;

8. A home occupation permit pursuant to Section 5.03.240 of the Ontario Development Code is not required;

9. Emergency contact information for 24-hour response within 30 minutes;

10. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;

11. Documentation establishing that the dwelling unit proposed to be used as a short-term rental is the host's primary residence. Such documentation shall include at least two of the following and be in the name of the host: Motor vehicle registration, driver's license, voter registration, or tax documents showing the residential unit as the residence of the host;

12. Two passport size photographs of the applicant; and

13. Any other information required by regulations promulgated pursuant to this chapter or deemed necessary by the director.

D. Application investigation and criteria for approval or denial or permit

Upon receipt of a completed application, the director, or his or her designee, shall cause an investigation of the applicant and the application as submitted. The investigation shall be completed in a timely manner as follows and the applicant shall be notified of the result in writing in a timely manner:

1. The applicant shall be required to pay the established fees for such service in addition to the permit fee.

2. Inspection of the property by city staff shall be scheduled within 30 days of application.

3. If, as a result of this investigation, the applicant is found to satisfy all of the requirements of Section 5.03.063.D., and no grounds for denial exist, the application shall be approved, and a short-term rental permit shall be issued to the applicant. The permit shall contain the name, address of the permittee, a description of the short-term rental to be offered, the date of issuance and term of the permit, photograph of the permittee, and the signature of the director or his or her designee.

4. A short-term rental permit application may be denied for any of the following reasons:

a. Information contained in the application, or supplemental information requested from the applicant, is false or misleading in any material detail;

b. The applicant failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;

c. The applicant is delinquent in payment of any city or county taxes, fines, or penalties in relation to short-term rental;

d. The applicant has previously held a short-term rental permit which was revoked by the city during the year prior to the application;

e. The applicant has failed to pay any previous administrative fines, remediate any other violations, and/or complete any other alternative disposition associated with a previous violation of this chapter; or

f. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.03.063.I.

If the permit application is denied, written notice of such denial and the reasons therefore shall be provided to the applicant.

E. Permit expiration and renewal

A short-term rental permit shall be valid for 12 months from the date of issuance, and shall expire and become null and void on the first anniversary date of its issuance. A person may apply for a permit renewal on a form provided by the city prior to the expiration of his or her active short-term rental permit and upon successfully completing an inspection by city staff. The applicant shall be required to pay the administrative fee for the permit renewal fee in the amount established by city council resolution at the time the renewal application is filed. Failure of the applicant to submit a complete application prior to the expiration date of the existing short-term rental permit shall be a basis for denial of the renewal.

F. Permit revocation

The director may revoke a short-term rental permit issued to a short-term rental host for a third or subsequent violation of this chapter within any period of time or for any violation of Chapter 6 of Title 3 of the Ontario Municipal Code relating to transient occupancy tax. A short-term rental host whose permit is revoked may apply for a new short-term rental permit one year after the revocation of the permit.

G. Appeals

Any person whose short-term rental permit is denied or revoked may file an appeal of the decision in writing with the city clerk within 15 days following the date of the director's decision stating the grounds for said appeal. The appellant shall pay a non-refundable fee in an amount established by resolution of the city council for such appeal. The city clerk shall schedule an appeal hearing with the city manager or his or her designee within 15 days of an appeal being filed. The decision of the city manager or the designee shall be final.

H. Permits nontransferable

A short-term rental permit granted pursuant to this chapter shall not be transferable to another person, parcel number, or to another property owner. Said permit shall not run with the land or property to which it applies.

I. Operating requirements

[

Short-term rental hosts shall comply with the following requirements:

1. The host shall be:

a. The property owner or the spouse, parent, or adult child of the property owner.

b. A tenant of the property who has occupied the property as his or her primary residence prior to making application for a short-term rental permit and who has submitted written authorization from the property owner to operate short-term rental at the residence.

2. The dwelling unit shall be the primary residence of the host.

3. The dwelling unit must be located within zones AR-2, RE-2, RE-4, LDR-5, MDR-11, MDR-18, MDR-25, HDR-45, MU-1, LUA-3, MU-2, and MU-11. Dwelling units are not permitted to be used as short-term rentals in any other zones.

4. All advertising for the dwelling unit as a short-term rental that is displayed on a hosting platform or other media shall display the number of the current and valid permit as issued by the city, a street-view photo of the front of the house and the maximum number of guests based on the occupancy limit set forth in subsection I.5.

5. The dwelling unit's occupancy, including the host, other residents of the dwelling unit, and guests, during a short-term rental shall not exceed two times the number of bedrooms of the dwelling unit.

6. The short-term rental permit shall be conspicuously displayed in each area of the dwelling unit available for occupancy.

7. Any accessory dwelling unit subject to a covenant that specifically prohibits rentals of 30 days or less may not be used as a short-term rental.

8. A single dwelling unit shall be limited to two groups of any number concurrently or two concurrent booking transactions.

9. The short-term rental shall comply with all applicable provisions of this Code and State law.

10. Conditions that cause a public nuisance, as defined by this code or state law, are prohibited at the dwelling unit during a short-term rental.

11. Un-hosted stays shall be limited to a total of 90 days within a calendar year at the same dwelling unit. Hosted stays shall not be limited.

J. Hosting platform requirements

1. Hosting platforms shall be responsible for collecting all applicable TOTs and remitting the same to the city. The hosting platform shall be considered a managing agent of the host for purpose of TOT collections and remittance responsibilities as set forth in Chapter 6 of Title 3 of the Ontario Municipal Code.

2. Subject to applicable laws, hosting platforms shall disclose to the city on a regular basis each short-term rental listing located in the city, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

3. Hosting platforms shall require hosts to include the city-issued registration number in their listing(s), in a format designated by the city. Upon notice from the city that a listing is non-compliant, hosting platforms shall cease any short-term rental booking transactions for said listing(s) within five business days. A hosting platform shall not

complete any booking transaction for a residential property or unit subject to a city notice until notified by the city that the residential property or unit is in compliance with the local registration requirement.

4. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a vacation rental or unregistered short-term rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the dwelling unit.

5. A hosting platform operating exclusively on the internet, which operates in compliance with subsections 1., 2., 3., and 4. above, shall be presumed to be in compliance with this chapter.

6. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the city to be in violation of, or preempted by, any such law(s).

K. Enforcement and penalties.

1. Operating a short-term rental without a valid short-term rental permit and business license is prohibited. Advertising shall be considered prima facie evidence of operation. Additional evidence of operation may include, but shall not be limited to, guest testimony, online reviews, rental agreements, receipts, or any other information deemed relevant by the city.

2. A violation of this chapter shall constitute a public nuisance, which may be abated by any means provided by law, including, but not limited to, injunctive relief, issuance of administrative fines pursuant to Chapter 2 of Title 1 of the Ontario Municipal Code, and shall also constitute a misdemeanor punishable pursuant to Chapter 2 of Title 1.

3. Each and every day, or portion thereof, a violation of this chapter exists shall constitute a separate and distinct violation.

4. The remedies provided herein are intended to be cumulative and may be used in lieu of or in addition to any other remedy provided by this chapter or other law."

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3235 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3235 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 18 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE UPDATING PENALTIES FOR THE ILLEGAL CULTIVATION OF CANNABIS.

WHEREAS, pursuant to the California Constitution, article XI, section 7 and under the City's general police powers, the City of Ontario ("City") is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

WHEREAS, the City adopted Ordinance No. 3059 in October 2016, regulating personal, medical and commercial marijuana uses in the City in anticipation of Proposition 64 entitled The Control, Regulate and Tax Adult Use of Marijuana Act (commonly known as the Adult Use of Marijuana Act or AUMA), which had been certified in June of 2016 for the November 2016 election; and

WHEREAS, the voters of California passed Proposition 64 in November 2016; and

WHEREAS, after the approval of AUMA, the state legislature passed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in June 2017; and

WHEREAS, current law allows persons 21 years of age or older to possess, plant, cultivate harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants and allows the City to enact and enforce reasonable regulations to regulate such actions and conduct; and

WHEREAS, Ontario Municipal Code Section 6-18.03(c)(2)(iii) provides that a person may not plant, cultivate, harvest, dry, or process more than a combined total of 6 marijuana plants inside the private residence or accessory structure located upon the grounds of the private residence; and

WHEREAS, the City finds that illegal large scale commercial cultivation of marijuana indoors may illegally house hundreds of marijuana plants per home in violation of the Ontario Municipal Code, pose health and safety risks to persons and property, and are commonly part of larger criminal networks; and

WHEREAS, the City finds that each plant grown in excess of the limit set forth in the Ontario Municipal Code constitutes a separate and distinct violation of the Municipal Code; and

WHEREAS, the City finds that the City's administrative citation authority is a reasonable means of deterring illegal large scale commercial cultivation of marijuana; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

SECTION 2. The City Council hereby amends Chapter 18 of Title 6 of the Ontario Municipal Code to read in full as follows:

"CHAPTER 18: CANNABIS

6-18.01 Purpose
6-18.02 Definitions
6-18.03 Regulation on the Personal Use of Cannabis, Cannabis Accessories, and Cannabis Products.
6-18.04 Regulation on the Medical Use of Cannabis, Cannabis Accessories, and Cannabis Products.
6-18.05 Regulation on the Commercial Use of Cannabis, Cannabis Accessories, and Cannabis Products.
6-18.06 Penalty for Violations

Sec. 6-18.01. Purpose

The purpose of this chapter is to regulate personal, medical, and commercial cannabis uses. Nothing in this chapter shall preempt or make inapplicable any provision of state or federal law.

Sec. 6-18.02. Definitions

For purposes of this chapter, the following definitions shall apply:

(a) "Cannabis" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

(1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or

(2) The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

(b) "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

(c) “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

(d) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery or sale of cannabis and cannabis products.

(e) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(f) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

(g) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between entities for commercial use purposes.

(h) “Licensee” means the holder of any state issued license related to cannabis activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

(i) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(j) “Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(k) “Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.

(l) "Sale" includes any transaction whereby, for any consideration, title to cannabis is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.

(m) Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

Sec. 6-18.03. Regulation on the Personal Use of Cannabis, Cannabis Accessories, and Cannabis Products.

(a) For purposes of this section, personal recreational use, possession, purchase, transport, or dissemination of cannabis shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.

(b) Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process cannabis plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(c) Indoor Cultivation.

(1) A person may not plant, cultivate, harvest, dry, or process cannabis plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(2) To the extent a complete prohibition on indoor cultivation inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, is not permitted under California law:

(i) A person may not plant, cultivate, harvest, dry, or process cannabis plants inside a private residence (or any accessory structure to such private residence located upon the grounds of that private residence) if such residence (or accessory structure) is not fully enclosed and secure;

(ii) A person may not plant, cultivate, harvest, dry, or process cannabis plants inside a private residence (or any accessory structure to such private residence located upon the grounds of that private residence) which the individual cultivating those plants does not maintain as his or her primary residence;

(iii) A person may not plant, cultivate, harvest, dry, or process more than a combined total of 6 cannabis plants inside the private residence or accessory structure located upon the grounds of the private residence;

(iv) No pesticides or fertilizers may be used for any cannabis cultivation inside a private residence or accessory structure located on the grounds of a private residence;

(v) No artificial light, ventilation, heating, or air conditioning may be used in support of cannabis cultivation in any accessory structure to a private residence located upon the grounds of a private residence except in compliance with the California Building Code, the Ontario Municipal Code, and any other permitting requirements which may be imposed; and

(vi) No artificial light, ventilation, heating, or air conditioning may be used in support of cannabis cultivation inside a private residence except in compliance with the California Building Code, the Ontario Municipal Code, and any other permitting requirements which may be imposed.

Sec. 6-18.04. Regulation on the Medical Use of Cannabis, Cannabis Accessories, and Cannabis Products.

(a) Cultivation of medical cannabis pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in subsection (c) of Section 6-18.03.

(b) The establishment or operation of any medical cannabis collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

Sec. 6-18.05. Regulation on the Commercial Use of Cannabis, Cannabis Accessories, and Cannabis Products.

The establishment or operation of any business of commercial cannabis activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

(a) The transportation, delivery, storage, distribution, or sale of cannabis, cannabis products, or cannabis accessories;

(b) The cultivation of cannabis;

(c) The manufacturing or testing of cannabis, cannabis products, or cannabis accessories; or

(d) Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

Sec. 6-18.06. Penalty for Violations.

(a) Generally. No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this chapter. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this chapter, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney.

(b) Administrative Citations.

(1) In addition to the penalties provided in this section and all other legal remedies available to the City, any person in violation of this chapter is subject to an administrative citation and fine, without prior issuance of a Notice of Violation. Each and every day a violation of this chapter exists shall constitute a separate and distinct violation of this chapter.

(2) Notwithstanding subsection (b)(1), each cannabis plant present in excess of the number of cannabis plants allowed under Section 6-18.03(c)(2)(iii) shall constitute a separate and distinct violation of this chapter. Any violation of Sections 6-18.03(c)(2)(iii) shall constitute a "transient" violation within the meaning of Chapter 5 of Title 1 of the Ontario Municipal Code.

(3) The amount of the administrative fine shall be in the amount set forth and amended by resolution of the City Council. If no amount has been set by resolution of the City Council, the amount of the administrative fine shall be up to One Thousand Dollars ($1,000.00) but not less than One Hundred Dollars ($100) per violation.

(4) The provisions and procedures concerning administrative citations set forth in Chapter 5 of Title 1 of the Ontario Municipal Code shall apply to administrative citations issued for violations of this chapter. To the extent there are any conflicts between the provisions of Chapter 5 of Title 1 and this chapter, the provisions of this chapter shall supersede and control administrative citations issued for violations of this chapter.

(c) Liability of Property Owners.

(1) No property owner in charge of, or in possession of, any real property within the City of Ontario shall cause, permit, maintain, conduct, or otherwise suffer or allow a public nuisance or violation of this Chapter to exist.

(2) It is duty of every property owner, and person that controls any real property or interest therein, within the City to remove, abate, and prevent the reoccurrence of a violation of this Chapter upon such real property. Such duty of the property owner exists regardless of whether the property owner is in actual possession of their real property, and includes an obligation to remove an illegal cannabis operation which exists or creates a public nuisance upon the property owner's real property.

(3) An administrative citation may be issued to property owners for the illegal cultivation of cannabis in violation of this Chapter without prior issuance of a Notice of Violation. However, property owners shall have a reasonable time for the correction or remedy of the violation of this Chapter prior to the imposition of administrative fines or penalties provided all of the following are true:

(i) A tenant is in possession of the property that is the subject of the administrative action.

(ii) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis.

(ii) The rental property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the illegal cannabis cultivation.

(d) Nuisance. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is declared a public nuisance and may be abated as provided in Sec. 1-2.01 of Chapter 2 of Title 1 of the Ontario Municipal Code and/or under state law.

(e) The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by law."

SECTION 3. Section 6-13A.01(a) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(a) The use of Tobacco, Electronic Delivery Devices, and Cannabis are prohibited in all Public Parks in the City at All Times. This prohibition is enacted in order to preserve the public health, safety, and welfare of the residents of the City, as well as the environment of the City."

SECTION 4. Section 6-13A.02(a) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(a) "Use of Tobacco And/or Electronic Delivery Devices And/or Cannabis" means the act of Smoking, chewing, or the use of any other Tobacco and/or Electronic Delivery Devices and/or Cannabis products in any form."

SECTION 5. Section 6-13A.02(e) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(e) "Cannabis" means all parts of the plant Cannabis sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

(1) Industrial hemp, as defined in Cal. Health & Safety Code § 11018.5; or

(2) The weight of any other ingredient combined with Cannabis to prepare topical or oral administrations, food, drink, or other product."

SECTION 6. Section 6-17.01(b) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(b) The City Council finds that there has been a dramatic increase in reports of explosions occurring as a result of the manufacture of butane honey oil and butane hash oil, which require butane to extract tetrahydrocannabinol (THC) from parts of the Cannabis plant."

SECTION 7. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 8. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 9. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 10. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3236 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3236 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 24 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) OF TITLE 4 (PUBLIC SAFETY) OF THE ONTARIO MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY.

WHEREAS, citizens nationwide have experienced rising rates of catalytic converter thefts, numbering approximately 26,000 through May 2021; and

WHEREAS, citizens statewide have experienced rising rates of catalytic converter thefts, numbering approximately 8,000 through May 2021; and

WHEREAS, the citizens of Ontario have experienced rising catalytic converter thefts from automobiles over the past several years; and

WHEREAS, there is currently no City legislation yet applicable within the City of Ontario to define and punish catalytic converter thefts absent an identifiable victim; and

WHEREAS, there is currently no City, State, or Federal legislation applicable within the City of Ontario requiring individuals discovered to be in possession of detached catalytic converters to provide proof to law enforcement as to how they obtained catalytic converters, thus limiting law enforcement's ability to (1) protect the public by preventing catalytic converter thefts; and (2) seize suspected stolen catalytic converters when no victim is present; and

WHEREAS, the Legislature has enacted, and the Governor has signed into law, Senate Bill (SB) 1087 and Assembly Bill (AB) 1740, which generally prohibit (1) individuals from purchasing a used catalytic converter from anyone other than certain specified sellers, including automobile dismantlers, automotive repair dealers, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter; and (2) requires core recyclers to keep a detailed written record, including the year, make, and model of the car form which a catalytic converter was removed, as well as a copy of the vehicle's title, prior to purchasing a catalytic converter from a seller; and

WHEREAS, the Legislature has not expressed its intent, whether explicitly or impliedly, to occupy the field of catalytic converter theft legislation; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City has broad discretionary power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, catalytic converter thefts are on the rise because individuals are incentivized to commit catalytic converter thefts for multiple reasons including, but not limited to: (1) the ease and undetectable nature of committing such thefts, potentially in a

matter of seconds and through the use of common tools such as a reciprocating saw; (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns ranging from $200 to $1,200 per catalytic converter; and (3) loopholes in legislation protecting criminals from prosecution unless a victim can be identified; and

WHEREAS, preventing these crimes at present is nearly impossible due to the ease and speed with which catalytic converter thefts can be committed and the difficulty of tracing a particular catalytic converter back to its prior owner (the victim), because catalytic converters typically have no identifying markers; and

WHEREAS, the citizens of Ontario and the Ontario Police Department are in need of legislation criminalizing mere possession of catalytic converters absent proof of ownership or lawful possession, for multiple reasons including, but not limited to: (1) achieving deterrence by establishing zero-tolerance for catalytic converter thefts; (2) establishing sanctions for possessing stolen catalytic converters; (3) preventing criminals from profiting from the sale and recycling of stolen catalytic converters; (4) providing indirect justice to the victims of catalytic converter theft cases that have gone or will go unsolved for the reasons discussed above; and (5) minimizing the fiscal and personnel impact on the City of Ontario and the Ontario Police Department by reducing the time invested in deterring and investigating catalytic converter thefts; and

WHEREAS, individuals who are in possession of stolen catalytic converters recycle them for substantial profit while victims of these thefts suffer tremendous consequences in the form of costly repairs, inconvenience, and feelings of a lack of safety in the community; and

WHEREAS, the City desires to regulate the possession of detached catalytic converters within its jurisdiction in order to better protect its citizens, their property, and their community; and

WHEREAS, regulating possession of detached catalytic converters neither contradicts nor duplicates the statutes adopted by the Legislature on the topic of catalytic converters; and

WHEREAS, this Ordinance is necessary to provide the City of Ontario and the Ontario Police Department clear legal authority to better protect the public and deter this criminal activity.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario as follows:

SECTION 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) Here, it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on

the environment because the Ordinance simply criminalizes the possession of catalytic converters; it will not result in any development or in any new activity with the potential to impact the environment. City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 3. Code Amendment. Chapter 4.24 is hereby added to Title 4 (Public Safety) of the Ontario Municipal Code and shall read in its entirety as follows:

"Chapter 4.24 (Unlawful Possession of a Catalytic Converter Prohibited) of Title 4 (Public Safety)

Sec. 4-24.01 Unlawful possession of a catalytic converter prohibited.

A. It shall be unlawful to possess any catalytic converter that is not attached to a vehicle, unless the possessor has valid documentation or other proof to verify that they are in lawful possession of the catalytic converter.

B. It is unlawful for any person to falsify or cause to be falsified any information in any documentation or other proof intended to show valid proof of ownership or possession of a catalytic converter.

Sec. 4-24.02 Definitions.

A. For purposes of this section, "lawful possession" includes (1) being the lawful owner of the catalytic converter or (2) in possession of the catalytic converter with the lawful owner's written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a "lawful possession."

B. For purposes of this section, "documentation or other proof" means written document(s) that clearly identify the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:

1. Bill of sale from the original owner with the signature of the vehicle owner authorizing removal of the catalytic converter, as well as the name, address, and telephone number of the vehicle owner.
2. Documentation from an auto-body shop or similar business proving that the owner relinquished the catalytic converter to the auto-body shop or similar business.
3. Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter.
4. Photographs of the vehicle from which the catalytic converter originated clearly showing the license plate number and vehicle identification number (VIN) of the car from which the catalytic converter was removed.

Sec. 4-24.03 Violations – Misdemeanor

A. Each and every violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Ontario Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this section.

B. It is unlawful and a misdemeanor subject to punishment in accordance with Chapter 1-2.01 of Title 1 of this Code, for any person to violate any provision of this section.

C. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law."

SECTION 4. If any section, sentence, clause, or phrase of this Ordinance of the application thereof to any entity, person, or circumstance is held for any reason to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases by declared invalid or unconstitutional.

SECTION 5. *Effective Date.* This Ordinance shall become effective thirty (30) calendar days following its adoption.

SECTION 6. *Publication.* The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3237 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022, and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3237 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-3.210 OF ARTICLE 2 OF CHAPTER 3 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE REFLECTING UPDATES TO THE ONTARIO POLICE DEPARTMENT COMMAND STRUCTURE.

WHEREAS, Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code establishes the responsibilities and composition of the Ontario Police Department; and

WHEREAS, Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code establishes the powers and duties of Captains within the Ontario Police Department; and

WHEREAS, the City has since established the position of Deputy Police Chief; and

WHEREAS, the City finds that Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code needs to be updated to account for the position of Deputy Police Chief within the Ontario Police Department's command structure.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

SECTION 2. Section 2-3.210 of Article 2 of Chapter 3 of Title 2 of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"Sec. 2-3.210. Deputy Police Chief and Captains: Powers and duties.

(a) Deputy Police Chief

(i) The Deputy Police Chief shall rank next to the Police Chief and shall have similar qualifications. The Deputy Police Chief shall take complete charge of the Police Department in the absence of the Police Chief and shall be vested with the same authorities and duties while so acting.

(ii) Arrangements shall be made so that the Deputy Police Chief will always be present in the absence of the Police Chief. In the presence of the Police Chief, it shall be the duties of the Deputy Police Chief to aid the Police Chief in every possible manner to maintain discipline and insure the efficient operation of the Police Department.

(b) Captains

(i) Captains shall rank next to the Deputy Police Chief and shall have similar qualifications. A Captain shall take complete charge of the Police Department in the absence of the Police Chief and the Deputy Police Chief and shall be vested with the same authorities and duties while so acting.

(ii) Arrangements shall be made so that a Captain will always be present in the absence of the Police Chief and the Deputy Police Chief. In the presence of the Police Chief and the Deputy Police Chief, it shall be the duties of a Captain to aid the Police Chief and the Deputy Police Chief in every possible manner to maintain discipline and insure the efficient operation of the Police Department.

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. CEQA. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022

_____

PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3238 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3238 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 13, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **PUBLIC HEARINGS**
Department: Planning Prepared By: Luis Batres Staff Member Presenting: Scott Murphy, Executive Director Community Development Reviewed By: Charles Mercier, Rudy Zeledon Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 19

SUBJECT: **A PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR A PLANNED UNIT DEVELOPMENT (FILE NO. PUD20-001) AT 549 WEST HOLT BOULEVARD**

RECOMMENDATION: That the City Council introduce and waive further reading of an Ordinance approving a Planned Unit Development, File No. PUD20-001, establishing development standards, design guidelines, and infrastructure requirements to facilitate the development of a mixed-use project located at 549 West Holt Boulevard.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: There is not a direct fiscal impact associated with this action.

BACKGROUND & ANALYSIS: The project site is composed of 0.81 acres of vacant land located at 549 West Holt Boulevard, within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. Property to the north of the Project site is within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and is developed with the Ontario Village Commercial Shopping Center. The property to the south is within the IL (Light Industrial) zoning district and is developed with a mix of industrial uses. The properties to the east and west are within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and are developed with multi-tenant commercial uses.

The Ontario Plan Policy Plan (General Plan) designates the project area as Mixed-Use, permitting residential uses at a density of 25.0 to 75.0 du/ac and commercial development at an intensity of up to 2.0 FAR for office and retail developments. The Ontario Plan ("TOP") describes the Downtown Mixed-Use Area as an intensive vertical and horizontal mixture of retail, office and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenue. The Downtown Mixed-Use District is also intended to provide new housing opportunities that will provide increased demand for retail at more concentrated, strategic locations. The

densities and intensities of the Mixed-Use land use designation represented within TOP are the range of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development (PUD).

The Policy Plan specifies that the Downtown Mixed-Use Area is to be implemented through the approval of an Area Plan or PUD prior to the development of properties within the area. In compliance with this requirement, the Applicant has submitted "The Roosevelt Tower Planned Unit Development" (included as Attachment "A" to the Ordinance), which is consistent with the vision and the goals and policies of the Policy Plan. The purpose of the Roosevelt Tower PUD is to implement TOP vision for the Downtown Mixed-Use Area as an intensive vertical and horizontal mixture of retail, office and residential uses in a pedestrian friendly atmosphere; to promote high standards in urban design; and, to encourage the development of exceptionally high quality residential and commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other surrounding land uses. The PUD will establish the development standards, design guidelines and infrastructure to serve the site and to facilitate the development of a mixed-use development project at a density of 72.8 dwelling units per acre. In conjunction with the PUD submittal, the applicant has submitted a Development Plan application (File No. PDEV20-009) to construct a 5-story (three-stories of residential units over two-stories of podium parking), 59-unit apartment project with 2,500 square feet of first floor retail space. Consistent with the requirements of the MU-1 (Downtown Mixed-Use) zoning district, the proposed PUD allows for uses intended to encourage retail and commercial uses to service local residents, visitors and employees, and attract pedestrian traffic along Holt Boulevard. The development regulations set forth in the PUD will govern the placement, height, and bulk of permitted buildings and structures; establish locational criteria for vehicular access to the site; establish parking and loading requirements; and, establish landscape and sign standards.

On July 26, 2022, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission unanimously approved (7-0) Resolution No. PC22-037, recommending that the City Council approve the PUD document and adopted Resolution No. PC22-038 approving the Development Plan, contingent on City Council approval of the PUD.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of TOP, as the project site is not one of the properties in the Housing Element Sites Inventory contained in Tables B-1 and B-2 of the Housing Element Technical Report.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines and meets each of the following conditions:

(a) The Project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation. The proposed Project is located within the MU (Mixed Use) land use district of the Policy Plan Land Use Map and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. The proposed project is consistent with all applicable Policy Plan (general plan) policies, as well as with the requirements of the Roosevelt Tower PUD, and applicable Development Code regulations;

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project is proposed within the established boundaries of the City of Ontario, on a project site totaling 0.81-acre of land, which is surrounded by established commercial land uses;

(c) The Project site has no value as habitat for endangered, rare, or threatened species. The site is void of any flora or fauna, was previously graded, and is regularly maintained to prevent the growth of weeds and grasses;

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed mixed-use development is similar to, and of no greater impact than other allowed residential uses and commercial development projects within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district; and

(e) The site can be adequately served by all required utilities and public services. The site is located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric and municipal solid waste services.

PLANNING COMMISSION STAFF REPORT

July 26, 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

FILE NOS: PUD20-001 and PDEV20-009

SUBJECT: A Planned Unit Development (File No. PUD20-001) to establish development standards, design guidelines and infrastructure requirement for 0.81-acres of land, in conjunction with a Development Plan (File No. PDEV20-009) to construct a mixed-use project consisting of 59 multiple-family dwellings (three-stories of residential units) over two-stories of podium parking and 2,500 square feet of first floor retail space, on property located at 549 West Holt Boulevard, within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district; (APN: 1049-021-09) **submitted by Kathy Huynh. City Council action required for PUD only.**

PROPERTY OWNER: Roosevelt Property Management

RECOMMENDED ACTION: That the Planning Commission consider and 1) adopt the resolution recommending the City Council approve the Planned Unit Development, File No. PUD20-001, and 2) adopt the resolution approving the Development Plan, File No. PDEV20-009, pursuant to the facts and reasons contained in the staff report and resolution, and subject to the departmental conditions of approval included as Attachment A to the resolution.

PROJECT SETTING: The project site is comprised of 0.81-acres of vacant land located at 549 West Holt Boulevard, within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and is depicted in Figure 1: Project Location Map. The property is relatively flat, with a gentle slope to the southwest corner of the site and is covered with perennial

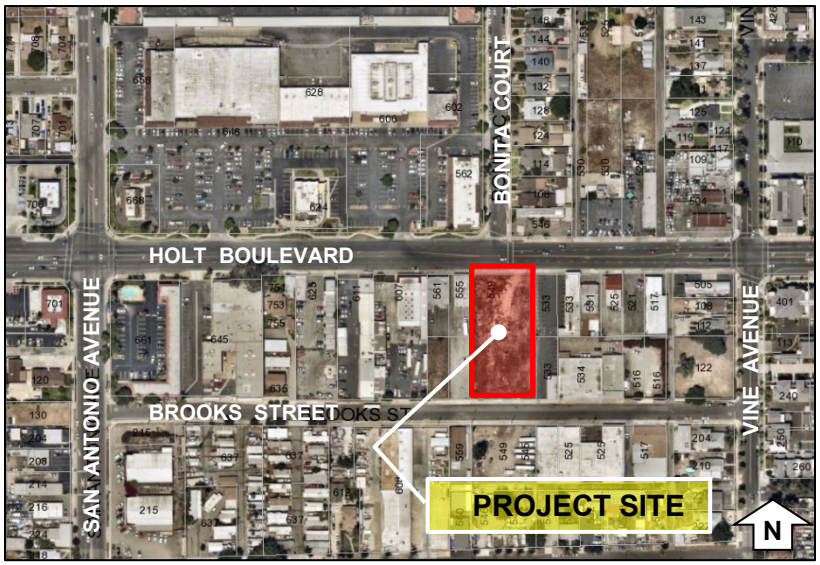


Figure 1: Project Location

Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	4/13/20

Hearing Body	*Date*	*Decision*	*Action*
DAB	7/6/22	Approval	Recommend
PC	7/26/22	Approval / Approved	Recommend (PUD) Final (PDEV)
CC	9/6/22		Final (PUD)

grasses. The Project site is rectangular in shape, with a lot depth of approximately 270 feet and a lot width of 140 feet. The property to the north of the Project site is within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and is currently developed with the Ontario Village Commercial Shopping Center. The property to the south is within the IL (Light Industrial) land use district and is developed with a mix of industrial uses. The properties to the east and west are located within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and are developed with multi-tenant commercial buildings. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — On April 13, 2020, the Applicant submitted a Planned Unit Development application (File No. PUD20-001, Roosevelt Tower Planned Unit Development) that will establish the development standards, design guidelines, and infrastructure requirements for the Project site. In conjunction with the Planned Unit Development ("PUD"), the Applicant submitted a Development Plan (File No. PDEV20-009) application requesting approval to construct a mixed-use project consisting of 59 multiple-family dwellings and 2,500 square feet of retail space (four tenant spaces), and two levels of podium parking. Pursuit to the Ontario Development Code, the PUD requires approval by both the Planning Commission and City Council.

On July 6, 2022, the Development Advisory Board ("DAB") conducted a hearing and unanimously voted to recommend that the Planning Commission approve the subject Development Plan (File No. PDEV20-009). The DAB's purview does not extend to the proposed Planned Unit Development.

(2) Planned Unit Development —The Ontario Plan Policy Plan (general plan) designates the project area as Mixed-Use, permitting residential uses at a density of 25.0 to 75.0 du/ac, and a development intensity of up to 2.0 FAR for office and retail development. The Ontario Plan describes the Downtown Mixed-Use Area as an intensive vertical and horizontal mixture of retail, office and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenue. The Downtown Mixed-Use District is also intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations. The densities and intensities of the Mixed-Use land use designation represented within The Ontario Plan ("TOP") are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or PUD.

The Policy Plan specifies that the Downtown Mixed-Use Area is to be implemented through the approval of an Area Plan or PUD prior to the development of properties within the area. In compliance with this requirement, the Applicant has submitted the "Roosevelt Tower Planned Unit Development" (included as Attachment "A" to the

attached resolution), which is consistent with this vision and the goals and policies of the Policy Plan.

The purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to:

- Promote high standards in urban design;
- Encourage the development of exceptionally high quality, mixed-use, while establishing regulations and standards for uses with unique regulatory and design needs; and
- Ensure harmonious relationships with surrounding land uses.

A PUD is comparable to a Specific Plan in that it sets development regulations that are unique to a specific area; however, it is also unlike a Specific Plan in that a PUD is typically intended to apply to a single development project or several interrelated development projects that function together as a single, comprehensive project.

(a) Land Use and Development Regulations — Consistent with the requirements of the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district, the "Roosevelt Tower Planned Unit Development" land use restrictions only permit commercial uses, or a mix of commercial and residential uses in the same building or on the same site, or stand-alone multiple-family projects. The maximum building height allowed is 75 feet. The minimum building setbacks allowed are two feet from the Holt Boulevard (north) property line, two feet from the Brooks Street (south) property line, and one-foot from the east and west property lines.

(b) Landscaping and Drainage — A conceptual landscape plan is required to be submitted with the Development Plan for construction of the project site. The plan will be required to specify all landscape and hardscape elements for the development plan site. Water conservation will be provided through low water using plant materials, hydro zones, water efficient irrigation and weather-based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees can be used to reduce heat gain on buildings, paving and parking areas. The landscape design shall meet the requirements of the Landscape Development Standards and shall create well-functioning spaces within a sustainable design. Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan.

(c) Off-Street Parking and Circulation\Access — Parking, circulation, transit and infrastructure improvements will be provided as follows:

(i) **Parking:** Off-street parking is required to be provided on-site, at the rates required by the City of Ontario Development Code. No on-street parking will be allowed on Holt Boulevard, in front of the Project site.

(ii) **Circulation/Access:** Vehicular access for the project site is provided at two points, including one 20-foot-wide driveway on Holt Boulevard, at the northeast corner of the Project site, and one 20-foot-wide driveway on Brooks Street, at the southeast corner of the Project site. After improvements are made from the West Valley Connector ("BRT") Project, vehicular access from Holt Boulevard will be limited to right-in/right-out movements. Pedestrian connections to the project site will be provided from sidewalks within the PUD site.

(iii) **Mass Transit:** The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary rights-of-way dedications for street widening and to accommodate the future BRT line for the SBX West Valley Connector.

(iv) **Street Improvements:** The City of Ontario, as part of its street widening plan, and the developers of the PUD site, will be responsible to improve Holt Boulevard and Brooks Street to their ultimate widths. The proposed project will be required to dedicate 20 feet along the Project's Holt Boulevard street frontage and two feet along the Project's Brooks Street frontage.

(d) Architecture/Design Guidelines — The architectural design and details, outlined within the PUD, focus on the following elements:

- Appropriate scale and massing;
- Architectural style and design that are complementary and appropriate to its setting;
- Use of high-quality materials that will create visual interest, high quality, durable and appropriate for the architectural style;
- Appropriate site planning to ensure building orientation visibility from the street;
- Roof form; and
- Building entry design.

The PUD requires the architectural theme of the project area to be contemporary or a modern style that generally responds to the region's climate, including such features as outdoor circulation, outdoor courtyards/plazas, recessed window frames, awnings, and decorative canopies/trellises. Additionally, buildings are to be oriented toward Holt Boulevard, and incorporate entry elements, interesting architecture, enhanced materials, and a pedestrian scale, to provide connection between the development and the public street.

Due to the size and scale of the PUD area, all sides of the buildings will be visible from the public street. As such, appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes, and setback variations between stores help to break up large buildings, as well as indicate entries and store locations to customers.

(3) Development Plan—In conjunction with the Planned Unit Development, the Applicant is requesting Development Plan approval (File No. PDEV20-009) to construct a mixed-use project consisting of 59 multiple-family dwellings (three-stories of residential units) over two-stories of podium parking and 2,500 square feet of first floor retail space. Staff has worked with the Applicant to design a project that meets the goals and requirements of the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district, the Roosevelt Tower PUD, and the goals and policies of The Ontario Plan ("TOP"). The project characteristics are described below:

(a) Site Design/Building Layout —The proposed building is set back five feet from the Holt Boulevard (north) property line, two feet from the Brooks Street (south) property line, and one-foot from the east and west property lines. The residential structures above the two stories of podium parking will be set back 17 feet from Holt Boulevard (north) property line, 18 feet from the Brooks Street (south) property line and a zero-setback has been provided along the east and west property lines.

The Project has been oriented in a north-south orientation, with the front of the building and primary building entrance facing Holt Boulevard. The rear of the building will face Brooks Street.

The building is proposed at five-stories in height (68 feet), comprised of three-stories of residential units constructed over two-stories of podium parking. Additionally, 2,500 square feet of retail space has been incorporated into the building's ground floor, facing the Project's Holt Boulevard street frontage. The retail space is divided into four separate units ranging from 540 to 760 square feet in area (see Exhibits B—Site Plan and Exhibit C—Floor Plans, attached). The retail unit characteristics are shown in Table 1, below.

Table 1: Retail Unit Characteristics

Unit No.	*Area (in SF)*
Unit 1	760
Unit 2	600
Unit 3	600
Unit 4	540

The Project has been designed with two points of vehicular access, one on Holt Boulevard (north) and the second on Brooks Street (south). Holt Boulevard will serve as the primary access point for both residential and commercial units. The residential parking area is gated, limiting access to residents only. Designated parking for the commercial component is located on the ground floor, immediately behind the four retail units (see Exhibit C—Floor Plans, attached).

The Project is proposed at a residential density of 72.8 du/ac, consisting of 13 studio units, 30 one-bedroom units, and 16 two-bedroom units. The residential units range from 403 to 987 square feet in area. The residential unit characteristics are shown in Table 2, below.

Table 2: Residential Unit Characteristics

Plan No.	Area (In SF)	Total Units	No. Bedrooms	No. Baths
U-1	403	13	Studio	1 bath
U-2	987	6	2-bedrooms	2 baths
U-3	804	3	2 bedrooms	1 bath
U-4	571	21	1 bedroom	1 bath
U-5	532	9	1 bedroom	1 bath
U-6	860	7	2 bedrooms	2 baths

(b) Site Access/Circulation — The project has been designed in conformance with the development regulations, standards and design guidelines of the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and the Roosevelt Tower PUD. The project proposes two points of vehicular access. Primary access is provided from Holt Boulevard, at the northeast corner of the Project site. Secondary access is provided from Brooks Street, at the southeast corner of the Project site. Pedestrian access into the building is proposed at the northwest corner of the building, through a lobby with elevator access. Pedestrian access to the retail units is proposed from the Holt Boulevard public sidewalk. Residential units will be accessed through interior corridors located on each floor. Emergency access stairs have been incorporated at all four corners of the building (see Exhibits B—Site Plan and Exhibit C—Floor Plans, attached).

(c) Parking —The project has been parked in accordance with the Ontario Development Code and the Roosevelt Tower PUD requirements. The Project's total required number of off-street parking spaces is 127 and 128 off-street parking spaces have been provided, exceeding the minimum requirement. All required parking will be located within the first two floors of the 5-story structure. Parking was calculated as shown on Table 3, below.

Table 3: Off-Street Parking Requirements

Use	Ratio	Area (in SF) or No. Dwelling Units (DUs)	Total Required	Provided
Commercial	4 spaces/1,000 SF	2,500 SF	10	10
Studio	1.5 spaces/DU	13 DUs	19	19
One-Bedroom	1.75 spaces/DU	30 DUs	52	53 **
Two-Bedroom	2 spaces/DU	16 DUs	32	32

Table 3: Off-Street Parking Requirements

Use	*Ratio*	*Area (in SF) or No. Dwelling Units (DUs)*	*Total Required*	*Provided*
Guest	1Portion DUs <50: 0.25 space/DU Portion DUs 50 to 100: 0.2 space/DU	50 DUs 9 DUs	14	14
Total			**127**	**128**

*Note: **14 residential parking spaces (12%) are tandem*

(d) Architecture —The Project proposes a Contemporary Architectural Design, exemplifying the type of high-quality architecture promoted by the Ontario Development Code, The Ontario Plan, and the Roosevelt Tower PUD (see Figure 2: Holt Boulevard Perspective, Figure 3: Brooks Street Perspective, and Exhibit E—Elevations, attached). The mass and scale of the building along the Holt Boulevard frontage will serve to establish an urban sensibility, as envision by the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. Additionally, the varying stacked massing of the building, in combination with the articulated roof line, deep exterior wall insets, and the various story step-downs along the front of the building, provides visual interest and helps soften the pedestrian interface between the building façade and the street frontage along both Holt Boulevard and Brooks Street.

Special attention was given to the use of color, finished materials, building form, massing, and the use of architectural details. This is exemplified through the use of:

- Articulation in the building's roof lines;
- Focal architectural towers that have been incorporated at different heights to add interest;
- A variety of horizontal cement board siding;
- Concrete Masonry;
- Spandrel glass;
- Cantilevered balconies and decorative canopies at the third, fourth and fifth floors;
- Extensive vision glass at the first and second floors;
- Exterior smooth stucco finish;
- Enhanced lighting fixtures;
- Front and side facing decorative railings at the third, fourth and fifth floor balconies;
- Incorporation of contrasting exterior building colors to add interest;
- Decorative aluminum storefront framing; and
- Deep insets and pop-outs (2.5 feet to 16 feet) at key areas of the building.

Figure 2: Holt Boulevard Perspective

Figure 3: Brooks Street Perspective

(e) Landscaping — The project exceeds the minimum landscape requirements established by the City's Development Code and the Roosevelt Tower PUD (see Exhibit F—Landscape Plan and Exhibit G—Landscape Plan Perspective, attached). The project will provide an average of 66 square feet of private open space per unit (60 square feet minimum required), in the form of private balconies, and 251.5 square feet of common open space for each unit (250 square feet minimum required). The common open space (14,853 square feet) will be provided on the third floor (podium deck) of the proposed five-story building, which is fully landscaped and amenitized. The third floor includes an exercise room, entertainment area, restrooms, built-in barbecues and serving counters, rubberized play surface, a decorative steel shade structure, decorative pavers, wood decking, decorative masonry block raised planters, decorative benches, lounge seating, dining tables and chairs, several decorative umbrella shades, two play structures and ping pong tables. The Holt Boulevard and Brooks Street setback areas both feature decorative paving and decorative potted plants.

(f) Signage —The project is required to comply with the Ontario Development Code and the Roosevelt Towers PUD. A sign program is required to be submitted for review and approval prior to any signs being installed on the property.

(g) Utilities (drainage, sewer) —The applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, bio treatment, and evapotranspiration. The PWQMP proposes an underground infiltration system located beneath the podium parking structure along the south portion of the building. The system is designed to accept runoff from the building's roof and third floor courtyard.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy;
- Operate in a Businesslike Manner;
- Focus Resources in Ontario's Commercial and Residential Neighborhoods; and
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

(2) Vision.

Distinctive Development:

- Commercial and Residential Development

  - Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

(3) Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

  - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

(4) Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

  - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

  - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

- Goal LU2: Compatibility between a wide range of uses.

  - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

  - H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.

- Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

  - H5-2 Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.

Community Economics Element:

- Goal CE1: A complete community that provides for all incomes and stages of life.

  - CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.

  - CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

  - CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

  - CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➢ CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

▪ Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➢ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

▪ Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➢ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

➢ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➢ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

▪ Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

➢ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

➢ CD2-2 Neighborhood Design. We create distinct residential neighborhoods

that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➢ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

➢ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

➢ CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➢ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➢ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➢ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

  - CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

  - CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

  - CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

  - CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

  - CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

  - CD5-1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

  - CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires

that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development) of the CEQA Guidelines, which consists of:

(1) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations. The proposed Project is located within the MU (Mixed Use) land use district of the Policy Plan Land Use Map, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. The proposed project is consistent with all applicable Policy Plan (general plan) policies, as well as with the requirements of the Roosevelt Tower PUD, and applicable Development Code regulations.

(2) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project is proposed within the established boundaries of the City of Ontario, on a project site totaling 0.81-acre of land, which is surrounded by established commercial land uses.

(3) The Project site has no value as habitat for endangered, rare, or threatened species. The site is void of any flora or fauna, was previously graded, and is regularly maintained to prevent the growth of weeds and grasses.

(4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed mixed-use development is similar to, and of no greater impact than other allowed residential uses and commercial development projects within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district.

(5) The site can be adequately served by all required utilities and public services. The site is located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric and municipal solid waste services.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	*General Plan Designation*	*Zoning Designation*	*Specific Plan Land Use*
Site	Vacant Land	MU (Mixed-Use)	MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District)	N/A
North	Ontario Village Commercial Shopping Center & Auto Smog Shop	MU (Mixed-Use)	MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District)	N/A
South	Industrial	Industrial	IL (Light Industrial)	N/A
East	Multi-Tenant Commercial	MU (Mixed-Use)	MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District)	N/A
West	Commercial	MU (Mixed-Use)	MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District)	N/A

Off-Street Parking:

Use	*Ratio*	*Area (in SF) or No. Dwelling Units (DUs)*	*Total Required*	*Provided*
Commercial	4 spaces/1,000 SF	2,500 SF	10	10
Studio	1.5 spaces/DU	13 DUs	19	19
One-Bedroom	1.75 spaces/DU	30 DUs	52	53 **
Two-Bedroom	2 spaces/DU	16 DUs	32	32
Guest	Portion DUs <50: 0.25 space/du Portion DUs 50 to 100: 0.2 space/DU	50 DUs 9 DUs	14	14
Total			127	128

Note: **14 residential parking spaces (12%) are tandem

General Site & Building Statistics

Item	*Required Min./Max.*	*Provided (Ranges)*	*Meets Y/N*
Project area (in acres):	0.81 Acres	0.81 Acres	Y
Maximum project density (dwelling units/ac):	25.1 -75.0 du/ac	72.8 du/ac	Y
Front yard setback (in FT):	2'	5'	Y
Side yard setback (in FT):	1'	1'	Y
Rear yard setback (in FT):	2'	2'	Y
Maximum dwelling units:	59	59	Y

Item	*Required Min./Max.*	*Provided (Ranges)*	*Meets Y/N*
Maximum height (in FT):	75'	68'	Y
Parking – resident:	11	118	Y
Commercial -Parking	10	10	Y
Parking – guest:	14	14	Y
Open space – private:	60 sq. ft.	66 sq. ft.	Y
Open space – common:	250 sq. ft. per unit	251.5 sq. ft. per unit	Y

Dwelling Unit Statistics:

Plan No.	*Area (In SF)*	*Total Units*	*No. Bedrooms*	*No. Baths*	*Private Open Space (in FT)*
U-1	403	13	Studio	1 bath	66
U-2	987	6	2-bedrooms	2 baths	66
U-3	804	3	2 bedrooms	1 bath	66
U-4	571	21	1 bedroom	1 bath	66
U-5	532	9	1 bedroom	1 bath	66
U-6	860	7	2 bedrooms	2 baths	66

Exhibit A—PROJECT LOCATION MAP

Exhibit B—SITE PLAN

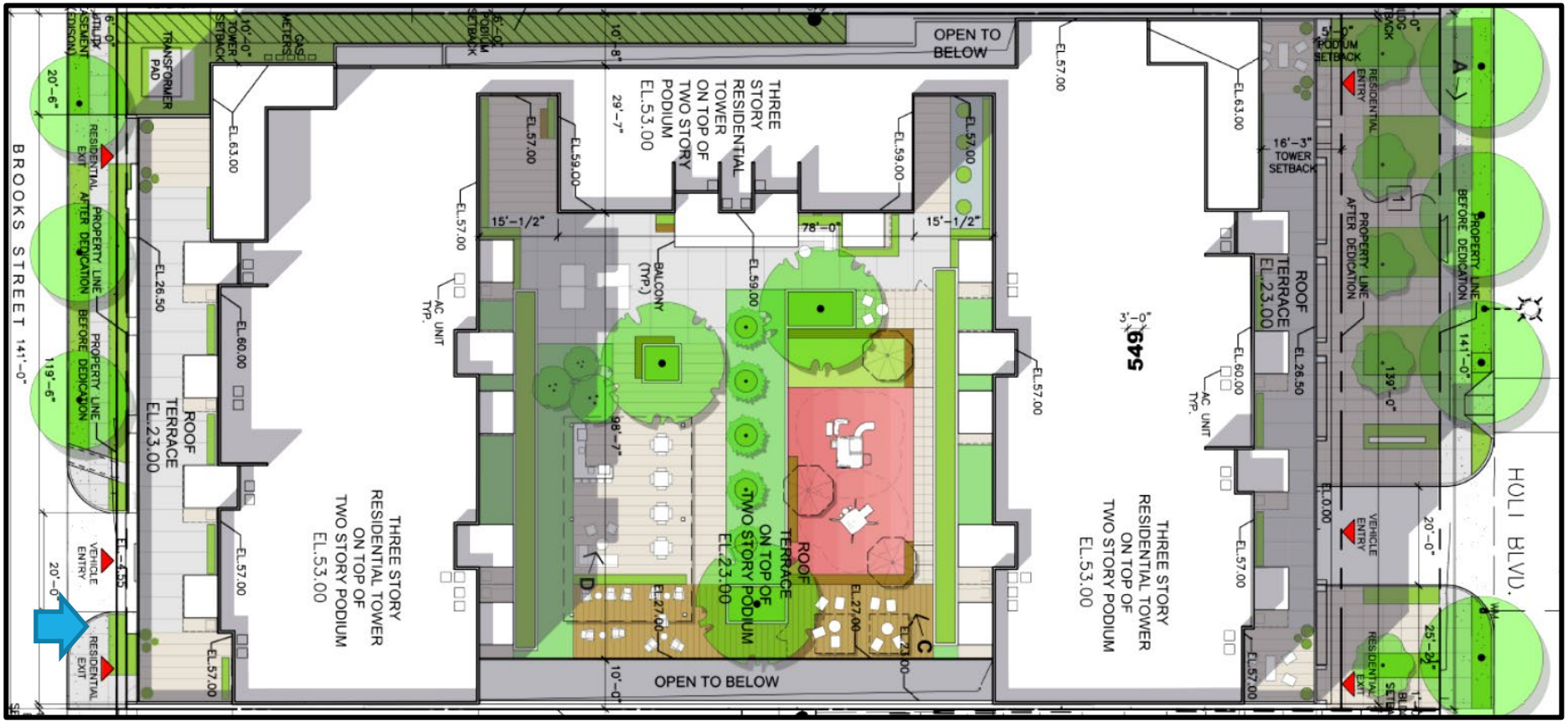


Exhibit C—FLOOR PLANS

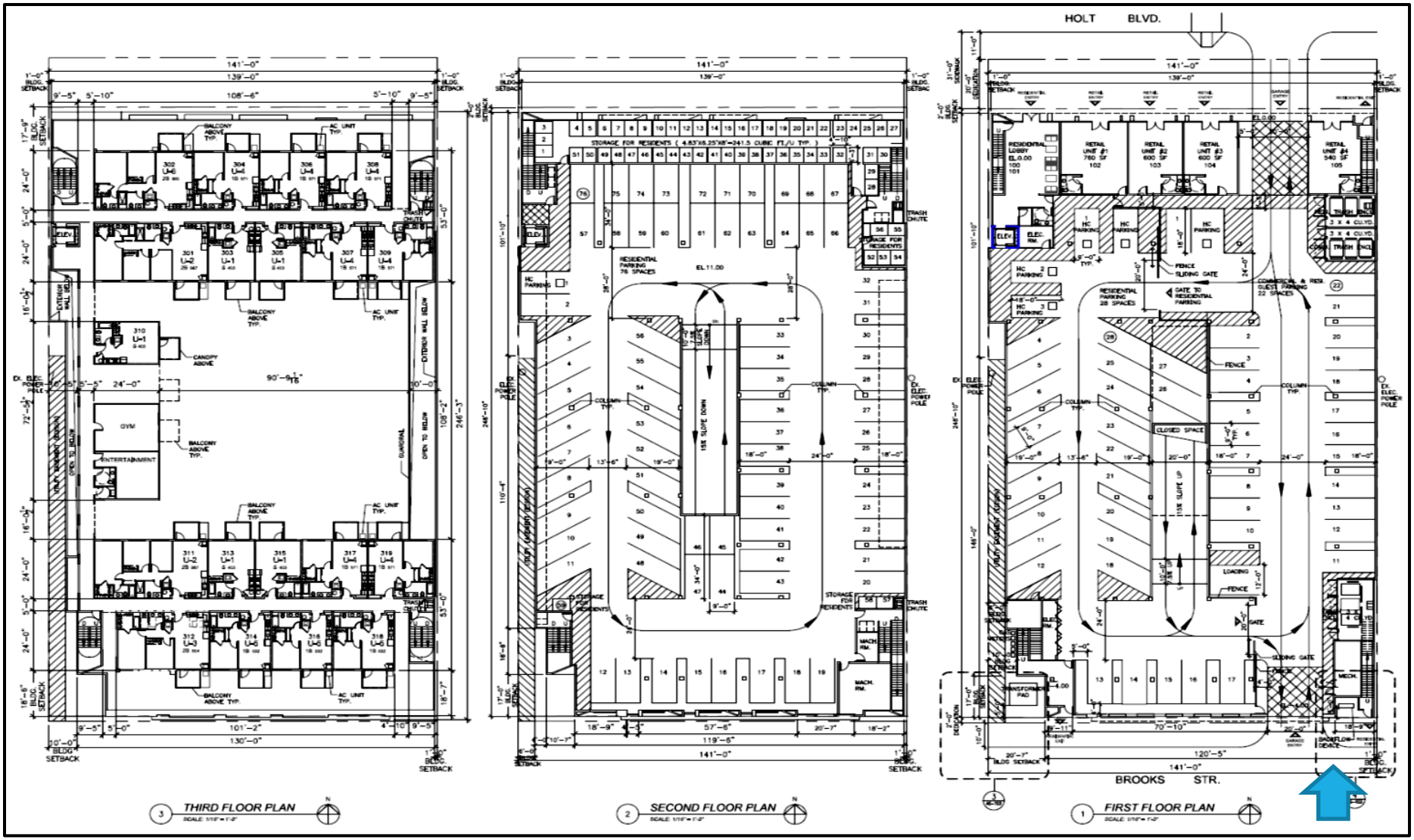


Exhibit D—FLOOR PLANS

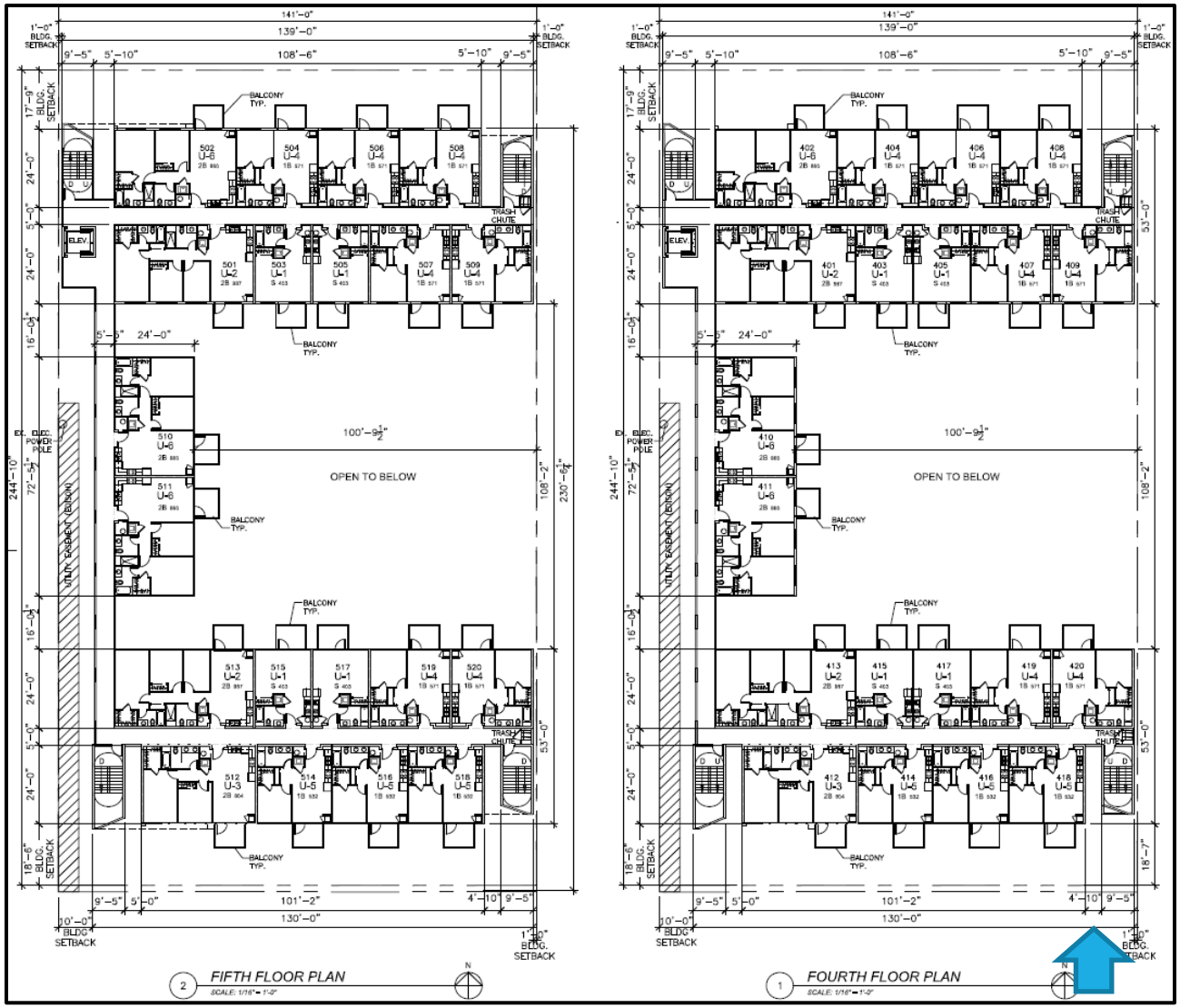


Exhibit E—ELEVATIONS

Font Elevation - Holt Blvd.

Rear Elevation - Brooks Street

Exhibit E—ELEVATIONS (Continued)

West Elevation

East Elevation

Exhibit F— LANDSCAPE PLAN

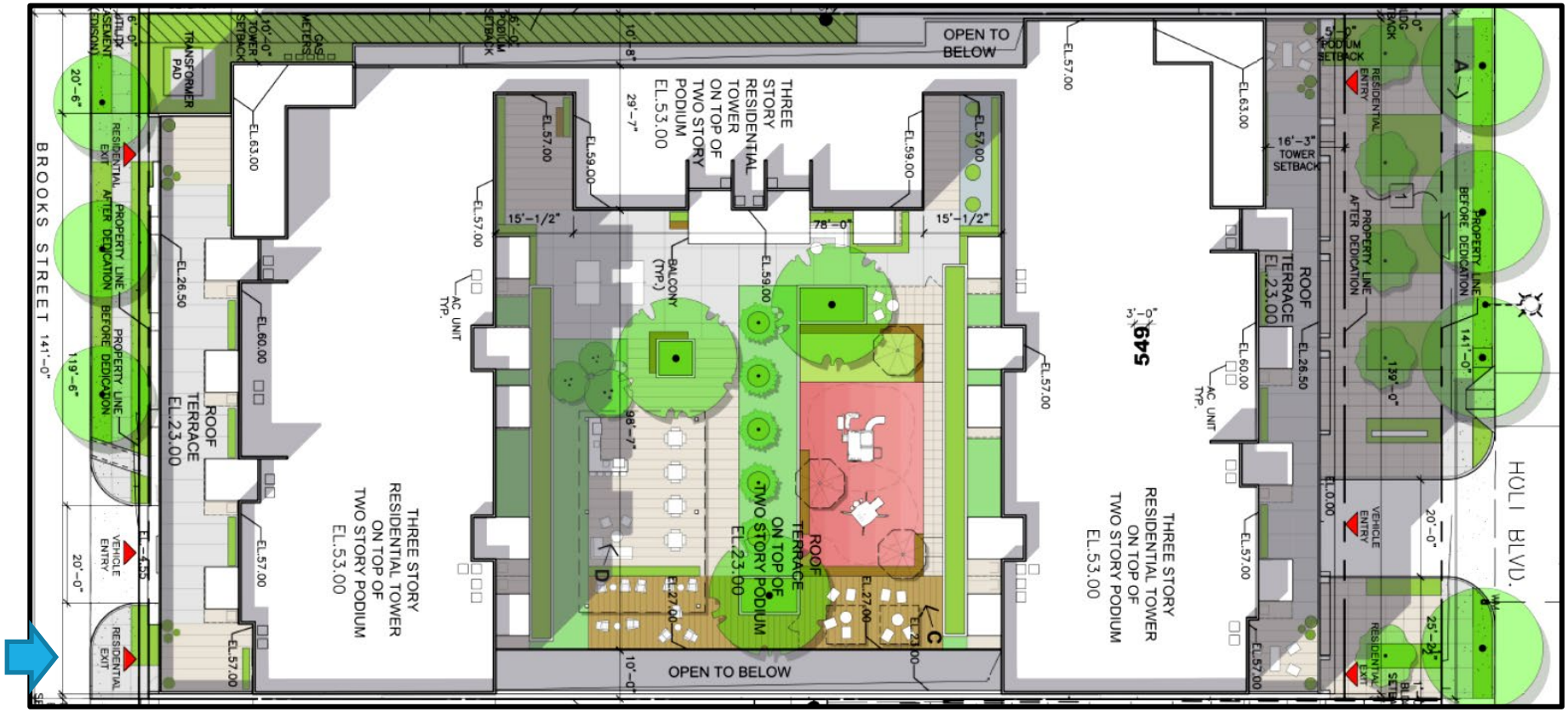
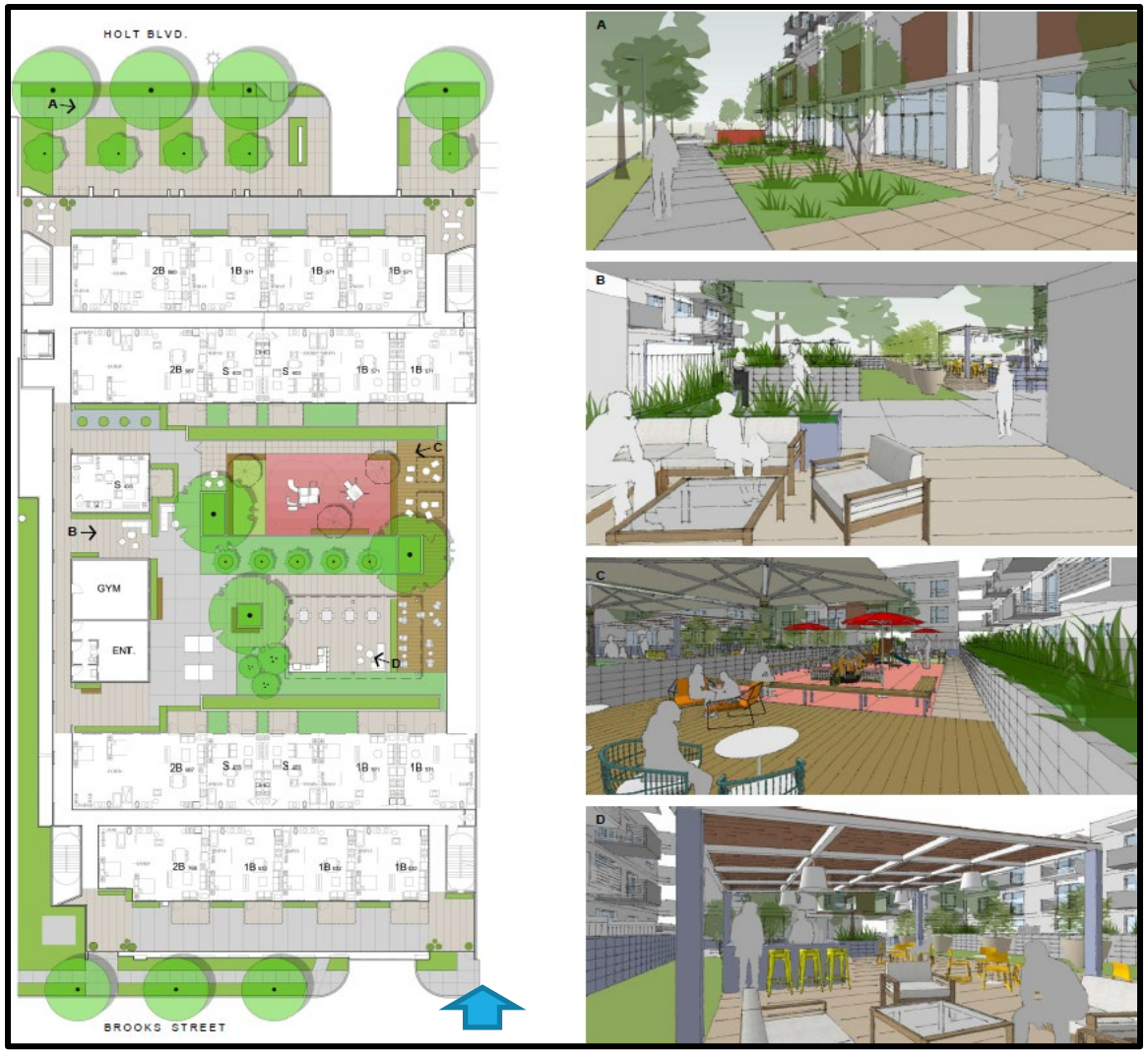


Exhibit G—LANDSCAPE PLAN PERSPECTIVES



RESOLUTION NO. PC22-037

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PUD20-001, A PLANNED UNIT DEVELOPMENT (ROOSEVELT TOWER PLANNED UNIT DEVELOPMENT) TO ESTABLISH DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE REQUIRMENTS ON 0.81 ACRES OF LAND LOCATED AT 549 WEST HOLT BOULEVARD, WITHIN THE MU-1/LUA-3 (DOWNTOWN MIXED-USE/HOLT BOULEVARD) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1049-021-09.

WHEREAS, Kathy Huynh ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD20-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.81 acres of land located at 549 West Holt Boulevard, within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and the site is presently vacant land; and

WHEREAS, the property to the north of the Project site is within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and is developed adjacent to the Ontario Village Commercial Shopping Center. The property to the south is within the IL (Light Industrial) zoning district and is developed with a mix of industrial uses. The property to the east and west are within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and are developed with multi-tenant commercial uses; and

WHEREAS, in conjunction with the Planned Unit Development (Roosevelt Tower Planned Unit Development) application, the Applicant has submitted a Development Plan Application (File No. PDEV20-009) application to construct a mixed-use project consisting of 59 multiple-family dwellings (three-stories of residential units over two-stories of podium parking and 2,500 square feet of first floor retail space) on the Project site. Approval of the Development Plan application will not be final and complete until the Roosevelt Tower Planned Unit Development, File No. PUD20-001, has been approved by the City Council; and

WHEREAS, the Ontario Plan Policy Plan (general plan) designates the Project area as MU (Mixed-Use). The Ontario Plan describes the Downtown Mixed-Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenue. The Downtown Mixed Use is also intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations. The densities and intensities of the mixed-use designation represented within The Ontario Plan (“TOP”) are the intended level of anticipated

development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development; and

WHEREAS, the Policy Plan specifies that the Downtown Mixed-Use Area is to be implemented through the approval of an Area Plan or Planned Unit Development ("PUD") prior to the development of properties within the area. In compliance with this requirement, the Applicant has submitted the "Roosevelt Tower Planned Unit Development" (included as "Attachment A" to this resolution), which is consistent with this vision and the goals and policies of the Policy Plan; and

WHEREAS, the purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to:

- Promote high standards in urban design;
- Encourage the development of exceptionally high quality, mixed-use, medium to high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs;
- Ensure harmonious relationships with surrounding land uses; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside,

and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on July 26, 2022, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: ***Environmental Determination and Findings.*** As the recommending authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-Fill Development,) of the CEQA Guidelines, which consists of projects characterized as infill developments, meeting the following conditions:

a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations. The proposed Project is located within the MU (Mixed Use) land use district of the Policy Plan Land Use Map, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans and exhibits of the Policy Plan (General Plan) component of the Ontario Plan.

b) The proposed development occurs within city limits, on a Project site of no more than five acres and is substantially surrounded by urban uses. The Project site is 0.81-acres of land, located within the incorporated boundaries of the City of Ontario. Furthermore, the site is situated within a fully urbanized area that is characterized by a mix of industrial and multi-tenant commercial developments.

c) The Project site has no value as habitat for endangered, rare, or threatened species. The site is currently vacant land, with no value to endangered, rare or threatened species.

d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Conditions of approval have been imposed on the Project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

e) The Project can be adequately served by all required utilities and public services. The site is located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric and municipal solid waste services; and

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: ***Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the Project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: ***Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "ONT"), which encompasses lands

within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 4: ***Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Sections 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed PUD, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the MU (Mixed Use) land use district of the Policy Plan Land Use Map, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) ***The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and the Roosevelt Tower PUD are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan vision, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard) zoning district and the Roosevelt Tower PUD.

(3) ***In the case of an application affecting specific property, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** A thorough review and analysis of the

proposed Project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the Project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, intensified landscape elements, and decorative hardscape elements. In addition, conditions of approval have been imposed on the Project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

(4) ***In the case of an application affecting specific property, the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** In preparing the proposed PUD, a thorough review and analysis of the proposed Project and the Project site's physical suitability for the proposed Project was completed, including analysis of the Project size, shape, intensity of development, building height, building setbacks, site access, site landscaping and drainage, fences and walls, vehicle circulation, pedestrian connections, availability of mass transit, necessary street dedication and easements, public right-of-way improvements, availability of utilities and other infrastructure needs, off-street parking and circulation, building orientation and streetscapes, architectural character, building materials and color, and site signage.

(5) ***The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.*** The proposed PUD addresses aspects of the Project that are specifically related to the proposed Development Plan, File No. PDEV20-009, filed in conjunction with the PUD, including necessary building setbacks, site access points, off-street parking, site circulation, and architectural character.

SECTION 5: ***Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described PUD, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: ***Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

- - - - - - - - - - - - - -

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of July 2022, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Planning Director and
Secretary to the Planning Commission

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC22-037, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on July 26, 2022, by the following roll call vote, to wit:

AYES: Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci, Willoughby

NOES: None

ABSENT: None

ABSTAIN: None

Gwen Berendsen
Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

File No. PUD20-001
(Roosevelt Tower Planned Unit Development)

(Document to follow this page)

ROOSEVELT TOWER

HOLT BOULEVARD, ONTARIO, CALIFORNIA

MAY 02, 2022

PLANNED UNIT DEVELOPMENT

The Roosevelt Tower Planned Unit Development

Table of Contents

1 – Introduction 6

2 – Objectives 9
2.1 – The Ontario Plan (TOP) Objectives..... 9
2.2 – PUD District Purpose And Objectives 19

3 – Allowable Uses 20
3.1 – Residential Use 21
3.2 – Retail Use 21
3.3 – Permitted Use Table/List 21

4 – Development Regulations 26
4.1 – Residential Density 26
4.2 – Building Height 27
4.3 – Setbacks 28
4.4 – Open Space Requirements 31
4.5 – Parking Requirements 34
4.6 – Vehicular Access 36
4.7 – Service Facilities 38
4.8 – Landscaping 40
4.9 – Screening 47

5 – Circulation 48
5.1 – Site Accessibility 48
5.2 – Vehicular Circulation 48
5.3 – Pedestrian Circulation 48
5.4 – Integrated Waste Pickup Circulation 49

6 – Design Guidelines 54
6.1 – Building Orientation 54
6.2 – Architectural Character 57
6.3 – Massing and Scale 57
6.4 – Architectural Details 57
6.5 – Materials and Color 58
6.6 – On-Site Streetscapes and Pedestrian Walkways 58
6.7 – On-Site Lighting 58

6.8 – Signs 59
6.9 – Off-Site Improvements 59

7 – Infrastructures and Utilities 61
7.1 – Infrastructure 61
7.2 – Street Improvements 61
7.3 – Public Utilities 62
7.4 - Street Dedication, Vacation and Easements 62

8 – CEQA Compliance 67
8.1 – Environmental Performance Standard 67

9 – Administration 70
9.1 – Items Not Addressed in PUD 70
9.2 – Development Applications 70
9.3 – Administrative Exceptions 70
9.4 – Severability 70

Exhibits

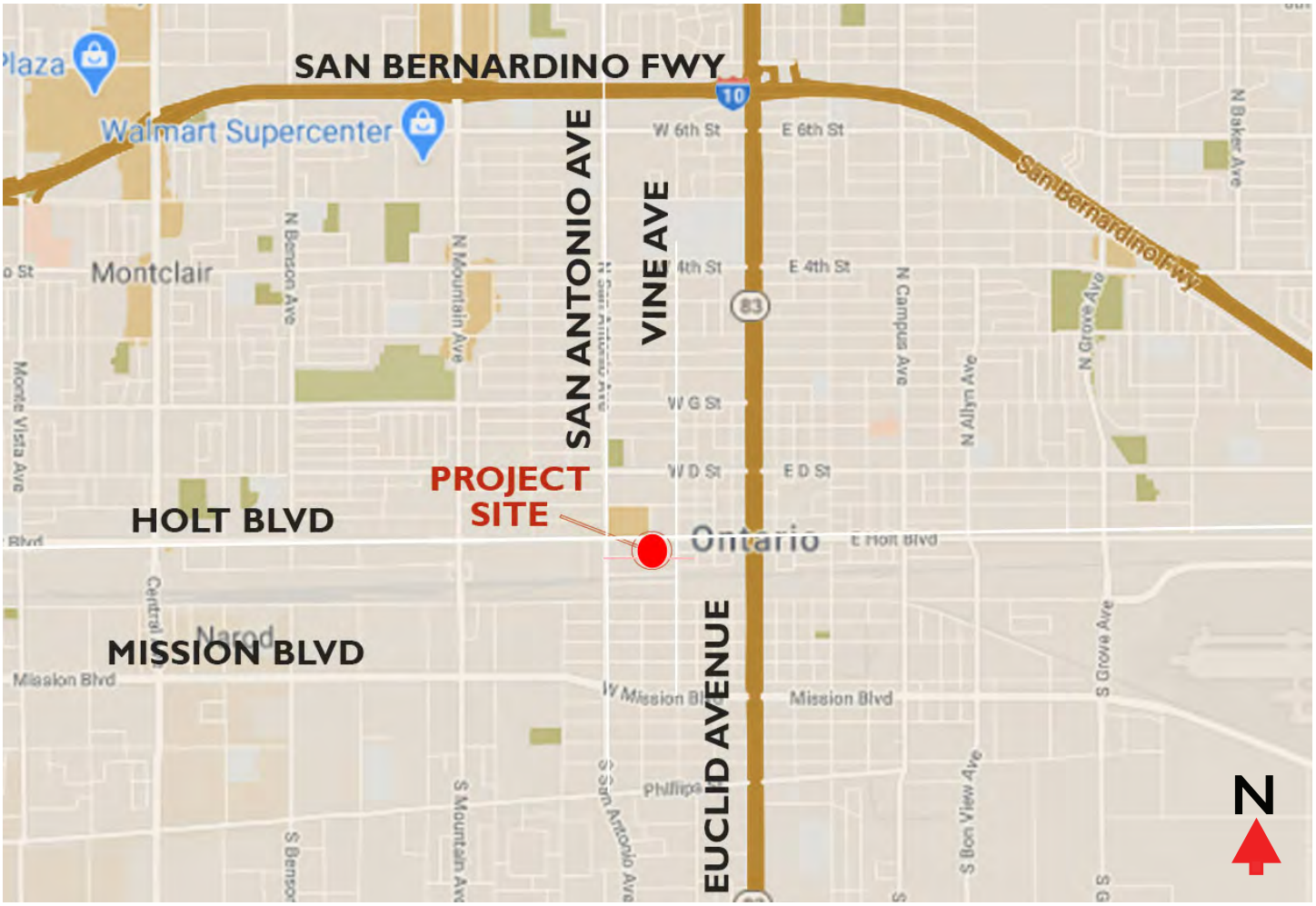
Exhibit 1-1: Vicinity Map 5
Exhibit 1-2: Location Map 6
Exhibit 1-3: Land Use Map 7
Exhibit 1-4: Existing Site Map 8
Exhibit 1-5: Proposed Site Map 8
Exhibit 3-1: Land Use Plan 20
Exhibit 4-1: Podium Diagram 26
Exhibit 4-2: Height Diagram 27
Exhibit 4-3: Setback Diagram 29
Exhibit 4-4: Projection Diagram 30
Exhibit 4-5: Private Open Space Diagram 32
Exhibit 4-6: Common Open Space 33
Exhibit 4-7: On-Street Parking 36
Exhibit 4-8: Trash Enclosures Site Plan 39
Exhibit 4-9: Colored Landscape Plan 42
Exhibit 4-10: Holt Boulevard Planting Palette 43
Exhibit 4-11: Common Space Planting Palette 44
Exhibit 4-12: Brooks Street Planting Palette 45
Exhibit 4-13: Landscaping Rendering..... 46
Exhibit 5-1: Circulation Plan 53
Exhibit 6-1: Architectural Rendering 55
Exhibit 6-2: Architectural Rendering 55
Exhibit 6-3: Architectural Rendering 56

Exhibit 6-4: Architectural Rendering 56
Exhibit 6-5: Streetscape Examples 60
Exhibit 7-1: Civil Plan 63
Exhibit 7-2: Utility Plan 64
Exhibit 7-3: Easement and Dedication Locations 65
Exhibit 7-4: Street Sections 66

Tables

Table 3-1: Permitted Use Table 22
Table 4-1: Minimum Building Setbacks 28
Table 4-2: Maximum Encroachments into Building Setbacks 28
Table 4-3: Private Open Space 31
Table 4-4: Minimum Parking Requirements 35

Exhibit 1-1: Vicinity Map



1 – INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of a 57-Unit Residential and Mixed-use Complex located at 549 W. Holt Boulevard in the City of Ontario. The development is a 5-story residential and retail complex bounded by Holt Avenue on its north side and Brooks Street at its south side (see Exhibit 1-2: Location Map).

The 35,085 SF project site is located within the Ontario Plan Downtown Mixed-Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Roosevelt Tower on Holt Planned Unit Development (PUD) will replace the existing zone district designations and zoning standards that apply to the affected properties. Unless otherwise defined herein, definitions and interpretations contained in the Development Code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City's land use and design objectives.

Exhibit 1-2: Location Map

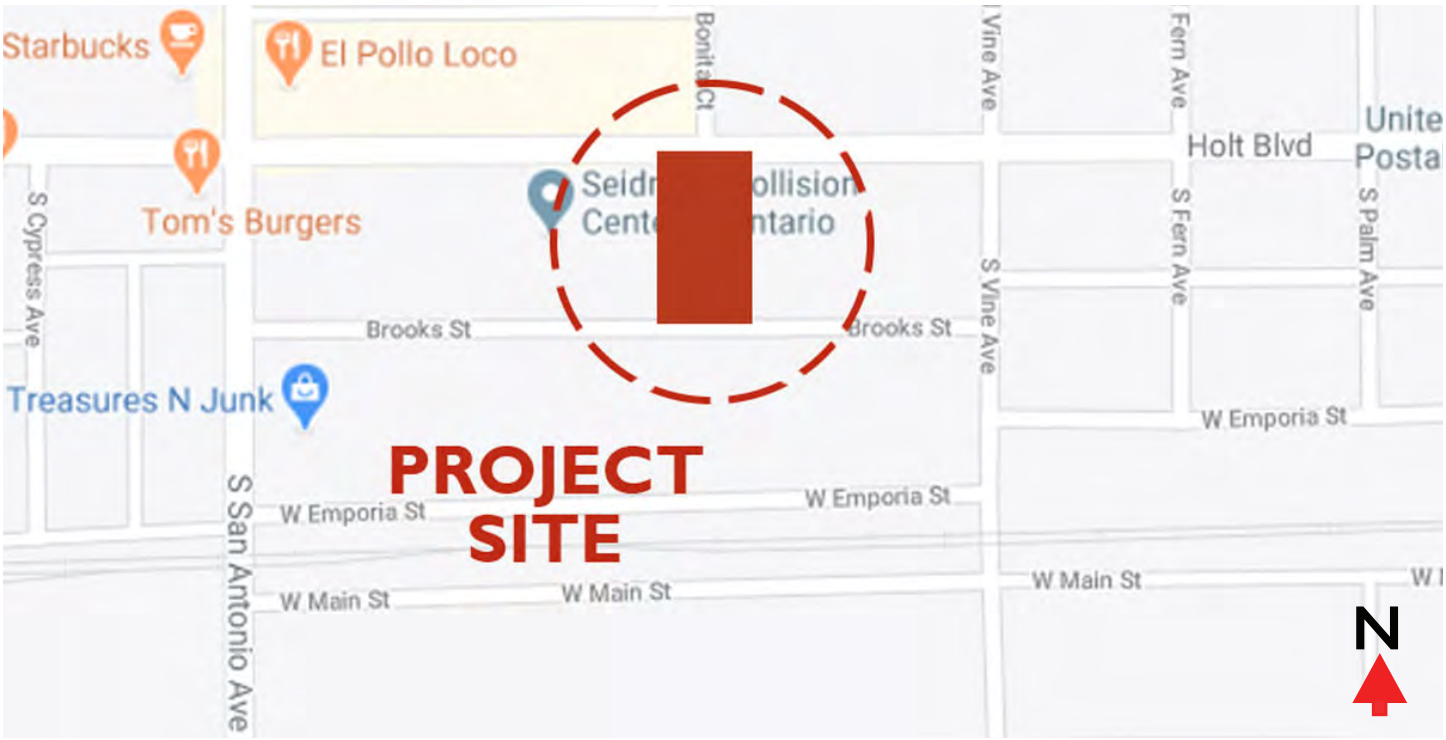
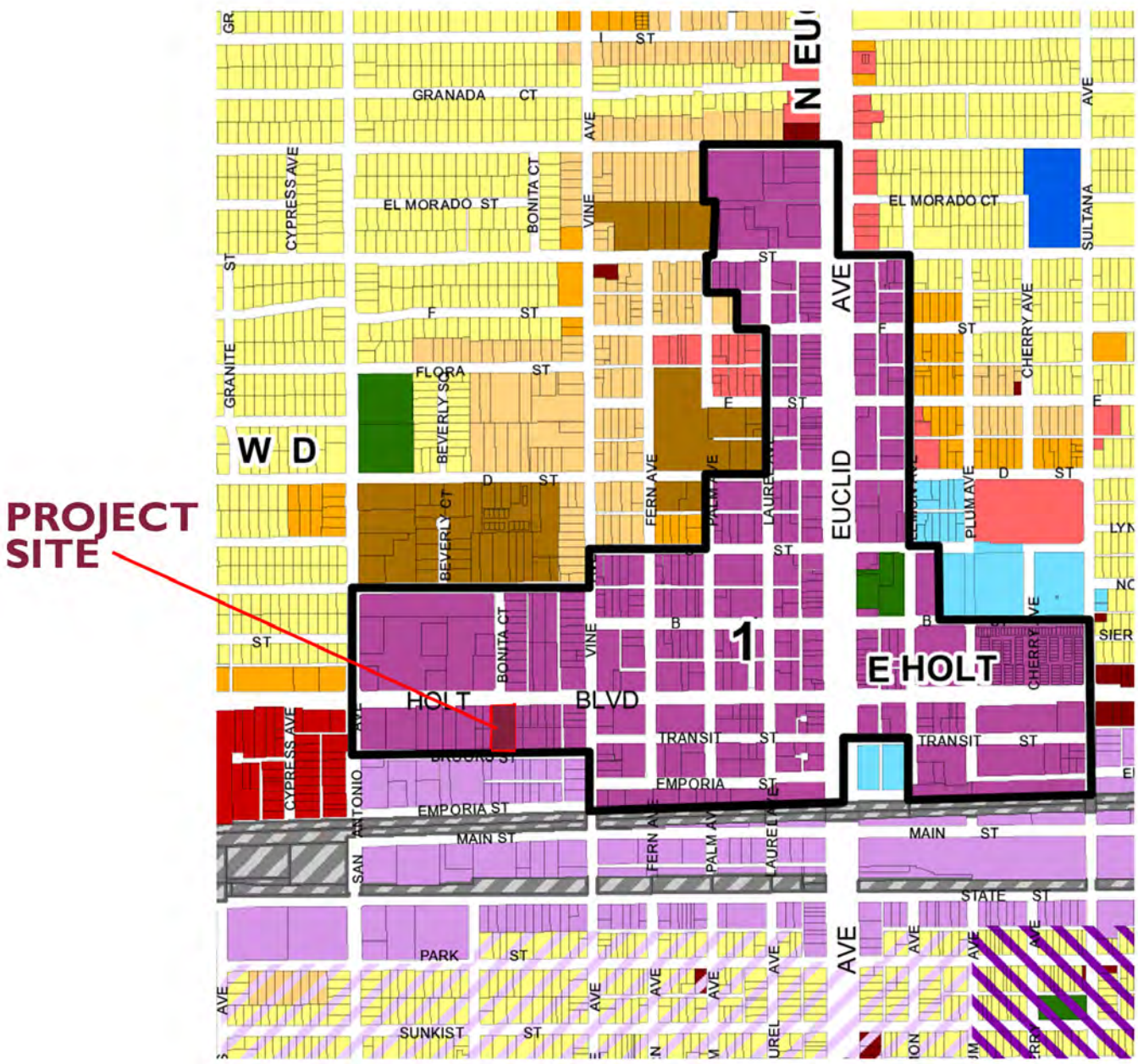


Exhibit 1-3: Land Use Map: MU-1 (Mixed-Use Zone 1)



General Plan Land Use Designation: MU (Mixed-Use)
ZONE: MU-1 (Downtown Mixed-Use)

Exhibit 1-4: Existing Site Map

Exhibit 1-5: Proposed Site Map

2 – P.U.D. OBJECTIVES

2.1 – The Ontario Plan (TOP) Objectives

The Ontario Plan, which includes the City's General Plan, designates the project area as part of the Downtown Mixed Use District. The Downtown Mixed Use District designation requires approval of an Area Plan or Planned Unit Development to develop the property. Additionally, the designation specifies a residential density range of 25.0 to 75.0 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses.

The intent of this designation is to:

1. Create "an intensive vertical and horizontal mixture of residential and retail uses in a pedestrian friendly atmosphere;
2. Ensure the historic character is enhanced when required or appropriate; and
3. Concentrate intensive Land uses on Holt Avenue.

The Holt & Brooks PUD is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Policy Plan (General Plan), and (3) City Council Priorities. The policies furthered by this PUD are as follows:

1. Vision

On February 13, 2007, the Ontario City Council adopted The Ontario Vision. The central theme that motivates the Vision is - "A sustained, community-wide prosperity which continuously adds value and yields benefits. "Everything the City does and every action the City takes is done with the simple yet comprehensive theme in mind, from the design quality of the built environment, to the intent of designing socio-economic programs, to the way in which its leaders govern as a community. In discussing a Vision that would endure for the lifetime of The Ontario Plan (30 years or more), the City Council recognized that there are four components that serve as the basic building blocks that set the foundation for a unified and prosperous community. These foundational blocks must be expressed and widely accepted throughout the Plan's lifetime. They are:

1. A Dynamic Balance that enables our community to confront the continued dynamic growth of the region and technological change with confidence and a sense of opportunity.

2. A Prosperous Economy that sustains the perception and reality of prosperity across our entire community that positively impacts all the people of Ontario and is broadly - though not uniformly - shared.
3. Distinctive Development that integrates our varied and diverse focal points, districts, villages, and neighborhoods to provide a feeling of coherence without sacrificing uniqueness.
4. Recognized Leadership in local governance that stimulates excellence and serves to unify the people of Ontario in support of best practices in conducting public endeavors.

Holt & Brooks PUD will implement the Ontario Vision in several ways that will further the City's desire to be a sustainable and prosperous community.

DISTINCTIVE DEVELOPMENT

Commercial and Residential Development

- The PUD will support new multifamily developments and existing residential neighborhoods by providing the increased demand for retail in more concentrated, strategic location (e.g., at major intersections) as intended for the Downtown Mixed-Use Area.

- The PUD will seek to ensure a mix of retail and commercial uses that will provide a variety of goods and service to the surround community and the future Bus Rapid Transit (BRT) users.

Design Quality

- The PUD will require a well-designed projects that covey a visual interest and character through:

  - Appropriate scale and massing
  - Architectural style and design that are complementary and appropriate to its setting.
  - The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.

- Appropriate Site Planning to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well designed street frontages.

Public Safety

- The PUD will ensure that proper exterior lighting standards be located and designed to minimize direct glare beyond the projects parking levels and into any future residential developments to the west and east of the project site. In addition, working with the Police Department, to ensure that all lighting standards comply with the one-foot candle illumination to provide a level of security and public safety within the project's retail areas as well as in the existing commercial areas adjacent to the project site.

2. Policy Plan

LAND USE ELEMENT

LU1 Balance

Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

The PUD, through the development of retail and commercial uses, will help provide jobs to help support the existing and new development within the sunounding area.

Polices:

- *LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.*

  The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector.

- *LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.*

LU2 Compatibility

Goal LU2: Compatibility between a wide range of uses.

The PUD, through land use regulations for permitted uses, have ensured that those permitted uses allowed within the PUD are compatible with the surrounding area and not allow those uses that may have potential to create adverse impacts to the surrounding area.

Polices:

- *LU2-I: Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.*

  The project area is zoned MU-2 (Downtown Mixed Use) and require that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

- *LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*

  The PUD, through site planning, we will require the that future building developed on the site shall be placed along the frontages of Holt Boulevard to keep a buffer between the future residential development.

- *LU2-4 Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed. Those uses with operations that may have potential to create nuisances, will require discretionary approval through the Conditional Use Permit process.

- *LU2-5 Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.*

  The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

LU3 Flexibility

Goal LU3 Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

The Ontario Plan describes the Downtown Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The historic character is enhanced. To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines.

Policies:

- *LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.*

  To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that covey visual interest.

COMMUNITY ECONOMICS ELEMENT

CE1 Complete Community

Goal CE1: A complete community that provides for all incomes and stages of life. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area and contribute to the City's tax sales base.

CE2 Place-Making

Goal CE2: A City of distinctive neighborhoods, districts, and conidors, where people choose to be.

The PUD will seek to ensure a mix a retail and commercial uses that will provide a variety of goods and service to the surround community and the future Buss Rapid Transit (BRT) users. The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- ► Appropriate scale and massing.
- ► Architectural style and design that are complementary and appropriate to for its setting.
- ► The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.

- ► Appropriate Site Planning that to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

MOBILITY ELEMENT

M3 Public Transit

Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

COMMUNITY DESIGN

CD1 Image & Identity

Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

- To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; how ever, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that covey visual interest.

Policies:

- *CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.*

The entire project area is covered by the Ontario Plan Policy Plan (General Plan) and has been designated as mixed-use (Holt Boulevard) and as described in the Ontario Plan Downtown Mixed-Use Growth Area. This PUD area will be distinctive through the requirement of a well-designed projects that convey visual interest and character through:

- Appropriate scale and massing.
- Architectural style and design that are complementary and appropriate to its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate Site Planning that to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and welldesigned street frontages.

- *CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary rights-of-way dedications for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX west Valley Connector and any future bus stop site frontage along Holt Boulevard. In addition, the PUD will require adequate landscaping, hardscape, signage and lighting to the prominent areas along Holt Boulevard as well as the secondary face of the project along Brooks Street to the south of the project site.

CD2 Design Quality

Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

Polices:

- CD2-I *Quality Architecture*. We encourage all development projects to convey visual interest and character through:

  - building volume, massing, and height to provide appropriate scale and proportion;

- a true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- ▶ Appropriate scale and massing
- ▶ Architectural style and design that are complementary and appropriate to for its setting.
- ▶ The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- ▶ Appropriate Site Planning that to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and welldesigned street frontages.

- *CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.*

  The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to the area currently lacking close access to a retail center. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses business that will provide a variety of goods and service to the surround community and the future Buss Rapid Transit (BRT) users.

- *CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector. In addition, the future development entitlements will require site improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- *CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.*

The PUD development standards that landscape design, materials and will be used to enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- *CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.*

  The PUD development standards will ensure water conservation be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees will be used to reduce heat gain on buildings, paving and parking areas.

3. City Council Priorities

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

2.2 – PUD District Purpose And Objectives

The purpose of The Roosevelt Tower (PUD) is to secure a fuller realization of the general plan than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality residential and commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses.

The intent of the PUD District is to:

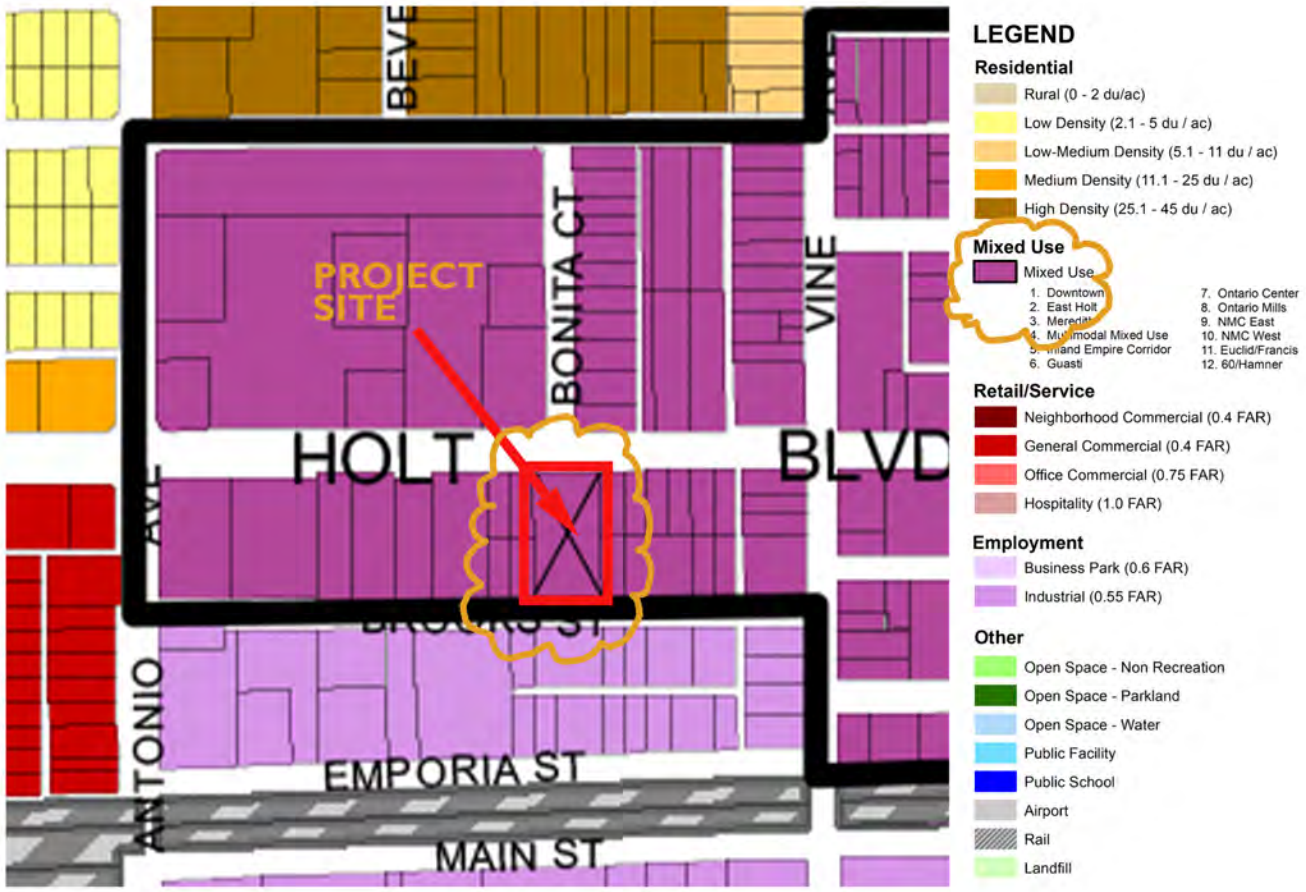
- Promote development projects that are consistent with the land use/downtown revitalization objectives of the City Redevelopment Project area.
- Promote residential and community commercial uses to meet the needs of the projects surroundings residential uses.
- Promote the plaza areas within the commercial center to providing for social interaction.
- Orient buildings to the street, wherever possible to create an accessible urban edge and sense of arrival.
- Incorporate landscaping to enhance the environment.

3 – ALLOWABLE USES

The project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use Area. The MU-1 zoning district is established to accommodate an intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area. The most intensive uses within this district are envisioned along Euclid Avenue and Holt Boulevard.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated for Multiple-Family Residential (MFR) land uses. Exhibit 3-1 (Land Use Plan), below, depicts the Planned Unit Development boundary and land use designation.

Exhibit 3-1: Land Use Plan



3.1 – Residential Use

The project site is proposed to be developed with high quality, multi-family housing units, either two or three levels over two levels of podium parking. The buildings will be a combination of podium-style stacked flat units, with parking beneath, and townhome style units, with first floor garage access.

3.2 – Retail Use

As part of the mixed-use character of the project, a 2,740 SF retail component will be incorporated on the first level of the podium of the building. This total area is well within the 2.0 FAR allowed by city and is in line with the city's vision for Holt Avenue to be an intensive vertical and horizontal mixture of retail, office, and residential uses, in a pedestrian friendly atmosphere.

3.3 – Permitted Use Table/List

Some of the permitted land uses within The Roosevelt Tower PUD are as follows:

1. Multiple-family dwellings;
2. Recreation facilities ancillary to multiple-family residential development projects, for use by project residents and their guests, including, but not limited to, pools, spas, tennis courts, clubhouse or recreation building, playgrounds or tot lots, and other similar amenities appropriate to serve a multiple-family residential development project;
3. Temporary uses (as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit);
4. Leasing/Administrative Office (for on-site property and facilities management only);
5. Motor vehicle parking ancillary to a multiple-family residential development project; and
6. Other land use compatible with multiple-family residential development projects, as determined appropriate by the Zoning Administrator.

Table 3-1: Permitted Use Table	
Land Use	**MU-1 Commercial**
EDUCATIONAL	
Vocational/Trade Schools	**C**
Private Schools	
MEDICAL	**P**
Animal Hospital/Veterinarian	**P**
Ambulance Service (Office Only - No Storage of Vehicles)	**P**
Medical Office	**P**
MEDICAL OFFICE/FAMILY CLINIC	
Pharmacies and Drug Stores w/Drive-thru Facilities	**P**
Industrial Clinic	**P**
PUBLIC FACILITIES	
Police/Fire Station	**P**
Police Storefront/Substation	**P**
RETAIL/COMMERCIAL	
Discount Variety Store	**P**
Hobby, Toy and Game Store	**P**
Home Appliance Store	**P**
Jewelry Store	**P**

Table 3-1: Permitted Use Table	
Land Use	**MU-1 Commercial**
Luggage and Leather Goods	**P**
Music and Video Stores	**P**
Office Supply, Stationery and Gift Stores	**P**
Pet and Pet Supply Store	**P**
FOOD AND BEVERAGE STORES	
Bakery	**P**
Delicatessen	**P**
Convenience Market	**P**
Grocery Store	**P**
Specialty Food Stores	**P**
SERVICES	
Advertising Agency	**P**
Data Processing Services	**P**
Data Processing Services	**P**
Photography Studio	**P**
Photocopying and Duplicating Services	**P**

Table 3-1: Permitted Use Table	
Land Use	**MU-1 Commercial**
FINANCIAL SERVICES	
Banks, Credit Unions and other Despository Institutions	**P**
Banks, Credit Unions and other Despository Institutions with Drive-thru (See Development Ordinance Section 9-101305 D)	**C**
PERSONAL SERVICES	
Barber Shop and Beauty/Nail Salon	**P**
Dry Cleaners	**P**
Laundry - Commercial	**C**
Pet Grooming	**P**
Tailor	**P**
Travel Agency	**P**
REPAIR SERVICES	
Computer, Home Electronics, and Small Home Appliances (when ancillary to another use)	**P**
Electrical Equipment	**P**
Jewelry and Watches/Clocks	**P**
Locksmith/Key Shop	**P**

"P" (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district.

"C" (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code.

"NP" (Not Permitted) shall mean the land use, activity, or facility within the specified zoning district is not permitted by right of being in the proper zoning district.

All other uses not listed as Permitted or Conditional are prohibited unless a finding can be made by the Planning Director that the use is similar to, and no more objectionable than, a permitted or conditional use.

4 – DEVELOPMENT REGULATIONS

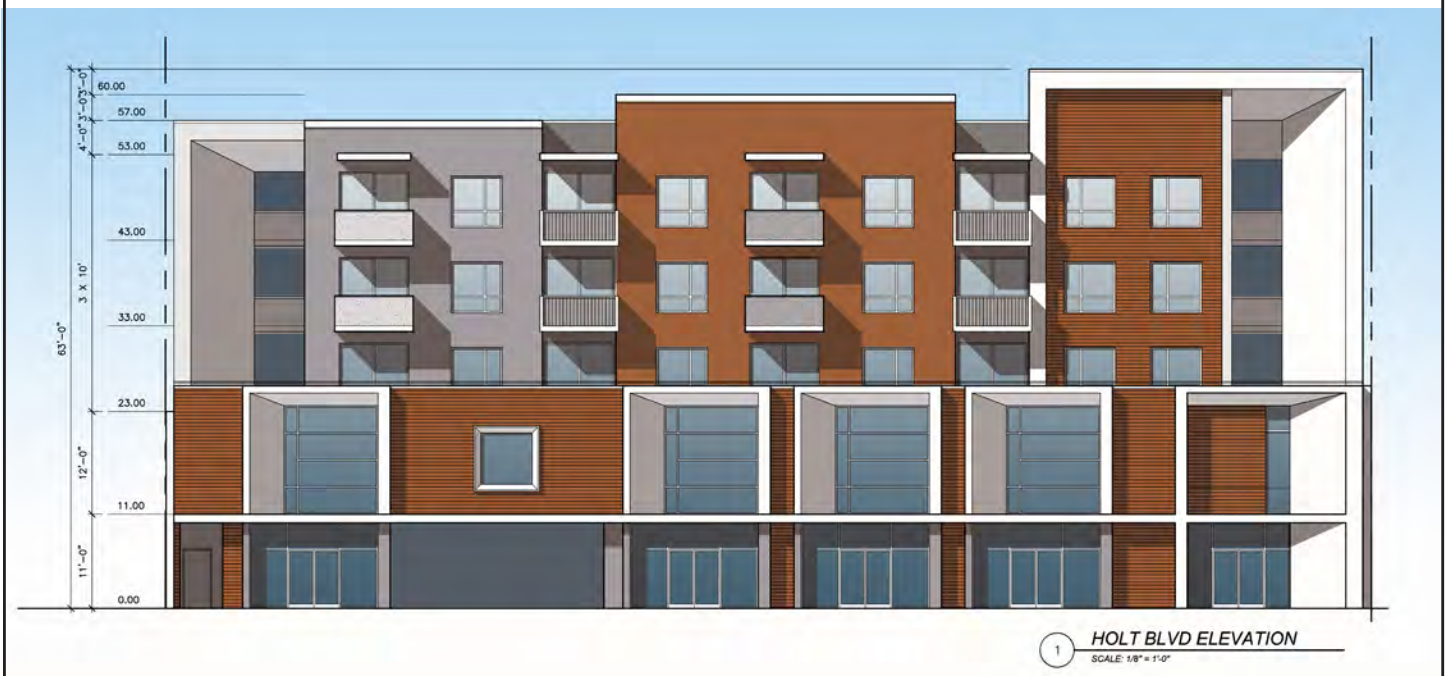
4.1 – Residential Density

Residential density shall range from a minimum 25.0 to a maximum 75.0 dwelling units per acre.

As part of the mixed-use character of the project, a 2,740 SF retail component will be incorporated on the first level of the podium of the building. This total area is well within the 2.0 FAR allowed by city and is in line with the city's vision for Holt Avenue to be an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere.

The small retail component of the project has also been incorporated to add convenience to the residents of the project and adjacent properties, help foster neighborhood cohesion, and reduce the need for vehicular traffic.

Exhibit 4-1: Front Elevation Retail Podium



4.2 – Building Height

No structure shall exceed 67' 6" in height, except that the maximum height may be exceeded by roof mounted equipment, architectural projections, chimneys, elevator towers, parapet walls and any other roof top structures, by up to 10% of the allowed building height or as restricted by the Airport Height Constraints. No rooftop equipment shall be visible from anywhere on the project site, public streets, or adjacent properties, and shall be fully screened with appropriate architectural parapet walls or appropriate roof treatments. Roof- mounted equipment shall not exceed the height of the structures and appurtenances used to screen the equipment.

Exhibit 4-2: Height Diagram

4.3 – Setbacks

Building setbacks shall be as set forth in Table 4-1 (Minimum Building Setbacks), and shall comply with Exhibit 4-3 (Setback Diagram).

Table 4-1: Minimum Building Setbacks

Setbacks	Distance
Minimum Street Setbacks	
Holt Boulevard	2 Feet
Brooks Street	2 Feet
Side Setback (East)	1 foot provided
Side Setback (West)	1 foot provided

Certain types of features and equipment are allowed to encroach into the required setback areas in accordance with Table 4-2 (Encroachments into Setbacks) including but not limited to architectural projections, balconies, and underground utility structures such as electrical transformer vaults. Utility structures may encroach into the public right-of-way and/or public utility easement, subject to the approval of the City.

Table 4-2: Maximum Encroachments Into Building Setbacks

Projection	Encroachment
Architectural Feature	1/2 of Required Setback
Patios/Porches	1/2 of Required Setback
Balconies (Occurs on 3rd and 4th Floors)	1/2 of Required Setback at 1st Floor; 3 Feet or More Allowed at 2nd or Higher Floors

Note: No projections may encroach into the storm drain easement

Exhibit 4-3: Setback Diagram

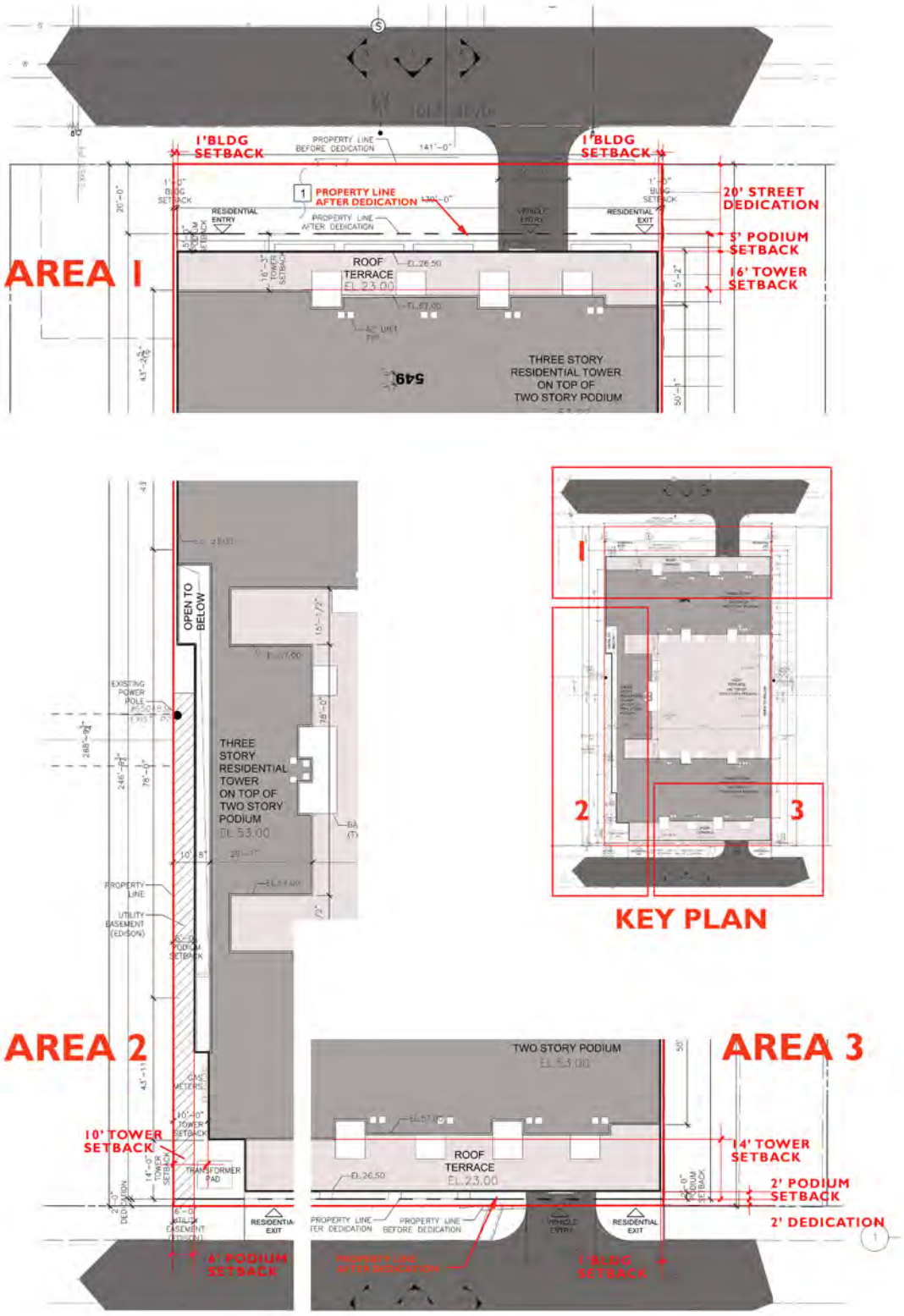
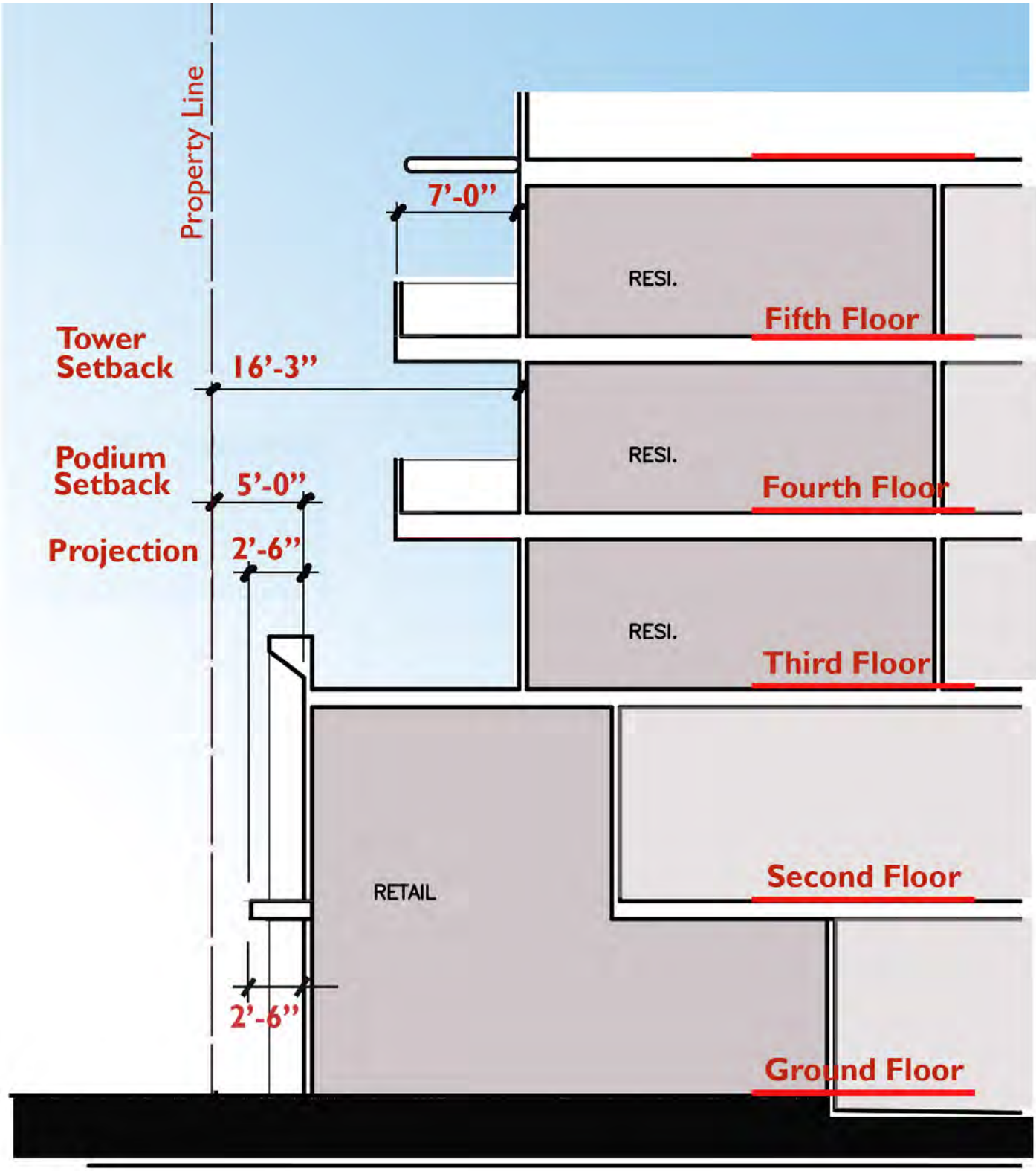


Exhibit 4-4: Projection Diagram



4.4 – Open Space Requirements

Open space shall be provided for passive and active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street set-back areas are not counted towards common open space requirements.

4.4.1 – Private Open Space

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks, and enclosed patios and yards.

Private open space shall be provided for all residential units, and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space as defined in Table 4-3 (Private Open Space). The space may be provided in multiple areas (e.g. two balconies, a yard and a balcony, etc.), as long as the total area of the spaces meets the minimum private open space requirement for the unit. The minimum dimension for private open space shall be no less than 6 feet in any direction.

Table 4-3: Private Open Space

Number Of Bedrooms	Open Space
1 Bedroom	60 SF
2 Bedrooms	60 SF
3 Bedrooms	60 SF

For multiple-family dwellings, private open space located at the dwelling's main living level shall have a minimum contiguous clear area of 60 SF, with a minimum clear horizontal dimension of 7 FT and a minimum clear vertical dimension of 8 FT. Other open space areas located on balconies or roof decks shall have a minimum contiguous clear area of 50 SF, with a minimum clear horizontal dimension of 6 FT and a minimum clear vertical dimension of 8 FT.

Exhibit 4-5: Private Open Space Diagram

UNIT PLANS

4.4.2 – Common Open Space

Common open space of 150 square feet min, per unit will be required and shall be provided to allow for both passive and active types of recreation, along with site landscape amenities. These areas are for use by project residents and their guests, and may include indoor recreational facilities. Recreational facilities provided pursuant to Section 4.4.3 shall be provided in common open space areas. The amount of required common open space is based on the number of dwellings developed, and shall be provided at the rate of 235 square feet of common open space for each dwelling unit.

Areas not considered common open space include: [1] parking lots; [2] walkways along or between buildings; [3] parking lot landscaping; [4] street setback areas; and [5] other areas not intended for active or passive recreation.

Exhibit 4-6: Common Open Space

4.4.3 – Recreational Facilities

Access to recreational facilities is important in multiple-family residential projects, as they provide needed facilities for the residents of the community. These facilities shall be centrally located on the site, making the facilities accessible to all project residents A total of at least three recreational facilities (indoor or outdoor) shall be provided on-site. The facilities can be comprised of a combination of both similar and different recreational facilities to meet the recreational facilities requirement (e.g. two pools and one playground or one clubhouse, one pool, and one tot lot, etc.). Recreational facilities may be indoor or outdoor, and may include: [1] clubhouses; [2] pools; [3] community buildings; [4] playgrounds or tot lots; and [5] other indoor or outdoor recreational facilities deemed appropriate by the City. All recreational facilities shall be for the exclusive use of project residents and their guests.

4.5 – Parking Requirements

4.5.1 – On-Site Resident Parking Requirements

The number of parking spaces shall be provided based on the number of bedrooms contained within each dwelling unit, and is subject to the following requirements:

- All required resident parking spaces shall be provided on-site;
- Each dwelling shall have at least one reserved parking space that is clearly marked;
- Reserved parking spaces shall be located within 150 feet of the dwelling it serves;
- At least one covered parking space shall be provided for each dwelling. This can be achieved through use of garages, carports, or tuck-under parking;
- Resident's assigned parking space(s) shall be used for the parking of occupant's operable automobile(s), only;
- Tandem parking is allowed but subject to review;
- Required guest parking spaces shall be provided on-site.
- Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 4-4 (Minimum Parking Requirements), this can be included on the leasing contract.

Table 4-4: Minimum Parking Requirements

Use	Parking Spaces
Multi-Family Dwellings:	
Studio	1.50 spaces per dwelling (at least one space shall be in a garage, carport, or parking structure)
One-Bedroom Unit	1.75 spaces per dwelling (at least one space shall be in a garage, carport, or parking structure)
Two Bedroom Unit	2.0 spaces per dwelling (at least one space shall be in a garage, carport, or parking structure)
*No Three Bedrooms for this project	
Guest Parking	1 space per every 5 units
Commercial/Retail	1.0 space per 250 square feet

4.5.2 – On-Street Guest Parking Requirements

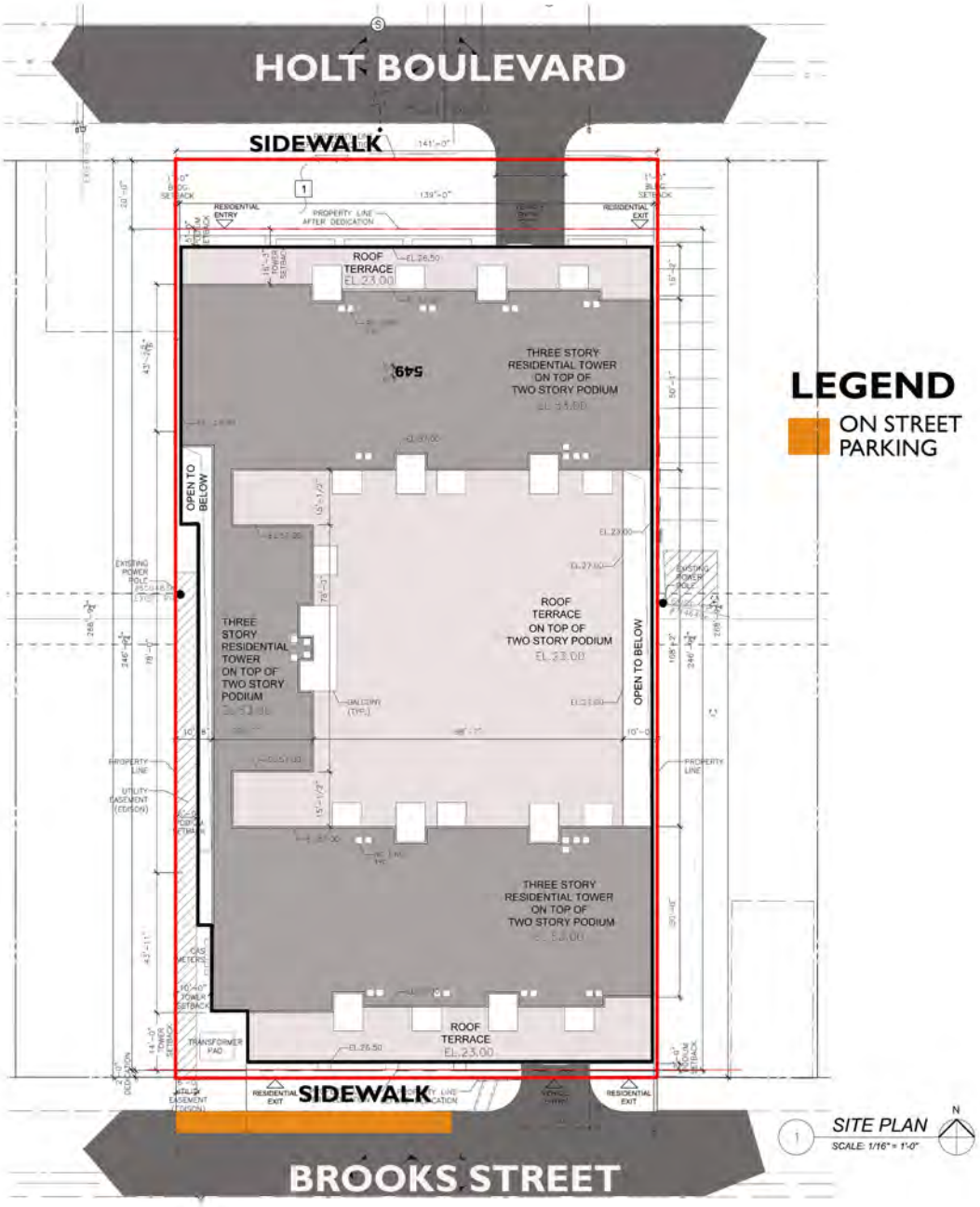
Guest-parking must be provided on-site.

- On-street parking may be allowed to satisfy guest parking requirements only but shall not be counted towards the number of guests parking the code requires.
- On-street parking shall only be designated along Brooks Street, the public street along the south side of the development site. No on-street parking will be allowed along Holt Boulevard and on any other areas deemed by the City Engineer, specially on street corners where sight distance are required.

4.5.3 – Parking Standards

All parking space size and location requirements shall conform to the standards set forth in Section 6.03.045 (Off-Street Parking Standards) of the Ontario Development Code.

Exhibit 4-7: On-Street Parking



4.6 – Vehicular Access

Vehicular access to the site is permitted from Holt Boulevard and Brooks Street. After improvements are made from the West Valley Connector (BRT) Project, vehicular access from Holt Boulevard will be limited to right-in/right-out.

4.6.1 – Vehicle Circulation

The city of Ontario, as part of its intersection widening plan, and the developers of the PUD site shall be responsible to improve Holt Boulevard and Brooks Street to their ultimate widths. These streets will provide vehicular access to the site.

4.6.2 – Pedestrian Connections

Pedestrian connections shall be provided to each building from the public street within the PUD site. The Mixed-Use Commercial land use district shall also provide pedestrian pathways to connect all of the commercial developments.

4.6.3 – Street Dedications and Easements

The developers shall dedicate right-of-way along all street frontages as necessary to increase the right-of-way to ultimate width, including corner cutbacks per City Standard Drawing No. 1301. Additionally, developers shall adhere to the Proposed Holt Blvd and Brooks Street Widening Improvements R/W Requirements. The ultimate widths surrounding the PUD are as follows:

Holt Boulevard - up to 60' half width
Brooks Street - up to 30' half width

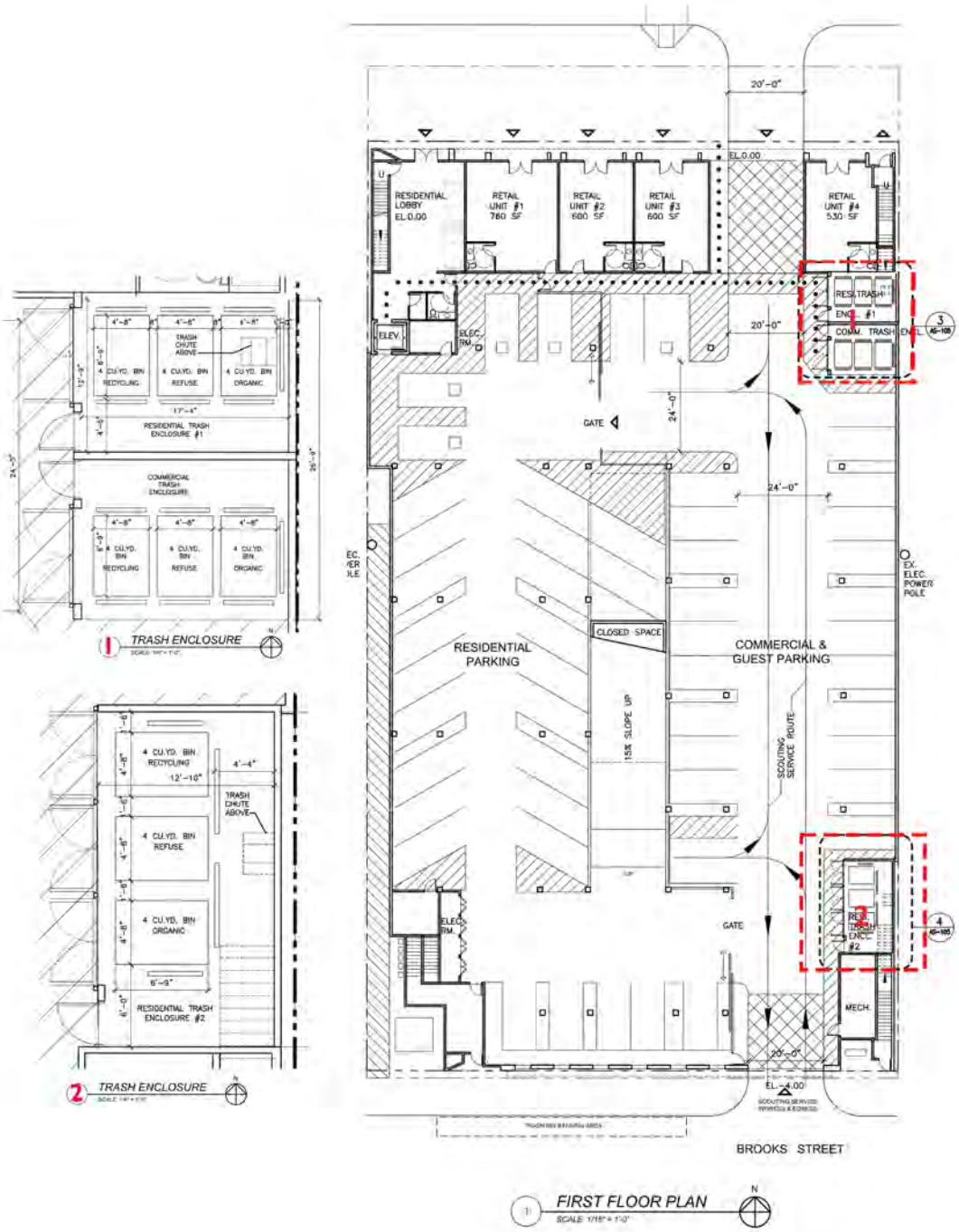
4.6.4 – Public Right-Of-Way Improvements

The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing and striping, street lights, bus stop, bus shelter and amenities. The extent of the required improvements shall be determined for each development plan. At a minimum, the improvements shall incorporate all items along the street frontages of the properties to be developed with proper transitioning if the entire block frontage is not being installed with a particular development. The city may do some or all of the improvements as part of its Proposed Holt Blvd and Brooks Street Widening Improvements.

4.7 – Service Facilities

- Loading/unloading for residential and commercial uses and trash pickup service shall be limited to on-site private drive aisles. Location, signage, and any hourly restrictions to be imposed on such areas, shall be subject to approval by the City.
- On-street loading shall be prohibited.
- The number of enclosures, and their precise locations, dimensions, and design shall be provided consistent with City standards.
- Trash enclosures shall be designed to contain separate containers for the collection of refuse and recyclable materials, with an adequate number of containers provided to allow for the collection of both refuse and recyclable materials generated by the development, pursuant to standards established by the Ontario Municipal Utilities Company. (See Exhibit 4.7: Trash Enclosures Site Plan)
- Trash enclosures shall meet the minimum design standards depicted in the standard drawings adopted by the City, which shall include: [1] a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, [2] separate pedestrian access that is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion, and [3] a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable, and screen trash bins from view of the upper floors of adjacent dwellings. Furthermore, trash enclosures shall be architecturally enhanced, and shall be consistent with the architectural design of adjacent buildings.
- Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.
- Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.
- Trash enclosures shall be located on site within the boundary of the project site.
- Particular care shall be given when placing trash enclosures immediately adjacent to dwelling units; however, no trash enclosure shall be located within 10 feet of the livable portion of a structure.
- Trash enclosures shall be bordered by a minimum 5-foot high concrete wall on all exposed sides, excluding the side with bin access gates.
- All service facilities shall be screened in accordance with Section 4.9 (Screening) of this Planned Unit Development.

Exhibit 4-8: Trash Enclosures Site Plan



Note: "All Priority Land Use(PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water resources Control Board (SWRCB) and trash requirements in the most current San Bernardino"

4.8 – Landscaping

The site design at Roosevelt Towers includes a diverse palette of drought tolerant native and adapted plants selected to provide a low maintenance and colorful landscape while also meeting the challenging requirements of planting on structure.

The building frontage along Holt Avenue consists of a 4' wide parkway planted with Evergreen Ash trees and a low groundcover of Dwarf Coyote Brush. Setback from the sidewalk are a series of large rectangular planting areas, approximately 150sf each, configured within the building module, allowing views and access to the future retail facades. These large planter areas contain a variety of low water groundcovers with native deciduous Western Redbud trees (triangulated with the Evergreen Ash). The hardscape in this area consists of standard grey concrete along the public sidewalk with integral colored sand finish concrete along the building façade and between planters. **Decorative paving and hardscape within the 20' dedication shall be maintained by the property owner.**

Along Brooks Street the same Baccharis groundcover runs along the parkway with Podocarpus henkelii as the street tree. Larger foundation shrubs such as Sweet Bay and New Zealand Flax soften the façade and provide screening to utilities in this area.

4.8.1 – Site Landscaping

A conceptual landscape and irrigation plan shall be submitted along with the Development Plan for this Planned Unit Development. The plan shall specify all landscaping and hardscape for the entire project site. Detailed Landscape and Irrigation Plans shall be required prior to the issuance of building permits. The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right-of-way and adjacent residences where possible. The irrigation system shall be designed to utilize recycled water pursuant to State and local codes, ordinances, and laws, and applicable building and plumbing codes.

The landscape and irrigation plan shall be designed with water conservation in mind, utilizing "California friendly" species and drought tolerant planting materials. The landscaping and irrigation shall comply with AB 1881, and all other laws and regulations related to planting materials. All trees that are to remain on-site shall be properly protected in place during construction to ensure tree health is preserved.

Tree plantings along the Brooks Street storm drain easement shall be restricted to those species allowed by the San Bernardino Flood Control District.

4.8.2 – Planting Palette

The planting palette shall be comprised of "California friendly" drought tolerant planting materials compatible with the overall architectural style of the Planned Unit Development. The following palette has been established to meet the needs of this Planned Unit Development:

4.8.3 – Common and Open Space Landscaping

The 3rd floor contains a variety of spaces, with landscaping acting as an organizing feature while still providing screening, softening, color, beauty, and shade.

As one approaches the main public amenity space through the central corridor a row of potted Dwarf Olives sits in a bed of low green planters which carries the eye through the space and also bisects the space into two smaller zones. At the terminus of this view is one of 3 specimen Ficus trees sitting in an 8' x 12' x 42" high raised planter, providing ample space for root structure. To the north of the olive row is the Children's Play Area, a 26' x 52' semi contained area with two play structures, wood bench seating, umbrellas for shade, and a small turf area for flexible play.

To the south, adjacent to the gymnasium, is a flexible open space for exercise, yoga, or small recreational games such as table tennis. Heading east is a large 26' x 40' shade structure above a flexible dining and lounge space including two BBQ cooking stations. This shade structure partially expands to the east to cover a long wood (or composite) deck seating area.
The planting areas in and around the 3rd floor amenity space can be divided into 3 groups. The first group are the series of "built in" raised planters. These contain the 3 Ficus trees, and also run along the north and south edge of the public amenity space. The longer planters would sit at 42" height, and contain a mix plants including Dwarf Bottlebrush, Sage, and Coast Rosemary. The second category is the series of narrow linear planters that are used for screening the residences while softening the building façade. These would be "off the shelf" rectangular planters, potentially lightweight precast concrete or fiberglass, containing upright plants for screening such as Sweet Bay or Bamboo. Finally, the last group includes low profile green tray plantings. These would be of medium depth, approximately 8", and may be contract grown ahead of time to provide an immediate impact on day one. Species may include sedums, low ornamental grasses, and other small succulents.

All planting areas on the 3rd floor will be connected to the buildings irrigation system, and appropriately plumbed for drainage.

Exhibit 4-9: Colored Landscape Plan

N

Exhibit 4-10: Holt Boulevard Planting Palette

HARDSCAPE LEGEND

ITEM	DESCRIPTION	REFERENCE IMAGE
1	STANDARD GREY CONCRETE PAVING AT CITY SIDEWALK	
2	DECORATIVE CONCRETE PAVING- MEDIUM SANDBLAST FINISH WITH DAVIS INTEGRAL COLOR #641 'PEBBLE' AND SAWCUT JOINTS	01 / L-105
3	OUTDOOR PORCELAIN PEDESTAL PAVERS. 24" SQ AND 24" X 48", MIX OF FLAT ASH AND FLAT SMOLE COLOR BY TILETECH OR APPROVED EQUAL	02 / L-105
4	WOOD DECKING- 2 x 4 REDWOOD OR COMPOSITE DECKING (TO BE DETERMINED). INSTALLED 4" MINIMUM OVER SLAB WITH COMPOSITE WOOD SLEEPER SYSTEM	03 / L-105
5	DECORATIVE WATERPROOFING COATING- MACOAT BY WESTCOAT OR EQUAL WITH CUSTOM COLOR AND SCORING	04 / L-105
6	42" TALL CONCRETE BLOCK PLANTER WALL- 8 X 12 CMU IN STACKED PATTERN, BURNISHED DARK GREY 250 BY ORCO OR APPROVED EQUAL	05 / L-105
7	5' TALL HORIZONTAL PRIVACY FENCING TO MATCH WOOD DECKING	06 / L-105
8	42" HIGH STEEL GUARDRAIL	07 / L-105
9	42" HIGH SELF CLOSING GATE WITH LATCH	
10	CUSTOM BENCH SEATING TO MATCH WOOD DECKING. 18" HIGH X 24" DEEP	
11	BUILT IN BARBECUES AND SERVING COUNTER	
12	RUBBERIZED PLAY SURFACING	08 / L-105
13	OVERHEAD SHADE STRUCTURE WITH CORRUGATED STEEL ROOF	09 / L-105
14	11'-6" WIDE X 4' TALL MONUMENT SIGN AT ENTRY DRIVE	

SITE AMENITY LEGEND (SEE CUTSHEETS FOR ADDITIONAL INFORMATION)

ITEM	DESCRIPTION	ITEM	DESCRIPTION
SA-1	LOUNGE SEATING TYPE A	SA-6	UMBRELLA TYPE B
SA-2	LOUNGE SEATING TYPE B	SA-7	6-23 MONTH OLD PLAY STRUCTURE
SA-3	LOUNGE SEATING TYPE C	SA-8	2-5 YEAR OLD PLAY STRUCTURE
SA-4	DINING SEATING	SA-9	PING PONG TABLES
SA-5	UMBRELLA TYPE A		

KEY PLAN

TREE LEGEND

SYMBOL	BOTANIC NAME COMMON NAME	SIZE	QTY	WATER USE	CALIFORNIA NATIVE
STREET TREES					
	FRAXINUS UHDEI EVERGREEN ASH (HOLT BLVD.)	24" BOX STD.	4	MED	NO
	PODOCARPUS HENKELII LONG LEAFED YELLOWWOOD (BROOKS STREET)	24" BOX STD.	4	MED	NO
ON SITE TREES					
	CERCIS OCCIDENTALIS WESTERN REDBUD	36" BOX MULTI	5	LOW	YES
	CHILOPSIS LINEARIS DESERT WILLOW	15 GAL MULTI	3	LOW	YES
	FICUS MICROCARPA 'GREEN GEM' GREEN GEM INDICA FIG LAUREL	48" BOX STD.	3	MED	NO
	OLEA EUROPEA 'MONTRA' LITTLE OLLIE DWARF OLIVE	24" BOX MULTI	5	LOW	NO

SHRUB AND GROUNDCOVER LEGEND

ITEM	DESCRIPTION	REPRESENTATIVE SPECIES	WATER USE	CA NATIVE
1	PARKWAY GROUNDCOVER	BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
2	LOW SHRUB AND GROUND COVER	ACHILLEA MILLEFOLIUM / COMMON YARROW	LOW	YES
		BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
		CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		DIANELLA REV. LITTLE REV / LITTLE REV FLAX LILY	LOW	NO
		LANTANA 'BELLOWIANA' TRAILING LANTANA	LOW	NO
3	MEDIUM HEIGHT SHRUB AND PERENNIALS	ANIGOZANTHOS SPP. / KANGAROO PAW	LOW	NO
		CALL. 'LITTLE JOHN' / DWARF BOTTLEBRUSH	LOW	NO
		CISTUS SPP. / ROCKROSE	LOW	NO
		FURCRAEA SPP. / FURCRAEA	LOW	NO
		JUNCUS PATENS / CALIFORNIA GREY RUSH	LOW	YES
		LEUCOPHYLLUM SPP. / TEXAS RANGER	LOW	NO
		SALVIA 'ALLEN CHICKERING' / ALLEN CHICK. SAGE	LOW	YES
		WESTRINGIA FRUTICOSA / COAST ROSEMARY	LOW	YES
4	LOW GROUND COVER IN 6"-9" DEEP PREPLANTED TRAYS. LIVEROOF OR EQUAL	CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		LAMPRANTHUS SPP. / ICE PLANT	LOW	NO
		SEDUM SPP. / STONE CROP	LOW	YES
		SENECIO SPP	LOW	NO
5	PLANTERS IN SHADE	AUCUBA JAP. 'MR. GOLDSTRIKE' MR. GOLDSTRIKE AUCUBA	MED	NO
		FATSIA JAPONICA / JAPANESE ARALIA	MED	NO
6	SCREENING AT PATIOS AND GROUND FLOOR UTILITIES	BAMBUSA MULT. 'ALPHONSE KARR' ALPHONSE KARR BAMBOO	MED	NO
		BAMBUSA MULT. 'GOLDEN GODDESS' GOLDEN GODDESS BAMBOO	MED	NO
		LAURUS NOBILIS / SWEET BAY	LOW	NO
		PHORMIUM TENAX / NEW ZEALAND FLAX	MED	NO
7	TURF SEATING	MARATHON II SOD WITH SUBSURFACE DRIP IRRIGATION	HIGH	NO

LANDSCAPE ALONG HOLT BOULEVARD

Exhibit 4-11: Common Space 3rd Floor Planting Palette

Exhibit 4-12: Brooks Street Planting Palette

HARDSCAPE LEGEND

ITEM	DESCRIPTION	REFERENCE IMAGE
1	STANDARD GREY CONCRETE PAVING AT CITY SIDEWALK	
2	DECORATIVE CONCRETE PAVING- MEDIUM SANDBLAST FINISH WITH DAVIS INTERGRAL COLOR #641 'PEBBLE' AND SAWCUT JOINTS	01 / L-105
3	OUTDOOR PORCELAIN PEDESTAL PAVERS, 24" SQ AND 24" X 48", MIX OF FLAT ASH AND FLAT SMOLE COLOR BY TILETECH OR APPROVED EQUAL	02 / L-105
4	WOOD DECKING- 2 x 4 REDWOOD OR COMPOSITE DECKING (TO BE DETERMINED), INSTALLED 4" MINIMUM OVER SLAB WITH COMPOSITE WOOD SLEEPER SYSTEM	03 / L-105
5	DECORATIVE WATERPROOFING COATING- MACOAT BY WESTCOAT OR EQUAL WITH CUSTOM COLOR AND SCORING	04 / L-105
6	42" TALL CONCRETE BLOCK PLANTER WALL- 8 X 12 CMU IN STACKED PATTERN, BURNISHED DARK GREY 250 BY ORCO OR APPROVED EQUAL	05 / L-105
7	5' TALL HORIZONTAL PRIVACY FENCING TO MATCH WOOD DECKING	06 / L-105
8	42" HIGH STEEL GUARDRAIL	07 / L-105
9	42" HIGH SELF CLOSING GATE WITH LATCH	
10	CUSTOM BENCH SEATING TO MATCH WOOD DECKING. 18" HIGH X 24" DEEP	
11	BUILT IN BARBECUES AND SERVING COUNTER	
12	RUBBERIZED PLAY SURFACING	08 / L-105
13	OVERHEAD SHADE STRUCTURE WITH CORRUGATED STEEL ROOF	09 / L-105
14	11'-6" WIDE X 4' TALL MONUMENT SIGN AT ENTRY DRIVE	

SITE AMENITY LEGEND (SEE CUTSHEETS FOR ADDITIONAL INFORMATION)

ITEM	DESCRIPTION	ITEM	DESCRIPTION
SA-1	LOUNGE SEATING TYPE A	SA-6	UMBRELLA TYPE B
SA-2	LOUNGE SEATING TYPE B	SA-7	6-23 MONTH OLD PLAY STRUCTURE
SA-3	LOUNGE SEATING TYPE C	SA-8	2-5 YEAR OLD PLAY STRUCTURE
SA-4	DINING SEATING	SA-9	PING PONG TABLES
SA-5	UMBRELLA TYPE A		

TREE LEGEND

SYMBOL	BOTANIC NAME COMMON NAME	SIZE	QTY.	WATER USE	CALIFORNIA NATIVE
STREET TREES					
	FRAXINUS UHDEI EVERGREEN ASH (HOLT BLVD.)	24" BOX STD.	4	MED	NO
	PODOCARPUS HENKELII LONG LEAFED YELLOWWOOD (BROOKS STREET)	24" BOX STD.	4	MED	NO
ON SITE TREES					
	CERCIS OCCIDENTALIS WESTERN REDBUD	36" BOX MULTI	5	LOW	YES
	CHILOPSIS LINEARIS DESERT WILLOW	15 GAL MULTI	3	LOW	YES
	FICUS MICROCARPA 'GREEN GEM' GREEN GEM INDICA FIG LAUREL	48" BOX STD.	3	MED	NO
	OLEA EUROPEA 'MONTRA' LITTLE OLLIE DWARF OLIVE	24" BOX MULTI	5	LOW	NO

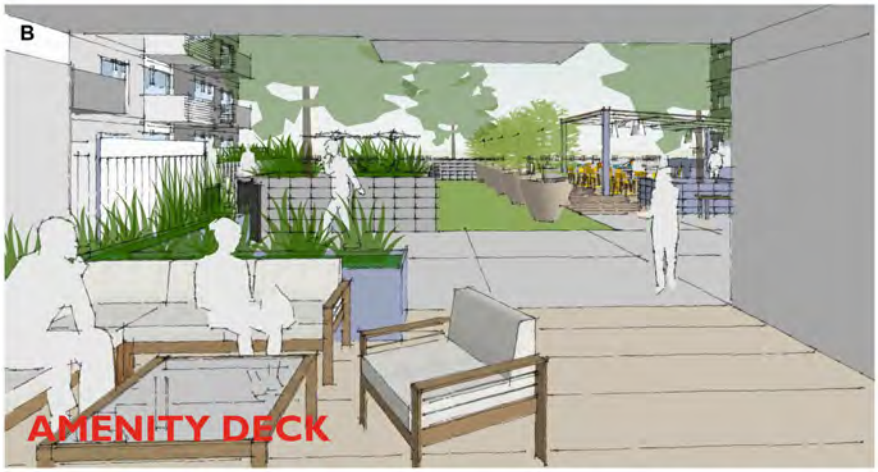
SHRUB AND GROUNDCOVER LEGEND

ITEM	DESCRIPTION	REPRESENTATIVE SPECIES	WATER USE	CA. NATIVE
1	PARKWAY GROUNDCOVER	BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
2	LOW SHRUB AND GROUND COVER	ACHILLEA MILLEFOLIUM / COMMON YARROW	LOW	YES
		BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
		CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		DIANELLA REV. LITTLE REV / LITTLE REV FLAX LILY	LOW	NO
		LANTANA SELLOWIANA/ TRAILING LANTANA	LOW	NO
3	MEDIUM HEIGHT SHRUB AND PERENNIALS	ANIGOZANTHOS SPP. / KANGAROO PAW	LOW	NO
		CALL. 'LITTLE JOHN' / DWARF BOTTLEBRUSH	LOW	NO
		CISTUS SPP. / ROCKROSE	LOW	NO
		FURCRAEA SPP. / FURCRAEA	LOW	NO
		JUNCUS PATENS / CALIFORNIA GREY RUSH	LOW	YES
		LEUCOPHYLLUM SPP. / TEXAS RANGER	LOW	NO
		SALVIA 'ALLEN CHICKERING' / ALLEN CHICK. SAGE	LOW	YES
		WESTRINGIA FRUTICOSA / COAST ROSEMARY	LOW	YES
4	LOW GROUND-COVER IN 6"-9" DEEP PREPLANTED TRAYS, LIVEROOF OR EQUAL	CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		LAMPRANTHUS SPP. / ICE PLANT	LOW	NO
		SEDUM SPP. / STONE CROP	LOW	YES
		SENECIO SPP.	LOW	NO
5	PLANTERS IN SHADE	AUCUBA JAP. 'MR. GOLDSTRIKE' MR. GOLDSTRIKE AUCUBA	MED	NO
		FATSIA JAPONICA / JAPANESE ARALIA	MED	NO
6	SCREENING AT PATIOS AND GROUND FLOOR UTILITIES	BAMBUSA MULT. 'ALPHONSE KARR' ALPHOSE KARR BAMBOO	MED	NO
		BAMBUSA MULT. 'GOLDEN GOODESS' GOLDEN GODDESS BAMBOO	MED	NO
		LAURUS NOBILIS / SWEET BAY	LOW	NO
		PHORMIUM TENAX / NEW ZEALAND FLAX	MED	NO
7	TURF SEATING	MARATHON II SOD WITH SUBSURFACE DRIP IRRIGATION	HIGH	NO

KEY PLAN

LANDSCAPING ALONG BROOKS STREET

Exhibit 4-13: Landscape Rendering



4.8.4 – Parking Lot Landscaping

Parking lot landscaping shall be provided pursuant to Subsection D (Landscaping of Off-Street Parking Facilities) of Ontario Development Code Section 6.05.030 (Required Landscape Areas).

4.8.5 – Compliance with State and Federal Laws

Provide landscaping and an irrigation system, which promotes the conservation of water as required by the Water Conservation in Landscaping Act of 2006 (AB 1881), commencing with California Government Code Section 65591.

4.9 – Screening

- All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.
- Trash enclosures shall be screened with enclosures that are architecturally compatible with the surrounding buildings.
- Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- All ground level screening shall comply with the requirements of Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

4.9.1 – Fences, Walls, and Hedges

Fences, walls, and hedges shall comply with Section 6.02.030 (Protection of Intersection Visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and walls shall be made of decorative materials that are compatible with, or enhance, the overall architectural character of the project. All fences, walls, and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right-of-way.

5 – CIRCULATION

5.1 – Site Accessibility

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be done through building orientation and placement, to minimize the use of gates and fencing; however, amenities shall be properly gated, limiting access to residents and their guests.

5.2 – Vehicular Circulation

The project site shall be designed to reduce the number of dead end aisles in the parking lot areas, and provide all guest parking outside of gated areas (on site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to all parking areas.

5.3 – Pedestrian Circulation

Site design shall provide for safe pedestrian circulation across the project site by separating pedestrian areas from areas with vehicular access. This includes, but is not limited to, accessibility from parking lot areas to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

The 20' street-dedication on Holt Boulevard provides a unique opportunity to create a pedestrian promenade that will connect residential foot traffic between residential units, parking, and community spaces throughout the site. The space shall be welcoming and designed with landscape features that help define the walking path across the project area. Since no vehicular traffic will be allowed on this widened sidewalk, it is expected that pedestrians will be able to walk safely along the exterior area of the development where retail amenity area also located.

Lighting and visibility for enhanced security shall be taken into consideration in designing this area, and shall be compatible with the architectural theme. Buildings shall have windows that look on to this open space area to enhance the views of the residences and help create defensible spaces.

5.4 – Integrated Waste Pickup Circulation

The use of scouting trash pickup service since 32 foot trash pickup truck will not be able to access the site and indicate where the staging of the six bins on the adjacent street, Brooks Street for the two trash enclosures will be on trash pickup day. Integrated Waste Management Report (IWMR) requirements:

The IWMR shall meet the following minimum requirements:

The Integrated Waste Management Report shall address the management of all integrated waste (Refuse, Recycling, Organics, etc.) including, but not limited to: types of waste generated, amount of waste expected and the corresponding sizing of receptacles, all waste diversions, all staging and collection operations, any use of private haulers, and the property management regulations and practices for the site.

The IWMR shall demonstrate compliance with the latest version of the City's Integrated Waste Planning Manual (available online at: http://www.ontarioca.gov/government-departments-municipal-utilities-company/integrated-waste) as well as the applicable State regulations and shall contain, at a minimum, the following elements:

1. A discussion on the types of waste generated (refuse, recycling, green waste, organics, etc.) by all uses on the site and the generation rates and total waste for each type. If a final use is not known the applicant shall make a reasonable assumption of the land use expected or proceed as directed by the City.
2. A discussion on pre-treatment if the project will be required to use and install pre-treatment devices or services and an exhibit showing and labeling the location of the pre-treatment devices.
3. A discussion on the types of City Services that will be utilized and the sizing and number of receptacles (Bins, Compactors, etc.)
4. A discussion on waste that is diverted and the diversion services that will be used.
5. A table utilizing the metrics on Page 8 of the Planning Manual and calculating the volume (gallons or cubic yards), quantity, and service schedule for each type of can and bin required for each Service Category (refuse, recycled, etc.). The table shall include all waste that is diverted and the diversion service(s).
6. An exhibit(s) showing layout and architectural details for enclosures, compactors, roll-offs and non-standard containers proposed by the project. Include specification "cut" sheets for non-standard containers.

7. A discussion on the staging and collection operation and an exhibit identifying these locations on the site and any other relevant details. The discussion shall address circulation, accessibility, ingress, egress, pavement type, parking, the role of the property management association, and the role of private haulers or scouting services.
8. A discussion on private haulers describing their services and supplying the names, contact information, and City of Ontario Commercial Recycler Collection Permit numbers for each hauler. The discussion shall include an exhibit showing the staging and collection areas for private haulers.
   Note: All private third party organics and recycling haulers shall be formally approved and permitted by the City of Ontario and shall meet City Code requirements, otherwise the City shall provide the collection services. If the third party haulers do not have a City of Ontario Commercial Recycler Collection Permit, the discussion shall state whether the third party hauler is charging a fee for service or not.
9. A discussion on the proposed property management association, their role in the integrated waste management plan for the site and the by-laws and regulations that relate to integrated waste (no parking, solid waste collection day coordination, enforcement of the SWHP, etc.).
10. A discussion on any variances that are requested and the need for the variance along with any relevant exhibits.
11. Appendix: A copy of the Final Solid Waste Handling Plan (See City SWHP requirements).
12. Appendix: All exhibits and standard plans proposed for the project.
13. Appendix: A copy of the proposed association by-laws and regulations.
14. Appendix: A copy of the final Integrated Waste Variance Form (if a variance is requested).

Solid Waste Handling Plan (SWHP) requirements:

The SWHP shall meet, at a minimum, the following requirements:

1. SWHP Content and Format: The Solid Waste Handling Plan shall demonstrate compliance with the Services Standards in the City's Solid Waste Planning Manual (available online at: http://www.ontarioca.gov/government-departments-municipal-utilities-company/integrated-waste) and shall contain, at a minimum, the following elements:

a. A statement identifying the Service Requirements being used (e.g. Single Family Detached with automated cans, Multi-family/Commercial/Industrial with bins and enclosures, etc.) and describing the solid waste handling operation (for instance, will there be scouting services, etc.).
b. A table utilizing the metrics on Page 8 of the Planning Manual and calculating the volume (gallons or cubic yards), quantity, and service schedule for each type of can and bin required for each Service Category (refuse, recycled, etc.).
c. An Engineering Site Plan drawn to scale that shows:
    i. Minimum plan scale of scale of 1:100. Larger scales are preferred and should be scaled to fill the sheet and show as much detail as clearly as possible on one sheet; multiple sheets may be used if entire project area cannot fit on one sheet at 1:100 scale.
    ii. A detail of the Solid Waste Vehicle with dimensions and annotation that states the minimum turning radii and path of travel widths actually being used on the plan.
    iii. The Solid Waste Vehicle turning movements and paths of travel in each direction of travel and at all intersections. All paths of travel shall be 15 feet wide minimum.
    iv. All parking stalls and parallel parking spaces along all streets, alleys, or aisles.
    v. All proposed curbs and areas designated and striped/signed as "No Parking".
    vi. All proposed trash enclosures and the ADA paths of travel from the buildings.
    vii. A detail for each enclosure footprint delineating the number and size of the bins in order to demonstrate that the enclosure is adequately sized and oriented, if enclosures and bins are proposed.
    viii. All proposed locations of automated cans shown as a 26-inch by 26-inch can pad with 20-inches between can pads and 40-inches between can pads and Parking spaces, mailboxes and other obstructions (Can Collection Area). Can Collection Areas shall be located along designated paths of travel and cannot be located along dead end alleys, motor courts, driveways, or private streets; use multi-family standards for enclosures in these cases.

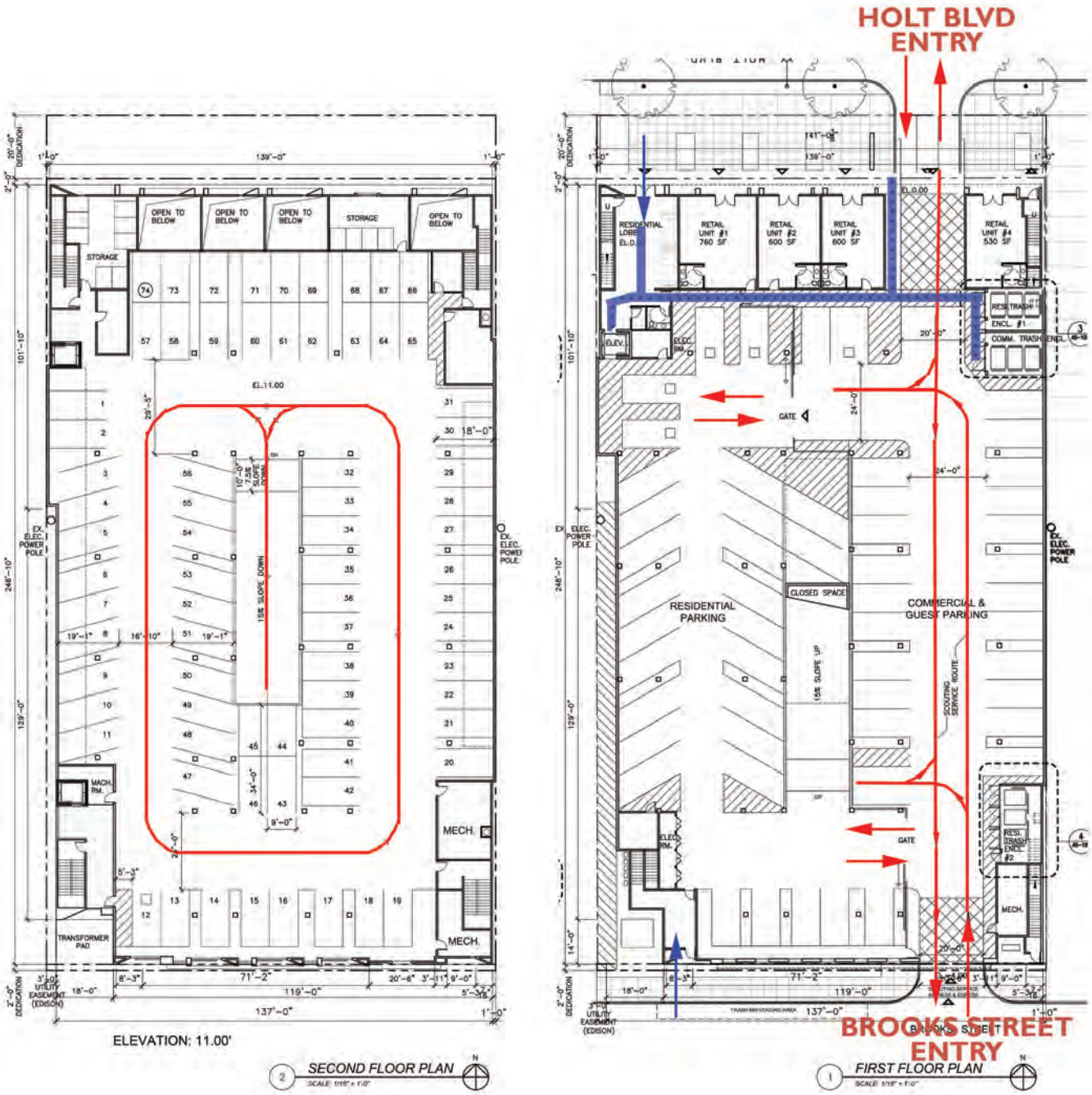
2. Can Collection Area (CCA) Locations: If CCAs are being proposed in lieu of bin enclosures for residential units located along dead end alleys, motor courts, driveways, or private streets, then the SWHP shall comply with the following requirements:

    a. CCAs cannot conflict or compete with potential parking areas. Proposed CCAs must be designated as "no parking" at all times with appropriate striping and signage.
    b. Each residential unit must have a designated CCA and each CCA must delineated with markings so that its location and the unit it is designated for are easily identifiable.
    c. Solid Waste Handling Plan shall include a detail showing how the CCAs will be delineated and identifiable.

3. Private Third Party Hauler: If any Solid Waste Collections are going to be provided by a private third party hauler, include on the SWHP:

    a. A statement describing the service.
    b. The names, contact information, and City of Ontario Commercial Recycler Collection Permit numbers of all private third party haulers. Note: all private third party organics and recycling haulers must be formally approved and permitted by the City of Ontario and meet City Code requirements, otherwise the City must provide the collection services. If the third party haulers do not have a City of Ontario Commercial Recycler Collection Permit, state if the third party hauler is charging a fee for service.
    c. Show & label staging and collection areas for private third party haulers.

Exhibit 5-1: Circulation Plan



6 – DESIGN GUIDELINES

The entire project area is covered by the Ontario Plan Policy Plan (General Plan) and has been designated as mixed-use (Holt Boulevard) and as described in the Ontario Plan Downtown Mixed-Use Growth Area. This PUD area will be distinctive through the requirement of a well-designed projects that convey visual interest and character through:

► Appropriate scale and massing.
► Architectural style and design that are complementary and appropriate to its setting.
► The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
► Appropriate Site Planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well designed street frontages.

6.1 – Building Orientation

Building orientation shall be designed to minimize noise impacts, aide in providing property site safety, create proper accessibility to site amenities and parking, and to maximize views from residential units. Design should also be done in a way to create defensible spaces improving site safety.

- Orientation towards the exterior of the project area shall be carefully evaluated to ensure a proper relationship.
- Buildings shall be clustered in a way that creates defensible spaces providing views of interior open spaces and amenities. For units without garage spaces buildings shall be oriented to create minimal distances from assigned parking spaces to primary or secondary residential unit entries.

The proposed development units was set-backed 2' on Holt Blvd and 2' on Brooks St both streets to form a strong retail and parking podium development adding a more interesting dimensional form to the architecture. The overall look if the development is to appeal to the younger demographics of the city. A sample rendering shown below:

Exhibit 6-1: Architectural Elevations

North Elevation

Exhibit 6-2: Architectural Elevations

South Elevation

Exhibit 6-3: Architectural Rendering

North Perspective

Exhibit 6-4: Architectural Rendering

South Perspective

6.2 – Architectural Character

The Roosevelt Tower design leans toward Contemporary and Modern Minimalist Style. The design will make use of smooth cement plaster exterior finishes, simple square glazed window and storefront openings and decorative metal canopies throughout the development. Large angular forms, creating a series of 'boxes' are used on both north and south exterior facades to emulate the simple and uncluttered lines - a predominant character of the modernist architectural style used by Nuetra and Schindler popularized in the 1930's. The use of strong accent colors all throughout the exterior elevations were meant to offer fresh and playful character that will differentiate the development from the other similar adjacent development along Holt Boulevard.

6.3 – Massing and Scale

All buildings shall be in scale with the surrounding community, with a majority of the building placement to occur toward the boundary of the project site. The prominent building elevations shall face both Holt Boulevard and Brooks Street. Buildings shall be 2 to 5 stories in height, containing a varied amount of units in each building, with varying façade planes so as not to creat a "monotonous" look. Amenities and site design shall be developed with the pedestrian scale in mind.

6.4 – Architectural Details

Architectural variations should occur between buildings to help distinguish each building and create variety within the proposed development. Architectural details should be consistent with the architectural style proposed. Details shall complement and enhance openings, and accentuate the overall design of each building. Detailing can be achieved through the use of different colors, window and door treatments, and a variety in exterior textures and materials (stone, siding, etc.) to create interesting elevations.

Decorative awnings should be placed where feasible, over south facing windows, and adequate shade should be provided for outdoor spaces. Coverings shall use materials compatible with the architecture style to create a comprehensive building design. Exposed beams shall be integrated into the building design.

6.5 – Materials and Color

Materials and colors shall be compatible with, and complementary to, the overall architectural style of the project. Larger building masses shall use a combination of dark and light colors to break up building planes, and use light colored trim to help accentuate roof features. All colors shall be complementary, and the project shall utilize "warm tone" colors. Materials shall be a mixture of stucco, wood, rich stones and masonry siding, in a variety of complementary colors. A concrete or composite roof material shall be used.

6.6 – On-Site Streetscapes and Pedestrian Walkways

Street furniture and decorative paving should be used throughout the project area to enhance architectural design. The use of complementary materials and textures should be used to create a continuity and consistency that is desired throughout the project area.

A variety of decorative elements should be incorporated into the design of the project area, including, but not limited to, benches, tree grates, bike racks, enhanced paving, trash receptacles, and decorative bollards.

A selection of appropriate elements shall consider sidewalk widths, size and spacing of street trees, importance of the pedestrian path, and the requirement to maintain a minimum 4-foot wide walkway for pedestrian movement in all areas. All streetscape features shall comply with the Americans with Disabilities Act (ADA), along with accessibility requirements for public services, such as police and fire.

6.7 – On-Site Lighting

Decorative light fixtures compatible with the architectural style of the buildings shall be provided on-site.

A minimum of one footcandle of light shall be provided within parking areas and 0.5 footcandles of light within pedestrian pathways, in compliance with the City of Ontario Police Department standards.

6.8 – Signs

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development Code. A Sign Program shall be reviewed and approved by the City for this proposed Mixed-Use project.

6.9 – Off-Site Improvements

All off-site improvements shall be installed in accordance with City standards, and to the satisfaction of the City Engineer.

Note: All Priority Land Use (PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water Resources Control Board (SWRCB) and trash requirements in the most current San Bernardino.

Exhibit 6-5: Streetscape Examples

7 – INFRASTRUCTURE AND UTILITIES

7.1 – Infrastructure

All improvements and alterations to public infrastructure (sewer, water, recycled water, storm drain, etc.) shall obtain approval from all appropriate agencies.

If infiltration is deemed feasible by a licensed geotechnical engineer, on-site storm water drainage facilities shall be provided for capture and infiltration of a 2-yr, 24-hour storm event, consistent with the San Bernardino County MS4 Program's Water Quality Management Plan (WQMP) requirements for new development. Storm water capture and infiltration facilities include the utilization of not proposed MaxWell Drywells and underground storm water infiltration chambers.

7.2 – Street Improvements

Street improvements (street, sidewalk, parkway, curb, gutter, street lights, etc.) shall be constructed with the development of the project site. Improvements will be required on the streets adjacent to the project area including Holt Boulevard and Brooks Street. Design and construction of street improvements shall be in accordance with the City standards, and to the satisfaction of the City Engineer. Exhibit 7-4 (Street Sections) identifies the improvements for each street adjacent to the project site.

Upon development of the project site, the developer shall construct the right-of-way improvements adjacent to the project site, to the centerline of the street (street, curb, gutter, parkway, sidewalk, etc.). Curb returns at entry and exit driveways to the project site on Holt Boulevard and Brooks Street, shall be designed and constructed with a minimum 10-foot radius. All Priority Land Use (PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water Resources Control Board (SWRCB) and trash requirements in the most current San Bernardino. See Exhibit 7-1 (Civil Plan).

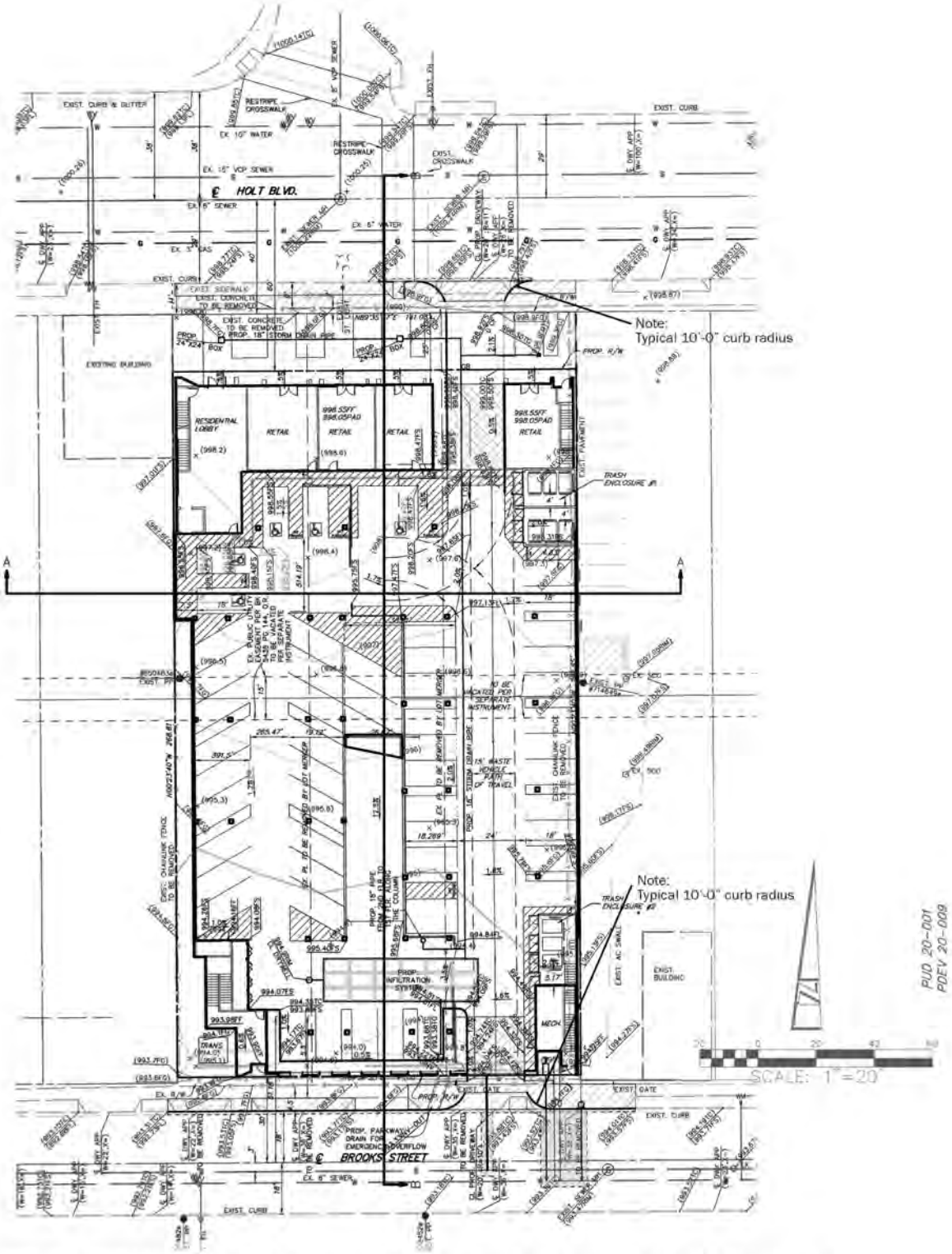
7.3 – Public Utilities

All existing dry utilities (electricity, cable, telephone, gas, etc.) along Holt Boulevard and Brooks Street shall be relocated and re-routed as required and approved by the affected utility agencies/companies.

7.4 – Street Dedication, Vacation and Easements

The ultimate Holt Boulevard right-of-way is 60 feet, measured from centerline, and will require an additional 20 feet of street dedication. The ultimate Brooks Street right-of-way is 30 feet, measured from centerline, and will require an additional 2 feet of street dedication.

Exhibit 7-1: Civil Plan



Note: "All Priority Land Use(PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water resources Control Board (SWRCB) and trash requirements in the most current San Bernardino"

Exhibit 7-2: Utility Plan

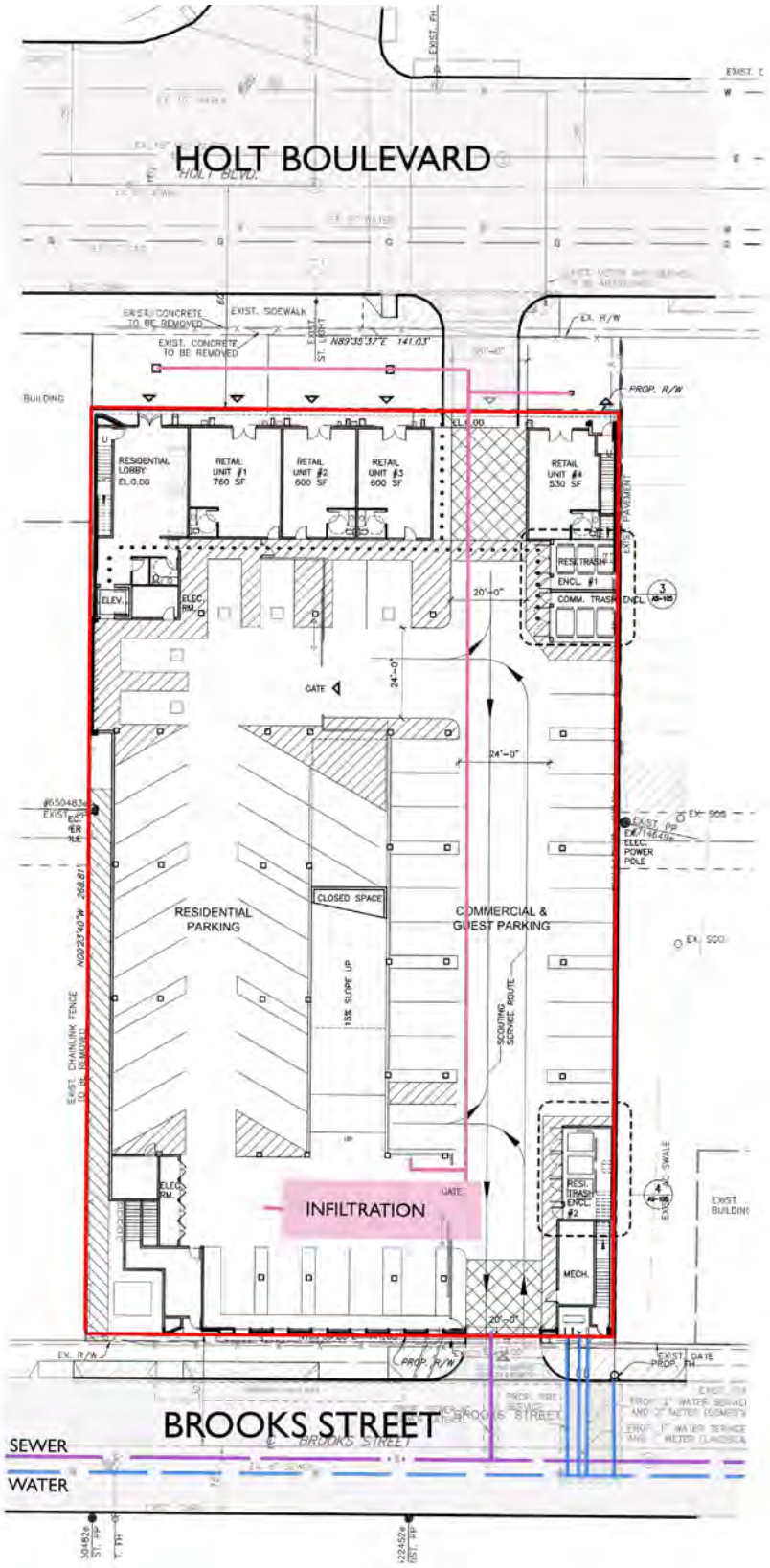


Exhibit 7-3: Easement and Dedication Locations

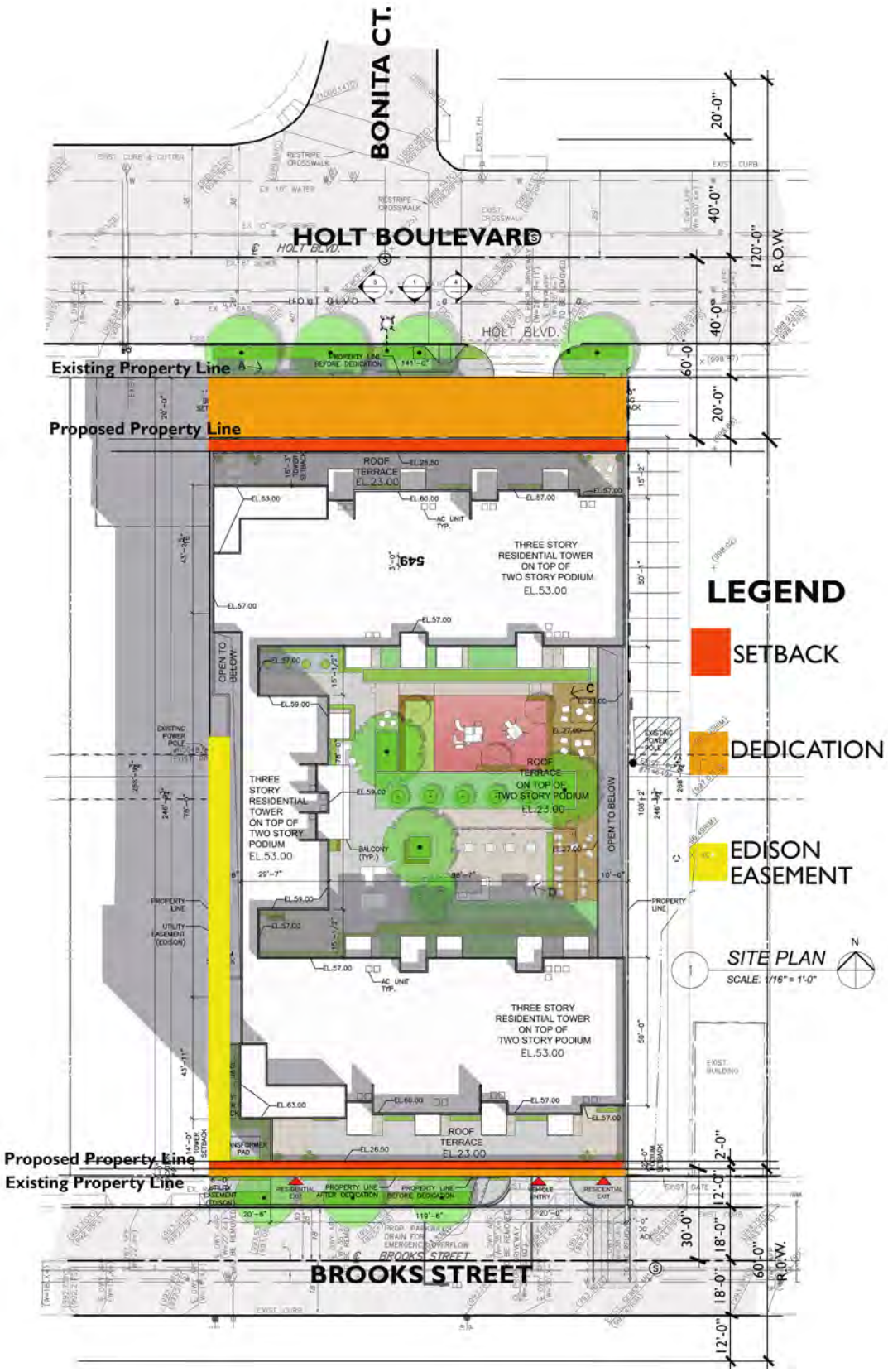
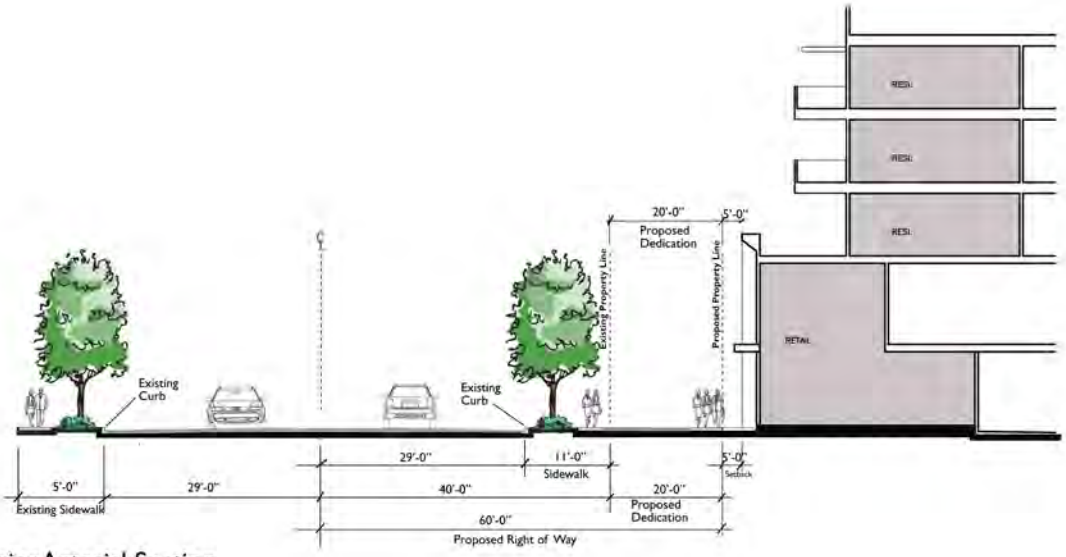
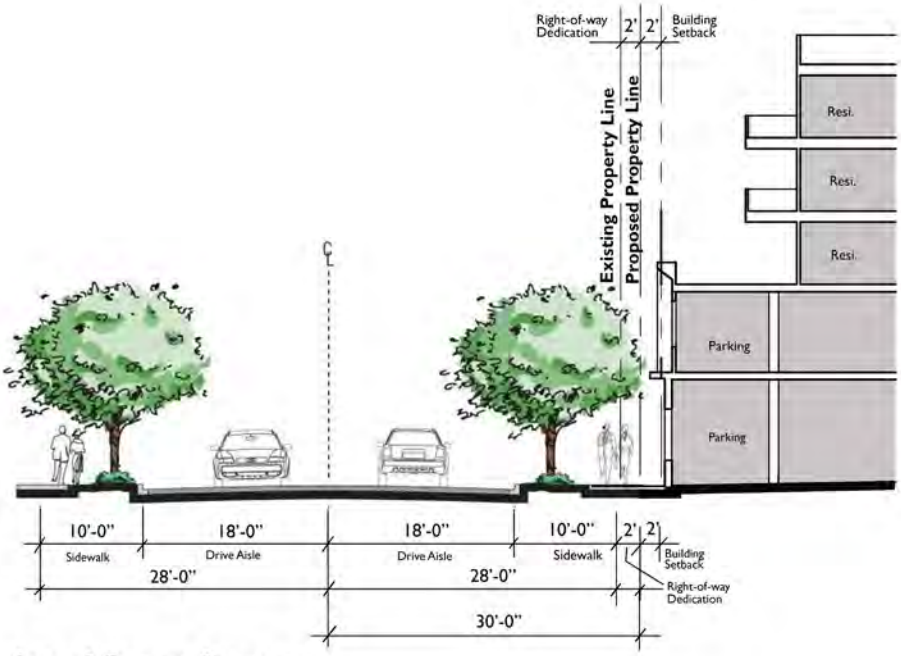


Exhibit 7- 4: Street Sections



Major Arterial Section
Holt Boulevard



Local Street Section
Brooks Street
not to scale

8 – CEQA COMPLIANCE

An Addendum to The Ontario Plan Environmental Impact Report (SCH No. 2008101140), prepared in conjunction with File No. PGPA06-001, and certified by the City of Ontario City Council on January 27, 2010, was prepared for the project. The Approving Authority for the Project reviewed and considered the information contained in the Addendum, the initial study, and the administrative record for the Project, including all submitted written and oral evidence. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence, the Approving Authority found as follows:

- The Addendum and administrative record have been completed in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and
- The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Approving Authority; and
- There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and
- The project will not introduce any new significant environmental impacts beyond those previously analyzed in the Environmental Impact Report, and all mitigation measures previously adopted by the Environmental Impact Report, are incorporated herein by this reference.

8.1 – Environmental Performance Standards

Due to the proximity of the project area to rail lines and Holt Avenue which are both generators of noise and emissions, standards have been established to mitigate these environmental impacts.

8.1.1 – Noise

To ensure a proper standard of living, noise levels shall not exceed 65 dBA for exterior noise levels and 45 dBA for interior noise levels. In order to achieve these noise levels the following mitigations shall be followed:

- Prior to the issuance of building permits, the developer/owner shall retain an acoustic engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls), and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors and attic baffling), to ensure compliance with the City's Noise Compatibility Criteria, and the California State Building Code and California Noise Insulation Standards (CCR Titles 24 and 21).
- Prior to the issuance of building permits, the developer/owner shall retain an acoustical engineer to evaluate the potential for trains to create perceptible levels of vibration indoors. If vibration-related impacts are found, mitigation measures, such as use of concrete, iron, steel, or masonry materials to ensure that levels of vibration amplification are within acceptable limits to building occupants, shall be implemented. Pursuant to the Federal Transit Administration vibration-annoyance criteria, these acceptable limits are 78 VdB during the daytime and 72 VdB during the nighttime for residential uses.
- Construction activities shall only occur between the hours of 7:00 AM and 6:00 PM on weekdays, and 9:00 AM and 6:00 PM on Saturdays and Sundays;
- Structural noise attenuation requirements contained in Ontario Municipal Code Title 8, Chapter 15, Article 3 (Building Requirements for New Residential Construction in the 65 CNEL to 70 CNEL Noise Zone) are required to be incorporated into exterior façade units located along the eastern, western, and northern project perimeter.
- Structural noise attenuation requirements contained in Ontario Municipal Code Title 8, Chapter 15, Article 2 (Building Requirements for New Residential Construction in the 70 CNEL to 75 CNEL Noise Zone) are required to be incorporated into exterior façade units located along the southern project perimeter;
- Balconies on exterior façade units located along the project's east, south and north frontages shall have a solid balcony barrier of at least 5 feet per study findings. On exterior façade units located along the project's south perimeter street frontage, no balconies or yard areas shall be permitted; and
- If required upon findings of a study, a 6-foot high solid decorative masonry block wall with self-closing, sound insulated gates shall be constructed between the buildings located along the southern edge of the project site. This will ensure exterior noise for outdoor facilities within the project will not exceed 65 dB CNEL.

8.1.2 – Air Quality

- Due to the proximity of the active rail lines to the south of the project area, air quality is a concern for the project site resulting from the diesel emissions from trains.
  Listed below are standards for reducing the air quality impacts of the diesel emissions.
- All residential living areas shall be equipped with air filtration systems operating under a positive pressure rated at MERV 12 or higher;
- The HOA or property management will replace all unit filters on a routine basis, deter mined by industry standards for the filter and air conditioning HVAC systems selected;
- The active outdoor recreation areas should be shifted northward where feasible, to provide the greatest possible distance setback from the closest railroad tracks; and
- A dense tree canopy shall be established along the southern site boundary to act as a living bio-filter for particulate air pollution.

9 – ADMINISTRATION

9.1 – Items Not Addressed in PUD

Any terms or regulations pertaining to design, development, subdivision, administration and interpretation, and nonconforming use, structures and, which are not addressed in this PLANNED UNIT DEVELOPMENT, shall be governed by the City of Ontario Development Code.

9.2 – Development Applications

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

9.3 – Administrative Exceptions

Minor exceptions to the development standards set forth in this document may be granted by the Zoning Administrator in accordance with Section 4.02.020.C (Administrative Exceptions) of the Ontario Development Code, not to exceed 10 percent from minimum residential setback and separation requirements.

9.4 – Severability

If any portion of this Planned Unit Development is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Planned Unit Development. Moreover, the decision shall not affect, impair, or nullify this Planned Unit Development, either in whole or in part, and the remainder of this Planned Unit Development shall continue in full force and effect.

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD20-001, A PLANNED UNIT DEVELOPMENT (THE ROOSEVELT TOWER PLANNED UNIT DEVELOPMENT) ESTABLISHING DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE REQUIREMENTS FOR 0.81 ACRES OF LAND LOCATED AT 549 WEST HOLT BOULEVARD, WITHIN THE MU-1/LUA-3 (DOWNTOWN MIXED-USE/HOLT BOULEVARD DISTRICT) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 1049-021-09.

WHEREAS, Kathy Huynh ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD20-001, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.81 acres of land located at 549 West Holt Boulevard, within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and the site is presently vacant land; and

WHEREAS, the property to the north of the Project site is within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and is developed with the Ontario Village Commercial Shopping Center. The property to the south is within the IL (Light Industrial) zoning district and is developed with a mix of industrial uses. The property to the east and west are within the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and are developed with multi-tenant commercial uses; and

WHEREAS, in conjunction with the Planned Unit Development (The Roosevelt Tower Planned Unit Development) application, the Applicant has submitted a Development Plan application (File No. PDEV20-009) to construct a mixed-use project consisting of 59 multiple-family dwellings (three-stories of residential units over two-stories of podium parking and 2,500 square feet of first floor retail space) on the Project site. Approval of the Development Plan application will not be final and complete until The Roosevelt Tower Planned Unit Development, File No. PUD20-001, has been approved by the City Council; and

WHEREAS, the Ontario Plan Policy Plan (general pan) designates the Project area as MU (Mixed-Use). The Ontario Plan describes the Downtown Mixed-Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenue. The Downtown Mixed Use is also intended to provide new housing opportunities that will also provide increased demand for commercial/retail in a more urban, concentrated, and strategic location. The densities and intensities of the mixed-use designation represented within The Ontario Plan (“TOP”) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development; and

WHEREAS, the Policy Plan specifies that the Downtown Mixed-Use Area is to be implemented through the approval of an Area Plan or Planned Unit Development ("PUD") prior to the development of properties within the area. In compliance with this requirement, the Applicant has submitted "The Roosevelt Tower Planned Unit Development" (included as "Attachment A" to this Ordinance), which is consistent with this vision and the goals and policies of the Policy Plan; and

WHEREAS, the purpose of the PUD is to secure a fuller realization of the Policy Plan than would result from the strict application of present zoning district regulations and to:

- Promote high standards in urban design;
- Encourage the development of exceptionally high quality, mixed-use, medium to high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs;
- Ensure harmonious relationships with surrounding land uses; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on July 26, 2022, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC22-037 recommending the City Council approve the Application; and

WHEREAS, on September 6, 2022, the City Council of the City of Ontario conducted a hearing to consider the Project. The City Council continued the Project to a future and concluded said hearing on that date; and

WHEREAS, on December 6, 2022, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-Fill Development) of the CEQA Guidelines, which consists of projects characterized as infill developments, meeting the following conditions:

a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations. The proposed Project is located within the MU (Mixed Use) land use district of the Policy Plan Land Use Map, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans and exhibits of the Policy Plan (General Plan) component of the Ontario Plan.

b) The proposed development occurs within city limits, on a Project site of no more than five acres and is substantially surrounded by urban uses. The Project site is 0.81-acres of land, located within the incorporated boundaries of the City of Ontario. Furthermore, the site is situated within a fully urbanized area that is characterized by a mix of industrial and multi-tenant commercial developments.

c) The Project site has no value as habitat for endangered, rare, or threatened species. The site is currently vacant land, with no value to endangered, rare or threatened species.

d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. Conditions of approval have been imposed on the Project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

e) The Project can be adequately served by all required utilities and public services. The site is located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric and municipal solid waste services; and

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites Inventory contained in Tables B-1 and B-2 of the Housing Element Technical Report.

SECTION 3: Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP; and

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

(1) The proposed PUD, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Project is located within the MU (Mixed Use) land use district of the Policy Plan Land Use Map, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) The proposed PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The City Council has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and The Roosevelt Tower PUD are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan vision, and the MU-1/LUA-3 (Downtown Mixed-Use/Holt Boulevard District) zoning district and the Roosevelt Tower PUD.

(3) In the case of an application affecting specific property, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses. A thorough review and analysis of the proposed Project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the Project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, intensified landscape elements, and decorative hardscape elements. In addition, conditions of approval have been imposed on the Project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

(4) In the case of an application affecting specific property, the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development. In preparing the proposed PUD, a thorough review and analysis of the proposed Project and the Project site's physical suitability for the proposed Project was completed, including analysis of the Project size, shape, intensity of development, building height, building setbacks, site access, site landscaping and drainage, fences and walls, vehicle circulation, pedestrian connections, availability of mass transit, necessary street dedication and easements, public right-of-way improvements, availability of utilities and other infrastructure needs, off-street parking and circulation, building orientation and streetscapes, architectural character, building materials and color, and site signage.

(5) The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan. The proposed PUD addresses aspects of the Project that are specifically related to the proposed Development Plan, File No. PDEV20-009, filed in conjunction with the PUD, including necessary building

setbacks, site access points, off-street parking, site circulation, and architectural character.

SECTION 5: City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described The Roosevelt Tower Planned Unit Development (File No. PUD20-001), attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 9: Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 10: Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within (15) days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ of _____ 2022.

_____

PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2022 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. _____ duly passed and adopted by the Ontario City Council at their regular meeting held _____ and that Summaries of the Ordinance were published on _____ and _____, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

<u>ATTACHMENT A</u>:

File No. PUD20-001;
The Roosevelt Tower Planned Unit Development

(Document follows this page)

ROOSEVELT TOWER

HOLT BOULEVARD, ONTARIO, CALIFORNIA

MAY 02, 2022

PLANNED UNIT DEVELOPMENT

The Roosevelt Tower Planned Unit Development

Table of Contents

1 – Introduction 6

2 – Objectives 9
2.1 – The Ontario Plan (TOP) Objectives..... 9
2.2 – PUD District Purpose And Objectives 19

3 – Allowable Uses 20
3.1 – Residential Use 21
3.2 – Retail Use 21
3.3 – Permitted Use Table/List 21

4 – Development Regulations 26
4.1 – Residential Density 26
4.2 – Building Height 27
4.3 – Setbacks 28
4.4 – Open Space Requirements 31
4.5 – Parking Requirements 34
4.6 – Vehicular Access 36
4.7 – Service Facilities 38
4.8 – Landscaping 40
4.9 – Screening 47

5 – Circulation 48
5.1 – Site Accessibility 48
5.2 – Vehicular Circulation 48
5.3 – Pedestrian Circulation 48
5.4 – Integrated Waste Pickup Circulation 49

6 – Design Guidelines 54
6.1 – Building Orientation 54
6.2 – Architectural Character 57
6.3 – Massing and Scale 57
6.4 – Architectural Details 57
6.5 – Materials and Color 58
6.6 – On-Site Streetscapes and Pedestrian Walkways 58
6.7 – On-Site Lighting 58

6.8 – Signs 59
6.9 – Off-Site Improvements 59

7 – Infrastructures and Utilities 61
7.1 – Infrastructure 61
7.2 – Street Improvements 61
7.3 – Public Utilities 62
7.4 - Street Dedication, Vacation and Easements 62

8 – CEQA Compliance 67
8.1 – Environmental Performance Standard 67

9 – Administration 70
9.1 – Items Not Addressed in PUD 70
9.2 – Development Applications 70
9.3 – Administrative Exceptions 70
9.4 – Severability 70

Exhibits

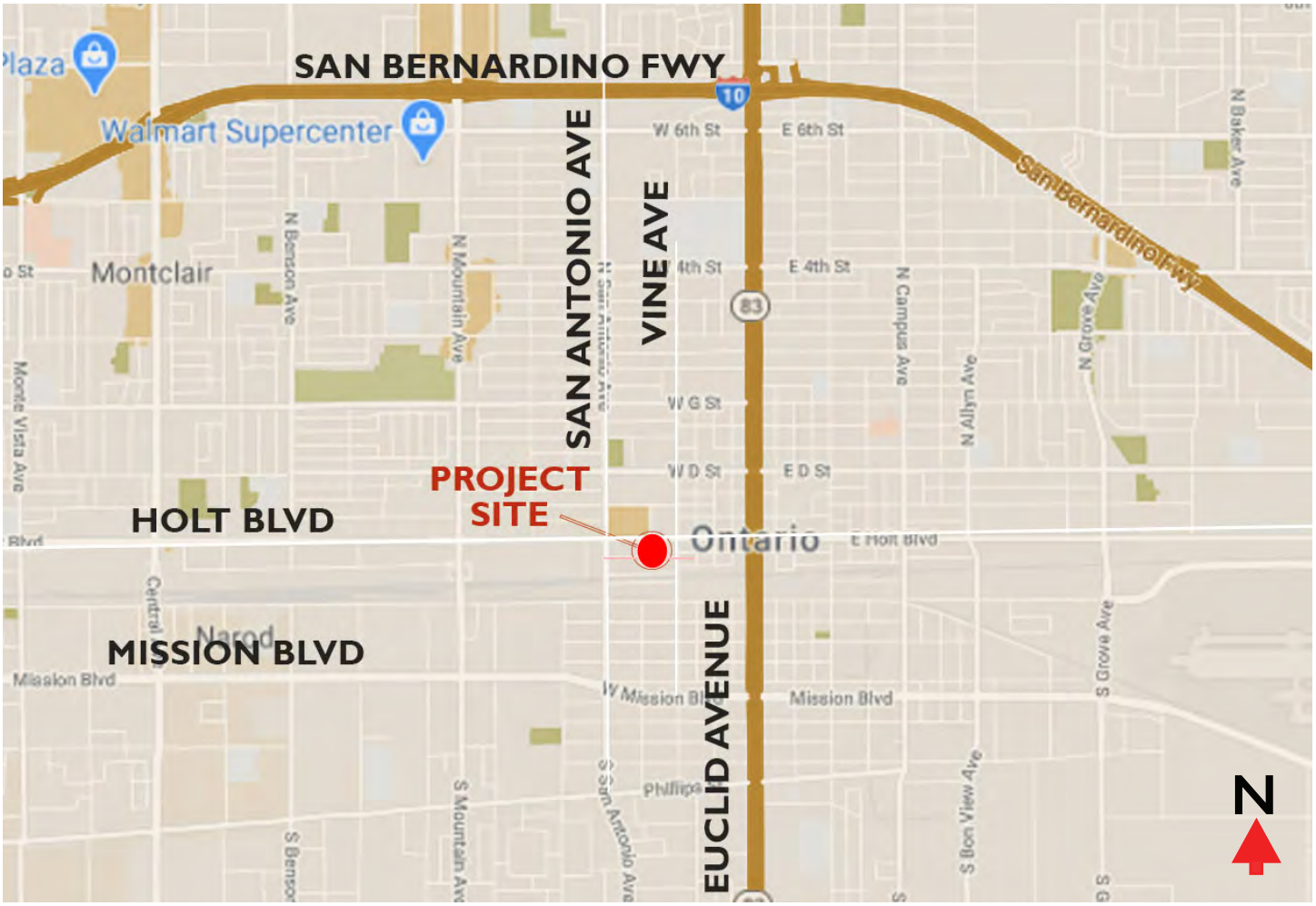
Exhibit 1-1: Vicinity Map 5
Exhibit 1-2: Location Map 6
Exhibit 1-3: Land Use Map 7
Exhibit 1-4: Existing Site Map 8
Exhibit 1-5: Proposed Site Map 8
Exhibit 3-1: Land Use Plan 20
Exhibit 4-1: Podium Diagram 26
Exhibit 4-2: Height Diagram 27
Exhibit 4-3: Setback Diagram 29
Exhibit 4-4: Projection Diagram 30
Exhibit 4-5: Private Open Space Diagram 32
Exhibit 4-6: Common Open Space 33
Exhibit 4-7: On-Street Parking 36
Exhibit 4-8: Trash Enclosures Site Plan 39
Exhibit 4-9: Colored Landscape Plan 42
Exhibit 4-10: Holt Boulevard Planting Palette 43
Exhibit 4-11: Common Space Planting Palette 44
Exhibit 4-12: Brooks Street Planting Palette 45
Exhibit 4-13: Landscaping Rendering..... 46
Exhibit 5-1: Circulation Plan 53
Exhibit 6-1: Architectural Rendering 55
Exhibit 6-2: Architectural Rendering 55
Exhibit 6-3: Architectural Rendering 56

Exhibit 6-4: Architectural Rendering 56
Exhibit 6-5: Streetscape Examples 60
Exhibit 7-1: Civil Plan 63
Exhibit 7-2: Utility Plan 64
Exhibit 7-3: Easement and Dedication Locations 65
Exhibit 7-4: Street Sections 66

Tables

Table 3-1: Permitted Use Table 22
Table 4-1: Minimum Building Setbacks 28
Table 4-2: Maximum Encroachments into Building Setbacks 28
Table 4-3: Private Open Space 31
Table 4-4: Minimum Parking Requirements 35

Exhibit 1-1: Vicinity Map



1 – INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of a 57-Unit Residential and Mixed-use Complex located at 549 W. Holt Boulevard in the City of Ontario. The development is a 5-story residential and retail complex bounded by Holt Avenue on its north side and Brooks Street at its south side (see Exhibit 1-2: Location Map).

The 35,085 SF project site is located within the Ontario Plan Downtown Mixed-Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Roosevelt Tower on Holt Planned Unit Development (PUD) will replace the existing zone district designations and zoning standards that apply to the affected properties. Unless otherwise defined herein, definitions and interpretations contained in the Development Code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City's land use and design objectives.

Exhibit 1-2: Location Map

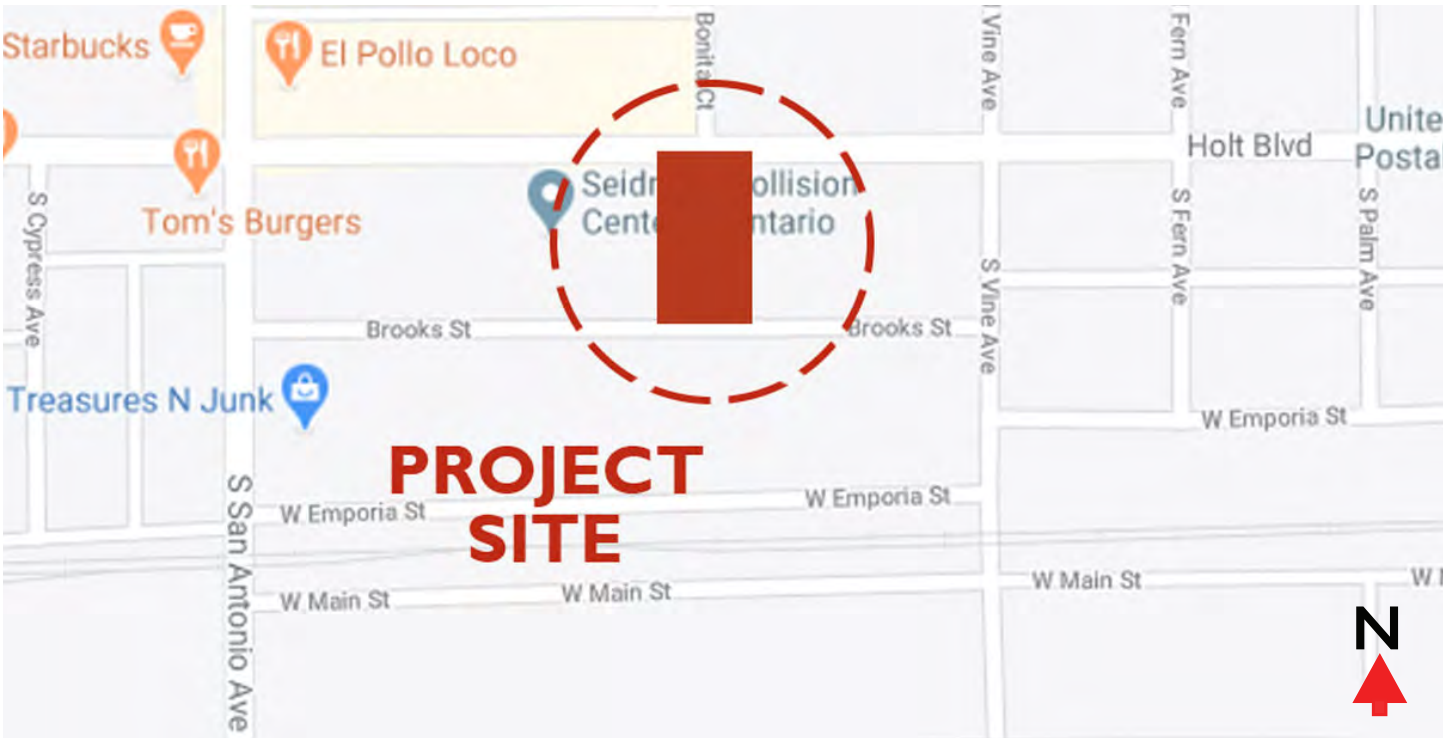
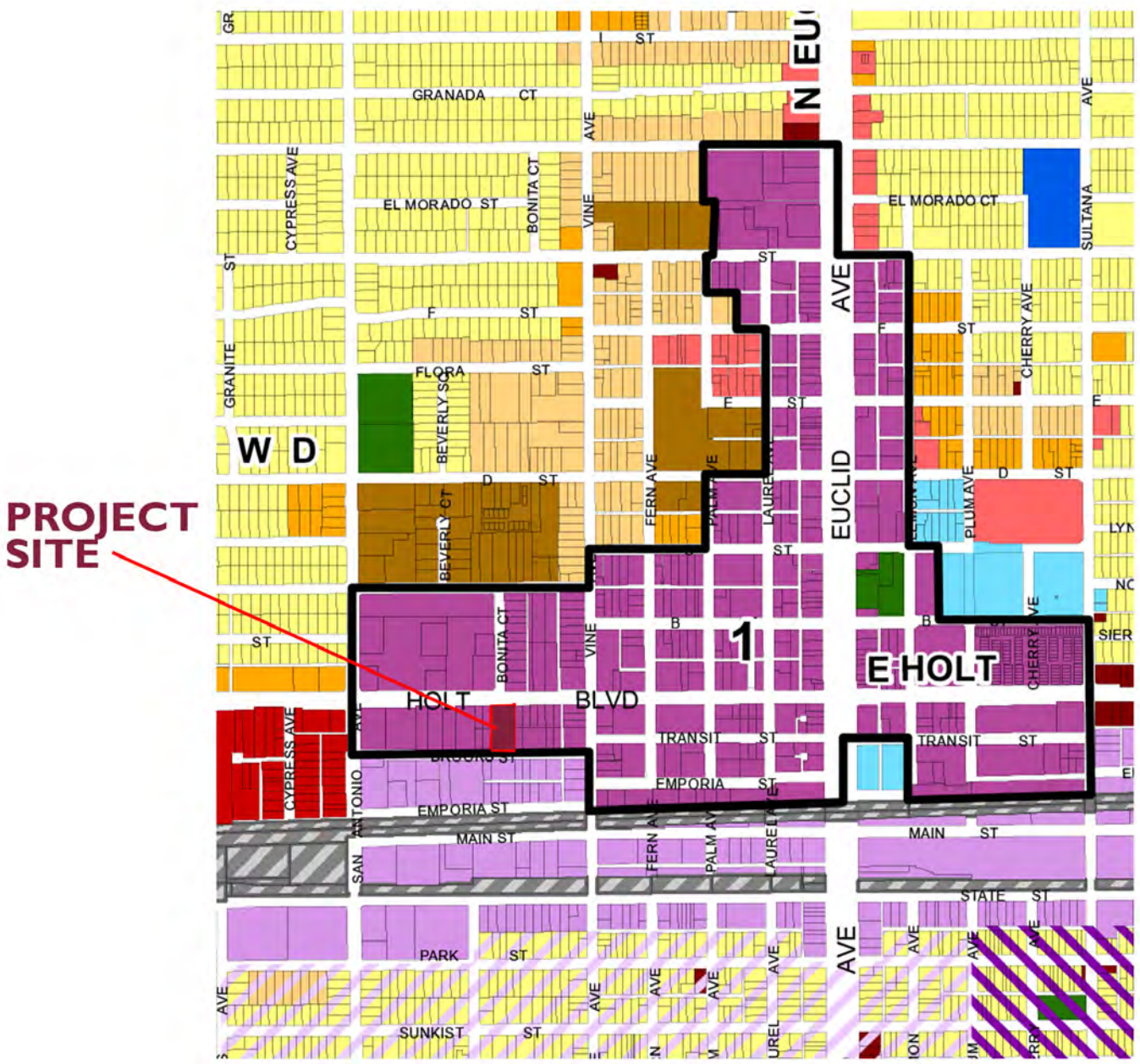


Exhibit 1-3: Land Use Map: MU-1 (Mixed-Use Zone 1)



General Plan Land Use Designation: MU (Mixed-Use)
ZONE: MU-1 (Downtown Mixed-Use)

Exhibit 1-4: Existing Site Map

Exhibit 1-5: Proposed Site Map

2 – P.U.D. OBJECTIVES

2.1 – The Ontario Plan (TOP) Objectives

The Ontario Plan, which includes the City's General Plan, designates the project area as part of the Downtown Mixed Use District. The Downtown Mixed Use District designation requires approval of an Area Plan or Planned Unit Development to develop the property. Additionally, the designation specifies a residential density range of 25.0 to 75.0 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses.

The intent of this designation is to:

1. Create "an intensive vertical and horizontal mixture of residential and retail uses in a pedestrian friendly atmosphere;
2. Ensure the historic character is enhanced when required or appropriate; and
3. Concentrate intensive Land uses on Holt Avenue.

The Holt & Brooks PUD is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Policy Plan (General Plan), and (3) City Council Priorities. The policies furthered by this PUD are as follows:

1. Vision

On February 13, 2007, the Ontario City Council adopted The Ontario Vision. The central theme that motivates the Vision is - "A sustained, community-wide prosperity which continuously adds value and yields benefits. "Everything the City does and every action the City takes is done with the simple yet comprehensive theme in mind, from the design quality of the built environment, to the intent of designing socio-economic programs, to the way in which its leaders govern as a community. In discussing a Vision that would endure for the lifetime of The Ontario Plan (30 years or more), the City Council recognized that there are four components that serve as the basic building blocks that set the foundation for a unified and prosperous community. These foundational blocks must be expressed and widely accepted throughout the Plan's lifetime. They are:

1. A Dynamic Balance that enables our community to confront the continued dynamic growth of the region and technological change with confidence and a sense of opportunity.

2. A Prosperous Economy that sustains the perception and reality of prosperity across our entire community that positively impacts all the people of Ontario and is broadly - though not uniformly - shared.
3. Distinctive Development that integrates our varied and diverse focal points, districts, villages, and neighborhoods to provide a feeling of coherence without sacrificing uniqueness.
4. Recognized Leadership in local governance that stimulates excellence and serves to unify the people of Ontario in support of best practices in conducting public endeavors.

Holt & Brooks PUD will implement the Ontario Vision in several ways that will further the City's desire to be a sustainable and prosperous community.

DISTINCTIVE DEVELOPMENT

Commercial and Residential Development

- The PUD will support new multifamily developments and existing residential neighborhoods by providing the increased demand for retail in more concentrated, strategic location (e.g., at major intersections) as intended for the Downtown Mixed-Use Area.

- The PUD will seek to ensure a mix of retail and commercial uses that will provide a variety of goods and service to the surround community and the future Bus Rapid Transit (BRT) users.

Design Quality

- The PUD will require a well-designed projects that covey a visual interest and character through:

  - Appropriate scale and massing
  - Architectural style and design that are complementary and appropriate to its setting.
  - The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.

- Appropriate Site Planning to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well designed street frontages.

Public Safety

- The PUD will ensure that proper exterior lighting standards be located and designed to minimize direct glare beyond the projects parking levels and into any future residential developments to the west and east of the project site. In addition, working with the Police Department, to ensure that all lighting standards comply with the one-foot candle illumination to provide a level of security and public safety within the project's retail areas as well as in the existing commercial areas adjacent to the project site.

2. Policy Plan

LAND USE ELEMENT

LU1 Balance

Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

The PUD, through the development of retail and commercial uses, will help provide jobs to help support the existing and new development within the sunounding area.

Polices:

- *LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.*

  The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector.

- *LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.*

LU2 Compatibility

Goal LU2: Compatibility between a wide range of uses.

The PUD, through land use regulations for permitted uses, have ensured that those permitted uses allowed within the PUD are compatible with the surrounding area and not allow those uses that may have potential to create adverse impacts to the surrounding area.

Polices:

- *LU2-I: Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.*

  The project area is zoned MU-2 (Downtown Mixed Use) and require that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

- *LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*

  The PUD, through site planning, we will require the that future building developed on the site shall be placed along the frontages of Holt Boulevard to keep a buffer between the future residential development.

- *LU2-4 Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed. Those uses with operations that may have potential to create nuisances, will require discretionary approval through the Conditional Use Permit process.

- *LU2-5 Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.*

  The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

LU3 Flexibility

Goal LU3 Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

The Ontario Plan describes the Downtown Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The historic character is enhanced. To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines.

Policies:

- *LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.*

  To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that covey visual interest.

COMMUNITY ECONOMICS ELEMENT

CE1 Complete Community

Goal CE1: A complete community that provides for all incomes and stages of life. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area and contribute to the City's tax sales base.

CE2 Place-Making

Goal CE2: A City of distinctive neighborhoods, districts, and conidors, where people choose to be.

The PUD will seek to ensure a mix a retail and commercial uses that will provide a variety of goods and service to the surround community and the future Buss Rapid Transit (BRT) users. The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- ► Appropriate scale and massing.
- ► Architectural style and design that are complementary and appropriate to for its setting.
- ► The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.

- ► Appropriate Site Planning that to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

MOBILITY ELEMENT

M3 Public Transit

Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

COMMUNITY DESIGN

CD1 Image & Identity

Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.

- To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; how ever, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-1 (Downtown Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that covey visual interest.

Policies:

- *CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.*

The entire project area is covered by the Ontario Plan Policy Plan (General Plan) and has been designated as mixed-use (Holt Boulevard) and as described in the Ontario Plan Downtown Mixed-Use Growth Area. This PUD area will be distinctive through the requirement of a well-designed projects that convey visual interest and character through:

- Appropriate scale and massing.
- Architectural style and design that are complementary and appropriate to its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate Site Planning that to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and welldesigned street frontages.

- *CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary rights-of-way dedications for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX west Valley Connector and any future bus stop site frontage along Holt Boulevard. In addition, the PUD will require adequate landscaping, hardscape, signage and lighting to the prominent areas along Holt Boulevard as well as the secondary face of the project along Brooks Street to the south of the project site.

CD2 Design Quality

Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.

Polices:

- CD2-I *Quality Architecture*. We encourage all development projects to convey visual interest and character through:

  - building volume, massing, and height to provide appropriate scale and proportion;

- a true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- ▶ Appropriate scale and massing
- ▶ Architectural style and design that are complementary and appropriate to for its setting.
- ▶ The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- ▶ Appropriate Site Planning that to ensure building orientation visibility form the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and welldesigned street frontages.

- *CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.*

  The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to the area currently lacking close access to a retail center. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses business that will provide a variety of goods and service to the surround community and the future Buss Rapid Transit (BRT) users.

- *CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector. In addition, the future development entitlements will require site improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- *CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.*

The PUD development standards that landscape design, materials and will be used to enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- *CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.*

  The PUD development standards will ensure water conservation be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees will be used to reduce heat gain on buildings, paving and parking areas.

3. City Council Priorities

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

2.2 – PUD District Purpose And Objectives

The purpose of The Roosevelt Tower (PUD) is to secure a fuller realization of the general plan than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality residential and commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses.

The intent of the PUD District is to:

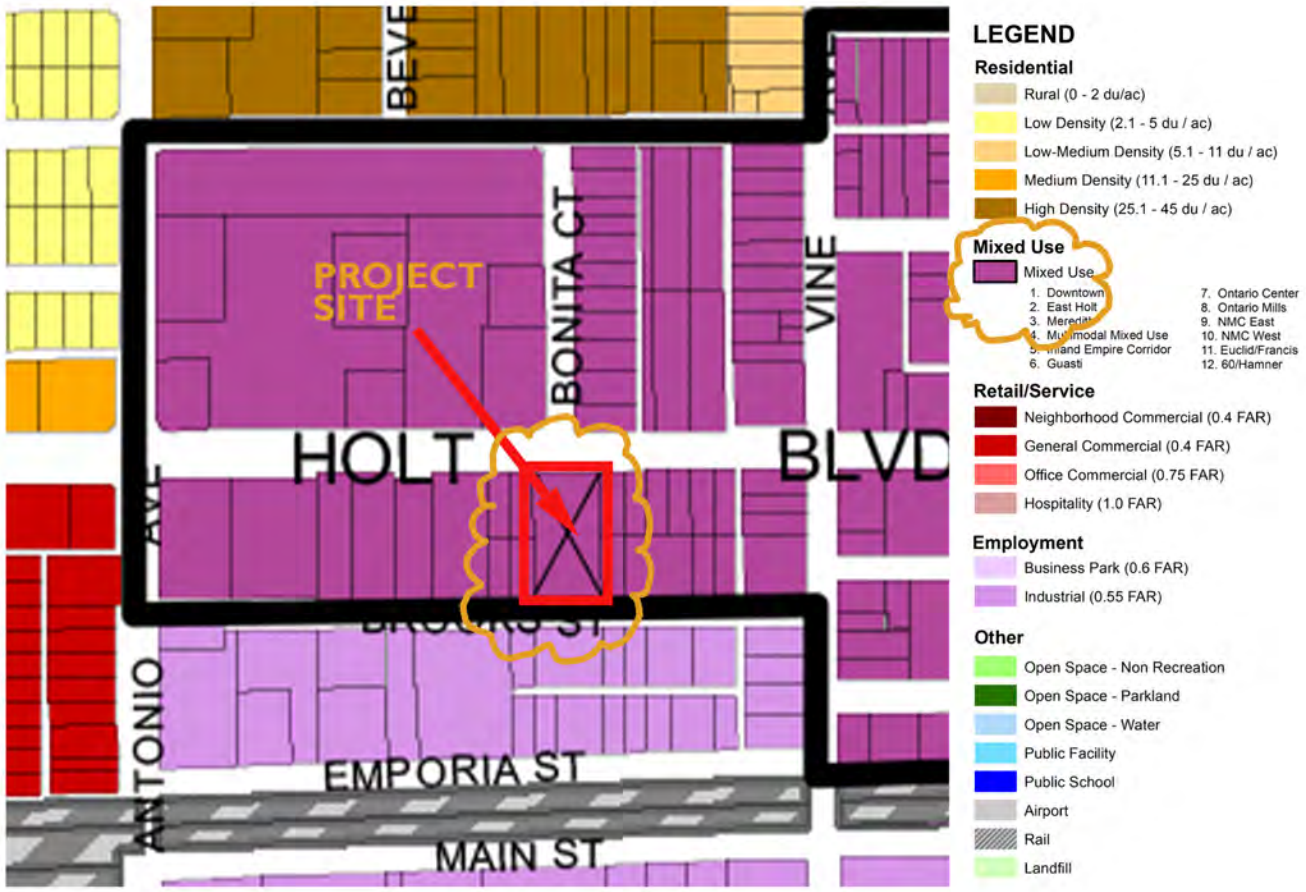
- Promote development projects that are consistent with the land use/downtown revitalization objectives of the City Redevelopment Project area.
- Promote residential and community commercial uses to meet the needs of the projects surroundings residential uses.
- Promote the plaza areas within the commercial center to providing for social interaction.
- Orient buildings to the street, wherever possible to create an accessible urban edge and sense of arrival.
- Incorporate landscaping to enhance the environment.

3 – ALLOWABLE USES

The project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use Area. The MU-1 zoning district is established to accommodate an intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area. The most intensive uses within this district are envisioned along Euclid Avenue and Holt Boulevard.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated for Multiple-Family Residential (MFR) land uses. Exhibit 3-1 (Land Use Plan), below, depicts the Planned Unit Development boundary and land use designation.

Exhibit 3-1: Land Use Plan



3.1 – Residential Use

The project site is proposed to be developed with high quality, multi-family housing units, either two or three levels over two levels of podium parking. The buildings will be a combination of podium-style stacked flat units, with parking beneath, and townhome style units, with first floor garage access.

3.2 – Retail Use

As part of the mixed-use character of the project, a 2,740 SF retail component will be incorporated on the first level of the podium of the building. This total area is well within the 2.0 FAR allowed by city and is in line with the city's vision for Holt Avenue to be an intensive vertical and horizontal mixture of retail, office, and residential uses, in a pedestrian friendly atmosphere.

3.3 – Permitted Use Table/List

Some of the permitted land uses within The Roosevelt Tower PUD are as follows:

1. Multiple-family dwellings;
2. Recreation facilities ancillary to multiple-family residential development projects, for use by project residents and their guests, including, but not limited to, pools, spas, tennis courts, clubhouse or recreation building, playgrounds or tot lots, and other similar amenities appropriate to serve a multiple-family residential development project;
3. Temporary uses (as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit);
4. Leasing/Administrative Office (for on-site property and facilities management only);
5. Motor vehicle parking ancillary to a multiple-family residential development project; and
6. Other land use compatible with multiple-family residential development projects, as determined appropriate by the Zoning Administrator.

Table 3-1: Permitted Use Table	
Land Use	**MU-1 Commercial**
EDUCATIONAL	
Vocational/Trade Schools	**C**
Private Schools	
MEDICAL	**P**
Animal Hospital/Veterinarian	**P**
Ambulance Service (Office Only - No Storage of Vehicles)	**P**
Medical Office	**P**
MEDICAL OFFICE/FAMILY CLINIC	
Pharmacies and Drug Stores w/Drive-thru Facilities	**P**
Industrial Clinic	**P**
PUBLIC FACILITIES	
Police/Fire Station	**P**
Police Storefront/Substation	**P**
RETAIL/COMMERCIAL	
Discount Variety Store	**P**
Hobby, Toy and Game Store	**P**
Home Appliance Store	**P**
Jewelry Store	**P**

Table 3-1: Permitted Use Table	
Land Use	**MU-1 Commercial**
Luggage and Leather Goods	**P**
Music and Video Stores	**P**
Office Supply, Stationery and Gift Stores	**P**
Pet and Pet Supply Store	**P**
FOOD AND BEVERAGE STORES	
Bakery	**P**
Delicatessen	**P**
Convenience Market	**P**
Grocery Store	**P**
Specialty Food Stores	**P**
SERVICES	
Advertising Agency	**P**
Data Processing Services	**P**
Data Processing Services	**P**
Photography Studio	**P**
Photocopying and Duplicating Services	**P**

Table 3-1: Permitted Use Table	
Land Use	**MU-1 Commercial**
FINANCIAL SERVICES	
Banks, Credit Unions and other Despository Institutions	**P**
Banks, Credit Unions and other Despository Institutions with Drive-thru (See Development Ordinance Section 9-101305 D)	**C**
PERSONAL SERVICES	
Barber Shop and Beauty/Nail Salon	**P**
Dry Cleaners	**P**
Laundry - Commercial	**C**
Pet Grooming	**P**
Tailor	**P**
Travel Agency	**P**
REPAIR SERVICES	
Computer, Home Electronics, and Small Home Appliances (when ancillary to another use)	**P**
Electrical Equipment	**P**
Jewelry and Watches/Clocks	**P**
Locksmith/Key Shop	**P**

"P" (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district.

"C" (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code.

"NP" (Not Permitted) shall mean the land use, activity, or facility within the specified zoning district is not permitted by right of being in the proper zoning district.

All other uses not listed as Permitted or Conditional are prohibited unless a finding can be made by the Planning Director that the use is similar to, and no more objectionable than, a permitted or conditional use.

4 – DEVELOPMENT REGULATIONS

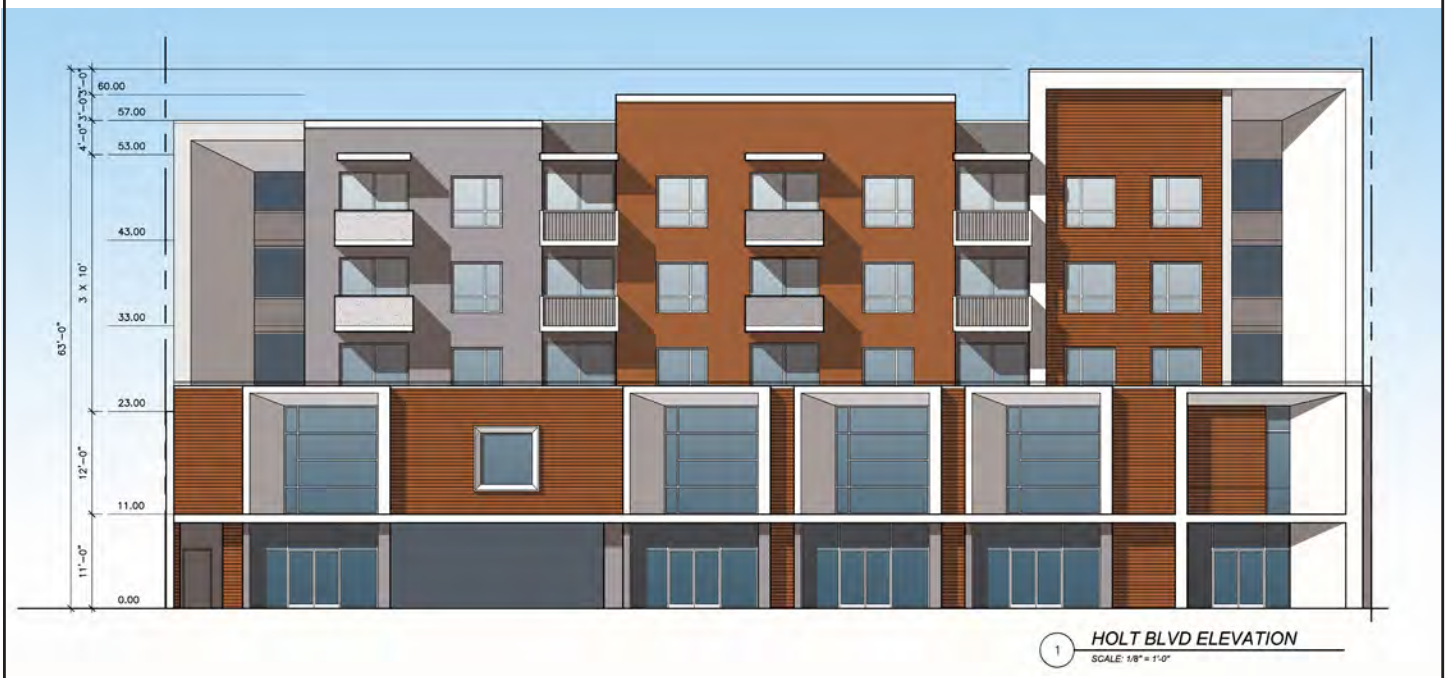
4.1 – Residential Density

Residential density shall range from a minimum 25.0 to a maximum 75.0 dwelling units per acre.

As part of the mixed-use character of the project, a 2,740 SF retail component will be incorporated on the first level of the podium of the building. This total area is well within the 2.0 FAR allowed by city and is in line with the city's vision for Holt Avenue to be an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere.

The small retail component of the project has also been incorporated to add convenience to the residents of the project and adjacent properties, help foster neighborhood cohesion, and reduce the need for vehicular traffic.

Exhibit 4-1: Front Elevation Retail Podium



4.2 – Building Height

No structure shall exceed 67' 6" in height, except that the maximum height may be exceeded by roof mounted equipment, architectural projections, chimneys, elevator towers, parapet walls and any other roof top structures, by up to 10% of the allowed building height or as restricted by the Airport Height Constraints. No rooftop equipment shall be visible from anywhere on the project site, public streets, or adjacent properties, and shall be fully screened with appropriate architectural parapet walls or appropriate roof treatments. Roof- mounted equipment shall not exceed the height of the structures and appurtenances used to screen the equipment.

Exhibit 4-2: Height Diagram

4.3 – Setbacks

Building setbacks shall be as set forth in Table 4-1 (Minimum Building Setbacks), and shall comply with Exhibit 4-3 (Setback Diagram).

Table 4-1: Minimum Building Setbacks

Setbacks	Distance
Minimum Street Setbacks	
Holt Boulevard	2 Feet
Brooks Street	2 Feet
Side Setback (East)	1 foot provided
Side Setback (West)	1 foot provided

Certain types of features and equipment are allowed to encroach into the required setback areas in accordance with Table 4-2 (Encroachments into Setbacks) including but not limited to architectural projections, balconies, and underground utility structures such as electrical transformer vaults. Utility structures may encroach into the public right-of-way and/or public utility easement, subject to the approval of the City.

Table 4-2: Maximum Encroachments Into Building Setbacks

Projection	Encroachment
Architectural Feature	1/2 of Required Setback
Patios/Porches	1/2 of Required Setback
Balconies (Occurs on 3rd and 4th Floors)	1/2 of Required Setback at 1st Floor; 3 Feet or More Allowed at 2nd or Higher Floors

Note: No projections may encroach into the storm drain easement

Exhibit 4-3: Setback Diagram

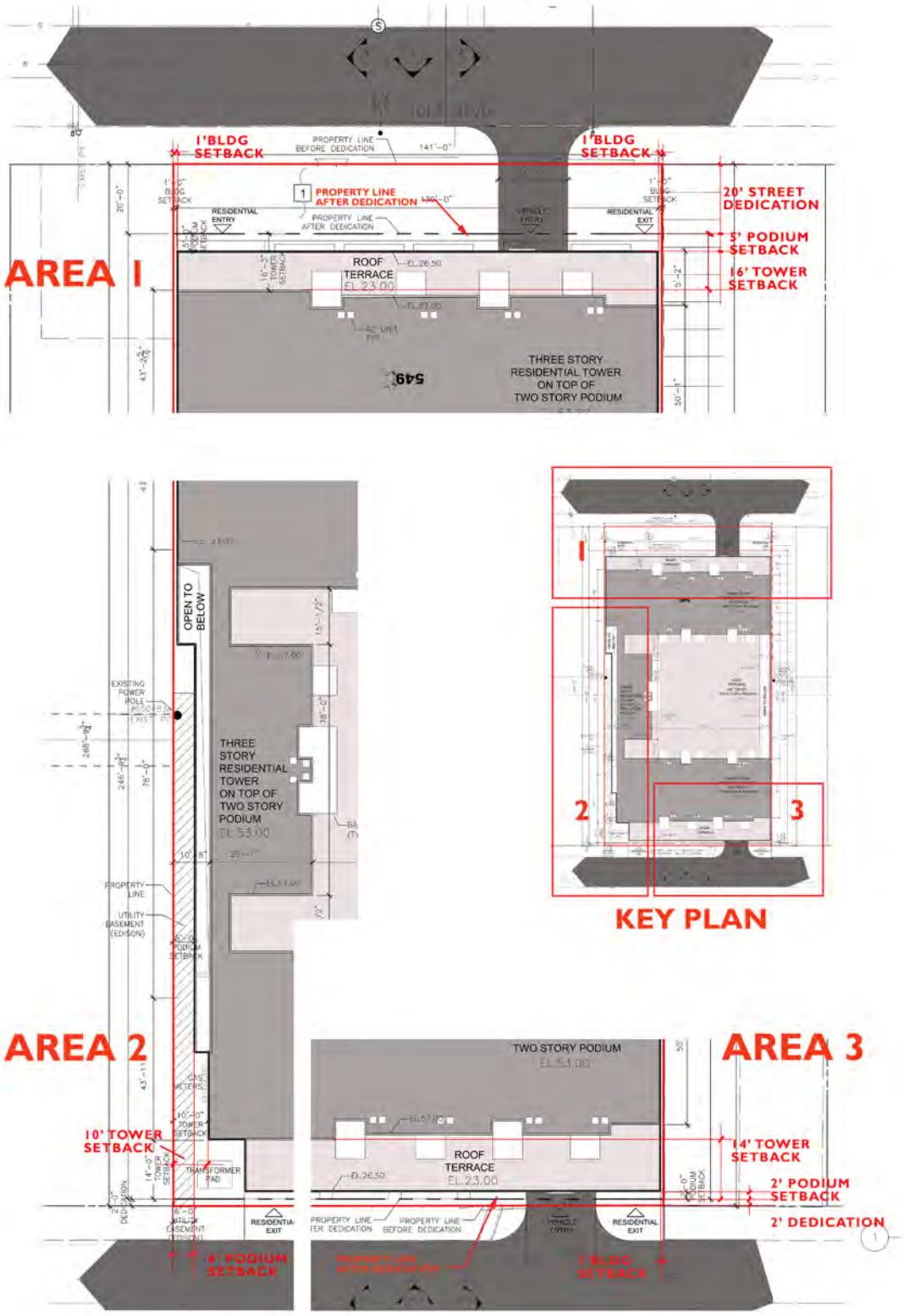
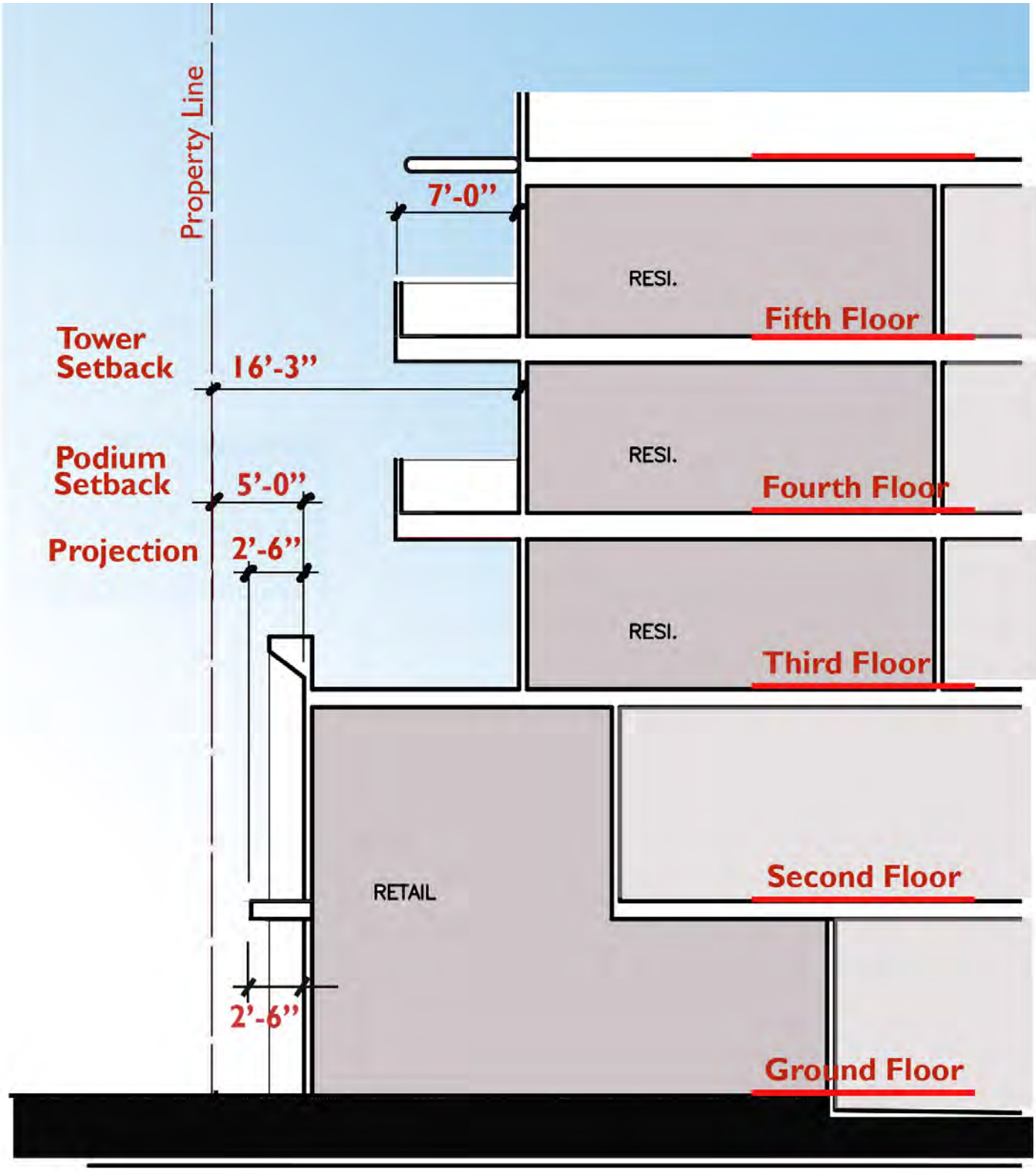


Exhibit 4-4: Projection Diagram



4.4 – Open Space Requirements

Open space shall be provided for passive and active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street set-back areas are not counted towards common open space requirements.

4.4.1 – Private Open Space

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks, and enclosed patios and yards.

Private open space shall be provided for all residential units, and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space as defined in Table 4-3 (Private Open Space). The space may be provided in multiple areas (e.g. two balconies, a yard and a balcony, etc.), as long as the total area of the spaces meets the minimum private open space requirement for the unit. The minimum dimension for private open space shall be no less than 6 feet in any direction.

Table 4-3: Private Open Space

Number Of Bedrooms	Open Space
1 Bedroom	60 SF
2 Bedrooms	60 SF
3 Bedrooms	60 SF

For multiple-family dwellings, private open space located at the dwelling's main living level shall have a minimum contiguous clear area of 60 SF, with a minimum clear horizontal dimension of 7 FT and a minimum clear vertical dimension of 8 FT. Other open space areas located on balconies or roof decks shall have a minimum contiguous clear area of 50 SF, with a minimum clear horizontal dimension of 6 FT and a minimum clear vertical dimension of 8 FT.

Exhibit 4-5: Private Open Space Diagram

UNIT PLANS

4.4.2 – Common Open Space

Common open space of 150 square feet min, per unit will be required and shall be provided to allow for both passive and active types of recreation, along with site landscape amenities. These areas are for use by project residents and their guests, and may include indoor recreational facilities. Recreational facilities provided pursuant to Section 4.4.3 shall be provided in common open space areas. The amount of required common open space is based on the number of dwellings developed, and shall be provided at the rate of 235 square feet of common open space for each dwelling unit.

Areas not considered common open space include: [1] parking lots; [2] walkways along or between buildings; [3] parking lot landscaping; [4] street setback areas; and [5] other areas not intended for active or passive recreation.

Exhibit 4-6: Common Open Space

4.4.3 – Recreational Facilities

Access to recreational facilities is important in multiple-family residential projects, as they provide needed facilities for the residents of the community. These facilities shall be centrally located on the site, making the facilities accessible to all project residents A total of at least three recreational facilities (indoor or outdoor) shall be provided on-site. The facilities can be comprised of a combination of both similar and different recreational facilities to meet the recreational facilities requirement (e.g. two pools and one playground or one clubhouse, one pool, and one tot lot, etc.). Recreational facilities may be indoor or outdoor, and may include: [1] clubhouses; [2] pools; [3] community buildings; [4] playgrounds or tot lots; and [5] other indoor or outdoor recreational facilities deemed appropriate by the City. All recreational facilities shall be for the exclusive use of project residents and their guests.

4.5 – Parking Requirements

4.5.1 – On-Site Resident Parking Requirements

The number of parking spaces shall be provided based on the number of bedrooms contained within each dwelling unit, and is subject to the following requirements:

- All required resident parking spaces shall be provided on-site;
- Each dwelling shall have at least one reserved parking space that is clearly marked;
- Reserved parking spaces shall be located within 150 feet of the dwelling it serves;
- At least one covered parking space shall be provided for each dwelling. This can be achieved through use of garages, carports, or tuck-under parking;
- Resident's assigned parking space(s) shall be used for the parking of occupant's operable automobile(s), only;
- Tandem parking is allowed but subject to review;
- Required guest parking spaces shall be provided on-site.
- Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 4-4 (Minimum Parking Requirements), this can be included on the leasing contract.

Table 4-4: Minimum Parking Requirements

Use	Parking Spaces
Multi-Family Dwellings:	
Studio	1.50 spaces per dwelling (at least one space shall be in a garage, carport, or parking structure)
One-Bedroom Unit	1.75 spaces per dwelling (at least one space shall be in a garage, carport, or parking structure)
Two Bedroom Unit	2.0 spaces per dwelling (at least one space shall be in a garage, carport, or parking structure)
*No Three Bedrooms for this project	
Guest Parking	1 space per every 5 units
Commercial/Retail	1.0 space per 250 square feet

4.5.2 – On-Street Guest Parking Requirements

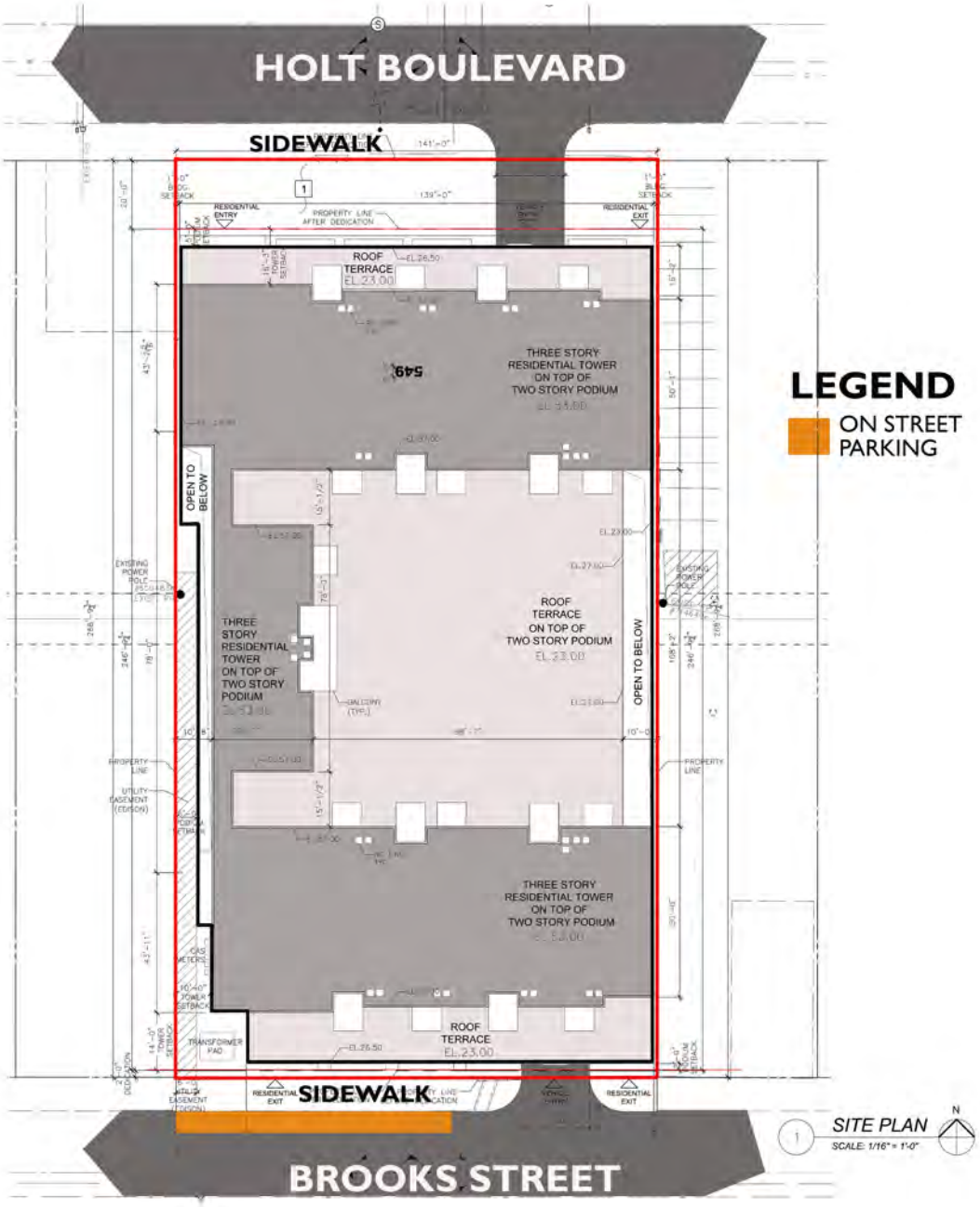
Guest-parking must be provided on-site.

- On-street parking may be allowed to satisfy guest parking requirements only but shall not be counted towards the number of guests parking the code requires.
- On-street parking shall only be designated along Brooks Street, the public street along the south side of the development site. No on-street parking will be allowed along Holt Boulevard and on any other areas deemed by the City Engineer, specially on street corners where sight distance are required.

4.5.3 – Parking Standards

All parking space size and location requirements shall conform to the standards set forth in Section 6.03.045 (Off-Street Parking Standards) of the Ontario Development Code.

Exhibit 4-7: On-Street Parking



4.6 – Vehicular Access

Vehicular access to the site is permitted from Holt Boulevard and Brooks Street. After improvements are made from the West Valley Connector (BRT) Project, vehicular access from Holt Boulevard will be limited to right-in/right-out.

4.6.1 – Vehicle Circulation

The city of Ontario, as part of its intersection widening plan, and the developers of the PUD site shall be responsible to improve Holt Boulevard and Brooks Street to their ultimate widths. These streets will provide vehicular access to the site.

4.6.2 – Pedestrian Connections

Pedestrian connections shall be provided to each building from the public street within the PUD site. The Mixed-Use Commercial land use district shall also provide pedestrian pathways to connect all of the commercial developments.

4.6.3 – Street Dedications and Easements

The developers shall dedicate right-of-way along all street frontages as necessary to increase the right-of-way to ultimate width, including corner cutbacks per City Standard Drawing No. 1301. Additionally, developers shall adhere to the Proposed Holt Blvd and Brooks Street Widening Improvements R/W Requirements. The ultimate widths surrounding the PUD are as follows:

Holt Boulevard - up to 60' half width
Brooks Street - up to 30' half width

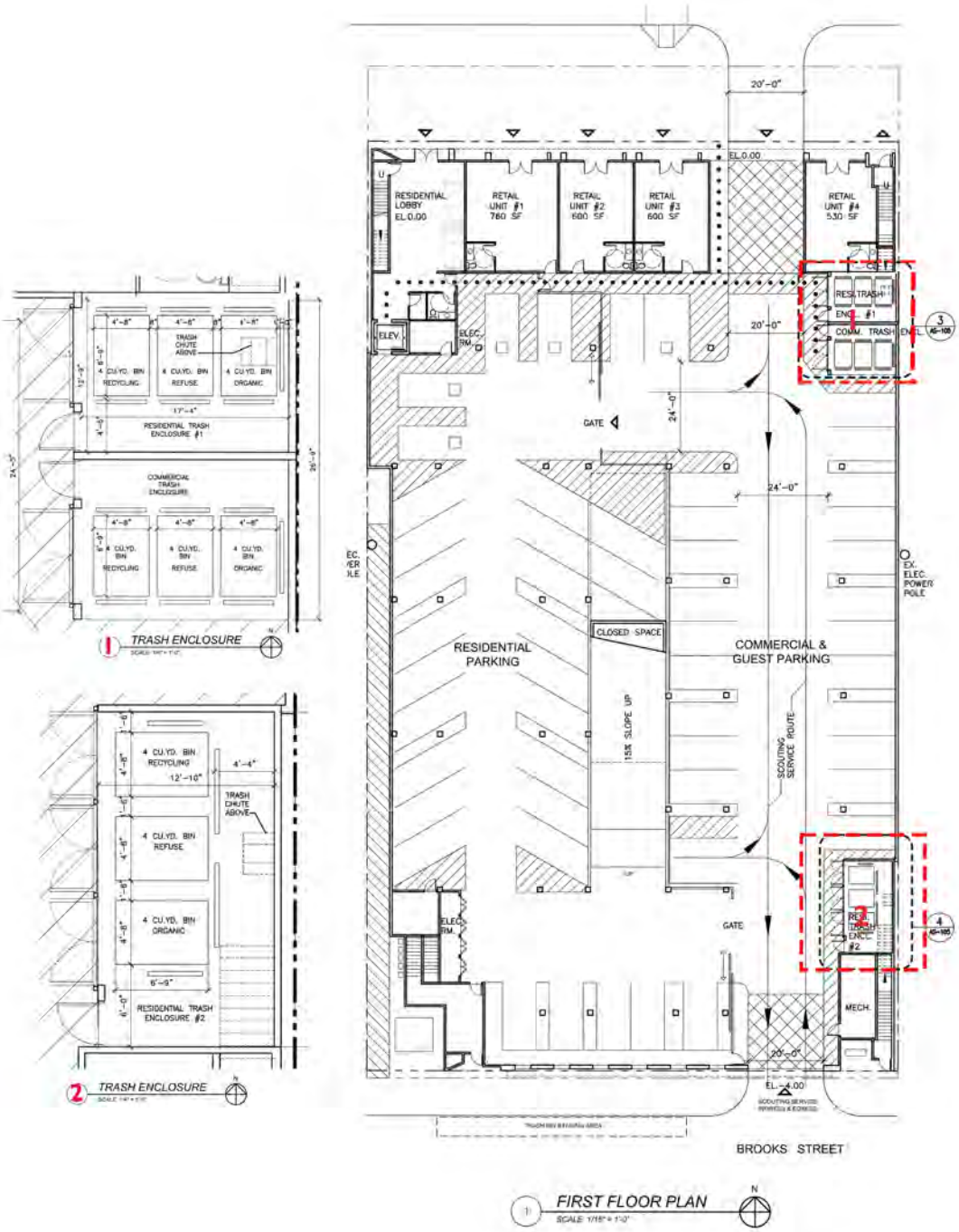
4.6.4 – Public Right-Of-Way Improvements

The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing and striping, street lights, bus stop, bus shelter and amenities. The extent of the required improvements shall be determined for each development plan. At a minimum, the improvements shall incorporate all items along the street frontages of the properties to be developed with proper transitioning if the entire block frontage is not being installed with a particular development. The city may do some or all of the improvements as part of its Proposed Holt Blvd and Brooks Street Widening Improvements.

4.7 – Service Facilities

- Loading/unloading for residential and commercial uses and trash pickup service shall be limited to on-site private drive aisles. Location, signage, and any hourly restrictions to be imposed on such areas, shall be subject to approval by the City.
- On-street loading shall be prohibited.
- The number of enclosures, and their precise locations, dimensions, and design shall be provided consistent with City standards.
- Trash enclosures shall be designed to contain separate containers for the collection of refuse and recyclable materials, with an adequate number of containers provided to allow for the collection of both refuse and recyclable materials generated by the development, pursuant to standards established by the Ontario Municipal Utilities Company. (See Exhibit 4.7: Trash Enclosures Site Plan)
- Trash enclosures shall meet the minimum design standards depicted in the standard drawings adopted by the City, which shall include: [1] a minimum 6-FT high decorative masonry wall, with appropriate view-obstructing gates for container access, [2] separate pedestrian access that is designed to screen the interior of the enclosure from view from the exterior and prevent refuse dispersion, and [3] a decorative overhead roof structure to protect bins containing recyclable materials from adverse environmental conditions, which might render the collected materials unusable, and screen trash bins from view of the upper floors of adjacent dwellings. Furthermore, trash enclosures shall be architecturally enhanced, and shall be consistent with the architectural design of adjacent buildings.
- Trash enclosure dimensions shall be of adequate size to accommodate containers consistent with the City's current methods of collection within the area in which the project is located.
- Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.
- Trash enclosures shall be located on site within the boundary of the project site.
- Particular care shall be given when placing trash enclosures immediately adjacent to dwelling units; however, no trash enclosure shall be located within 10 feet of the livable portion of a structure.
- Trash enclosures shall be bordered by a minimum 5-foot high concrete wall on all exposed sides, excluding the side with bin access gates.
- All service facilities shall be screened in accordance with Section 4.9 (Screening) of this Planned Unit Development.

Exhibit 4-8: Trash Enclosures Site Plan



Note: "All Priority Land Use(PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water resources Control Board (SWRCB) and trash requirements in the most current San Bernardino"

4.8 – Landscaping

The site design at Roosevelt Towers includes a diverse palette of drought tolerant native and adapted plants selected to provide a low maintenance and colorful landscape while also meeting the challenging requirements of planting on structure.

The building frontage along Holt Avenue consists of a 4' wide parkway planted with Evergreen Ash trees and a low groundcover of Dwarf Coyote Brush. Setback from the sidewalk are a series of large rectangular planting areas, approximately 150sf each, configured within the building module, allowing views and access to the future retail facades. These large planter areas contain a variety of low water groundcovers with native deciduous Western Redbud trees (triangulated with the Evergreen Ash). The hardscape in this area consists of standard grey concrete along the public sidewalk with integral colored sand finish concrete along the building façade and between planters. **Decorative paving and hardscape within the 20' dedication shall be maintained by the property owner.**

Along Brooks Street the same Baccharis groundcover runs along the parkway with Podocarpus henkelii as the street tree. Larger foundation shrubs such as Sweet Bay and New Zealand Flax soften the façade and provide screening to utilities in this area.

4.8.1 – Site Landscaping

A conceptual landscape and irrigation plan shall be submitted along with the Development Plan for this Planned Unit Development. The plan shall specify all landscaping and hardscape for the entire project site. Detailed Landscape and Irrigation Plans shall be required prior to the issuance of building permits. The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right-of-way and adjacent residences where possible. The irrigation system shall be designed to utilize recycled water pursuant to State and local codes, ordinances, and laws, and applicable building and plumbing codes.

The landscape and irrigation plan shall be designed with water conservation in mind, utilizing "California friendly" species and drought tolerant planting materials. The landscaping and irrigation shall comply with AB 1881, and all other laws and regulations related to planting materials. All trees that are to remain on-site shall be properly protected in place during construction to ensure tree health is preserved.

Tree plantings along the Brooks Street storm drain easement shall be restricted to those species allowed by the San Bernardino Flood Control District.

4.8.2 – Planting Palette

The planting palette shall be comprised of "California friendly" drought tolerant planting materials compatible with the overall architectural style of the Planned Unit Development. The following palette has been established to meet the needs of this Planned Unit Development:

4.8.3 – Common and Open Space Landscaping

The 3rd floor contains a variety of spaces, with landscaping acting as an organizing feature while still providing screening, softening, color, beauty, and shade.

As one approaches the main public amenity space through the central corridor a row of potted Dwarf Olives sits in a bed of low green planters which carries the eye through the space and also bisects the space into two smaller zones. At the terminus of this view is one of 3 specimen Ficus trees sitting in an 8' x 12' x 42" high raised planter, providing ample space for root structure. To the north of the olive row is the Children's Play Area, a 26' x 52' semi contained area with two play structures, wood bench seating, umbrellas for shade, and a small turf area for flexible play.

To the south, adjacent to the gymnasium, is a flexible open space for exercise, yoga, or small recreational games such as table tennis. Heading east is a large 26' x 40' shade structure above a flexible dining and lounge space including two BBQ cooking stations. This shade structure partially expands to the east to cover a long wood (or composite) deck seating area.
The planting areas in and around the 3rd floor amenity space can be divided into 3 groups. The first group are the series of "built in" raised planters. These contain the 3 Ficus trees, and also run along the north and south edge of the public amenity space. The longer planters would sit at 42" height, and contain a mix plants including Dwarf Bottlebrush, Sage, and Coast Rosemary. The second category is the series of narrow linear planters that are used for screening the residences while softening the building façade. These would be "off the shelf" rectangular planters, potentially lightweight precast concrete or fiberglass, containing upright plants for screening such as Sweet Bay or Bamboo. Finally, the last group includes low profile green tray plantings. These would be of medium depth, approximately 8", and may be contract grown ahead of time to provide an immediate impact on day one. Species may include sedums, low ornamental grasses, and other small succulents.

All planting areas on the 3rd floor will be connected to the buildings irrigation system, and appropriately plumbed for drainage.

Exhibit 4-9: Colored Landscape Plan

Exhibit 4-10: Holt Boulevard Planting Palette

HARDSCAPE LEGEND

ITEM	DESCRIPTION	REFERENCE IMAGE
1	STANDARD GREY CONCRETE PAVING AT CITY SIDEWALK	
2	DECORATIVE CONCRETE PAVING- MEDIUM SANDBLAST FINISH WITH DAVIS INTEGRAL COLOR #641 'PEBBLE' AND SAWCUT JOINTS	01 / L-105
3	OUTDOOR PORCELAIN PEDESTAL PAVERS, 24" SQ AND 24" X 48", MIX OF FLAT ASH AND FLAT SMOLE COLOR BY TILETECH OR APPROVED EQUAL	02 / L-105
4	WOOD DECKING- 2 x 4 REDWOOD OR COMPOSITE DECKING (TO BE DETERMINED), INSTALLED 4" MINIMUM OVER SLAB WITH COMPOSITE WOOD SLEEPER SYSTEM	03 / L-105
5	DECORATIVE WATERPROOFING COATING- MACOAT BY WESTCOAT OR EQUAL WITH CUSTOM COLOR AND SCORING	04 / L-105
6	42" TALL CONCRETE BLOCK PLANTER WALL- 8 X 12 CMU IN STACKED PATTERN, BURNISHED DARK GREY 250 BY ORCO OR APPROVED EQUAL	05 / L-105
7	5' TALL HORIZONTAL PRIVACY FENCING TO MATCH WOOD DECKING	06 / L-105
8	42" HIGH STEEL GUARDRAIL	07 / L-105
9	42" HIGH SELF CLOSING GATE WITH LATCH	
10	CUSTOM BENCH SEATING TO MATCH WOOD DECKING. 18" HIGH X 24" DEEP	
11	BUILT IN BARBECUES AND SERVING COUNTER	
12	RUBBERIZED PLAY SURFACING	08 / L-105
13	OVERHEAD SHADE STRUCTURE WITH CORRUGATED STEEL ROOF	09 / L-105
14	11'-6" WIDE X 4' TALL MONUMENT SIGN AT ENTRY DRIVE	

SITE AMENITY LEGEND (SEE CUTSHEETS FOR ADDITIONAL INFORMATION)

ITEM	DESCRIPTION	ITEM	DESCRIPTION
SA-1	LOUNGE SEATING TYPE A	SA-6	UMBRELLA TYPE B
SA-2	LOUNGE SEATING TYPE B	SA-7	6-23 MONTH OLD PLAY STRUCTURE
SA-3	LOUNGE SEATING TYPE C	SA-8	2-5 YEAR OLD PLAY STRUCTURE
SA-4	DINING SEATING	SA-9	PING PONG TABLES
SA-5	UMBRELLA TYPE A		

KEY PLAN

TREE LEGEND

SYMBOL	BOTANIC NAME COMMON NAME	SIZE	QTY	WATER USE	CALIFORNIA NATIVE
STREET TREES					
	FRAXINUS UHDEI EVERGREEN ASH (HOLT BLVD.)	24" BOX STD.	4	MED	NO
	PODOCARPUS HENKELII LONG LEAFED YELLOWOOD (BROOKS STREET)	24" BOX STD.	4	MED	NO
ON SITE TREES					
	CERCIS OCCIDENTALIS WESTERN REDBUD	36" BOX MULTI	5	LOW	YES
	CHILOPSIS LINEARIS DESERT WILLOW	15 GAL MULTI	3	LOW	YES
	FICUS MICROCARPA 'GREEN GEM' GREEN GEM INDICA FIG LAUREL	48" BOX STD.	3	MED	NO
	OLEA EUROPEA 'MONTRA' LITTLE OLLIE DWARF OLIVE	24" BOX MULTI	5	LOW	NO

SHRUB AND GROUNDCOVER LEGEND

ITEM	DESCRIPTION	REPRESENTATIVE SPECIES	WATER USE	CA NATIVE
1	PARKWAY GROUNDCOVER	BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
2	LOW SHRUB AND GROUND COVER	ACHILLEA MILLEFOLIUM / COMMON YARROW	LOW	YES
		BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
		CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		DIANELLA REV. LITTLE REV / LITTLE REV FLAX LILY	LOW	NO
		LANTANA 'BELLOWIANA' TRAILING LANTANA	LOW	NO
3	MEDIUM HEIGHT SHRUB AND PERENNIALS	ANIGOZANTHOS SPP. / KANGAROO PAW	LOW	NO
		CALL. 'LITTLE JOHN' / DWARF BOTTLEBRUSH	LOW	NO
		CISTUS SPP. / ROCKROSE	LOW	NO
		FURCRAEA SPP. / FURCRAEA	LOW	NO
		JUNCUS PATENS / CALIFORNIA GREY RUSH	LOW	YES
		LEUCOPHYLLUM SPP. / TEXAS RANGER	LOW	NO
		SALVIA 'ALLEN CHICKERING' / ALLEN CHICK. SAGE	LOW	YES
		WESTRINGIA FRUTICOSA / COAST ROSEMARY	LOW	YES
4	LOW GROUND COVER IN 6"-9" DEEP PREPLANTED TRAYS. LIVEROOF OR EQUAL	CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		LAMPRANTHUS SPP. / ICE PLANT	LOW	NO
		SEDUM SPP. / STONE CROP	LOW	YES
		SENECIO SPP	LOW	NO
5	PLANTERS IN SHADE	AUCUBA JAP. 'MR. GOLDSTRIKE' MR. GOLDSTRIKE AUCUBA	MED	NO
		FATSIA JAPONICA / JAPANESE ARALIA	MED	NO
6	SCREENING AT PATIOS AND GROUND FLOOR UTILITIES	BAMBUSA MULT. 'ALPHONSE KARR' ALPHONSE KARR BAMBOO	MED	NO
		BAMBUSA MULT. 'GOLDEN GODDESS' GOLDEN GODDESS BAMBOO	MED	NO
		LAURUS NOBILIS / SWEET BAY	LOW	NO
		PHORMIUM TENAX / NEW ZEALAND FLAX	MED	NO
7	TURF SEATING	MARATHON II SOD WITH SUBSURFACE DRIP IRRIGATION	HIGH	NO

LANDSCAPE ALONG HOLT BOULEVARD

Exhibit 4-11: Common Space 3rd Floor Planting Palette

Exhibit 4-12: Brooks Street Planting Palette

HARDSCAPE LEGEND

ITEM	DESCRIPTION	REFERENCE IMAGE
1	STANDARD GREY CONCRETE PAVING AT CITY SIDEWALK	
2	DECORATIVE CONCRETE PAVING- MEDIUM SANDBLAST FINISH WITH DAVIS INTERGRAL COLOR #641 'PEBBLE' AND SAWCUT JOINTS	01 / L-105
3	OUTDOOR PORCELAIN PEDESTAL PAVERS, 24" SQ AND 24" X 48", MIX OF FLAT ASH AND FLAT SMOLE COLOR BY TILETECH OR APPROVED EQUAL	02 / L-105
4	WOOD DECKING- 2 x 4 REDWOOD OR COMPOSITE DECKING (TO BE DETERMINED), INSTALLED 4" MINIMUM OVER SLAB WITH COMPOSITE WOOD SLEEPER SYSTEM	03 / L-105
5	DECORATIVE WATERPROOFING COATING- MACOAT BY WESTCOAT OR EQUAL WITH CUSTOM COLOR AND SCORING	04 / L-105
6	42" TALL CONCRETE BLOCK PLANTER WALL- 8 X 12 CMU IN STACKED PATTERN, BURNISHED DARK GREY 250 BY ORCO OR APPROVED EQUAL	05 / L-105
7	5' TALL HORIZONTAL PRIVACY FENCING TO MATCH WOOD DECKING	06 / L-105
8	42" HIGH STEEL GUARDRAIL	07 / L-105
9	42" HIGH SELF CLOSING GATE WITH LATCH	
10	CUSTOM BENCH SEATING TO MATCH WOOD DECKING. 18" HIGH X 24" DEEP	
11	BUILT IN BARBECUES AND SERVING COUNTER	
12	RUBBERIZED PLAY SURFACING	08 / L-105
13	OVERHEAD SHADE STRUCTURE WITH CORRUGATED STEEL ROOF	09 / L-105
14	11'-6" WIDE X 4' TALL MONUMENT SIGN AT ENTRY DRIVE	

SITE AMENITY LEGEND (SEE CUTSHEETS FOR ADDITIONAL INFORMATION)

ITEM	DESCRIPTION	ITEM	DESCRIPTION
SA-1	LOUNGE SEATING TYPE A	SA-6	UMBRELLA TYPE B
SA-2	LOUNGE SEATING TYPE B	SA-7	6-23 MONTH OLD PLAY STRUCTURE
SA-3	LOUNGE SEATING TYPE C	SA-8	2-5 YEAR OLD PLAY STRUCTURE
SA-4	DINING SEATING	SA-9	PING PONG TABLES
SA-5	UMBRELLA TYPE A		

TREE LEGEND

SYMBOL	BOTANIC NAME COMMON NAME	SIZE	QTY.	WATER USE	CALIFORNIA NATIVE
STREET TREES					
	FRAXINUS UHDEI EVERGREEN ASH (HOLT BLVD.)	24" BOX STD.	4	MED	NO
	PODOCARPUS HENKELII LONG LEAFED YELLOWWOOD (BROOKS STREET)	24" BOX STD.	4	MED	NO
ON SITE TREES					
	CERCIS OCCIDENTALIS WESTERN REDBUD	36" BOX MULTI	5	LOW	YES
	CHILOPSIS LINEARIS DESERT WILLOW	15 GAL MULTI	3	LOW	YES
	FICUS MICROCARPA 'GREEN GEM' GREEN GEM INDICA FIG LAUREL	48" BOX STD.	3	MED	NO
	OLEA EUROPEA 'MONTRA' LITTLE OLLIE DWARF OLIVE	24" BOX MULTI	5	LOW	NO

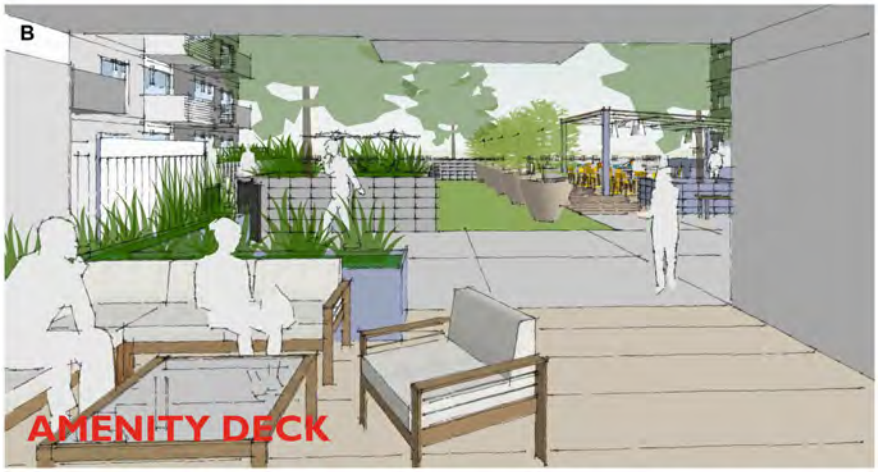
SHRUB AND GROUNDCOVER LEGEND

ITEM	DESCRIPTION	REPRESENTATIVE SPECIES	WATER USE	CA. NATIVE
1	PARKWAY GROUNDCOVER	BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
2	LOW SHRUB AND GROUND COVER	ACHILLEA MILLEFOLIUM / COMMON YARROW	LOW	YES
		BACCHARIS PILULARIS / DWARF COYOTE BRUSH	LOW	YES
		CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		DIANELLA REV. LITTLE REV / LITTLE REV FLAX LILY	LOW	NO
		LANTANA SELLOWIANA/ TRAILING LANTANA	LOW	NO
3	MEDIUM HEIGHT SHRUB AND PERENNIALS	ANIGOZANTHOS SPP. / KANGAROO PAW	LOW	NO
		CALL. 'LITTLE JOHN' / DWARF BOTTLEBRUSH	LOW	NO
		CISTUS SPP. / ROCKROSE	LOW	NO
		FURCRAEA SPP. / FURCRAEA	LOW	NO
		JUNCUS PATENS / CALIFORNIA GREY RUSH	LOW	YES
		LEUCOPHYLLUM SPP. / TEXAS RANGER	LOW	NO
		SALVIA 'ALLEN CHICKERING' / ALLEN CHICK. SAGE	LOW	YES
		WESTRINGIA FRUTICOSA / COAST ROSEMARY	LOW	YES
4	LOW GROUND-COVER IN 6"-9" DEEP PREPLANTED TRAYS, LIVEROOF OR EQUAL	CAREX DIVULSA / BERKELEY SEDGE	LOW	YES
		LAMPRANTHUS SPP. / ICE PLANT	LOW	NO
		SEDUM SPP. / STONE CROP	LOW	YES
		SENECIO SPP.	LOW	NO
5	PLANTERS IN SHADE	AUCUBA JAP. 'MR. GOLDSTRIKE' MR. GOLDSTRIKE AUCUBA	MED	NO
		FATSIA JAPONICA / JAPANESE ARALIA	MED	NO
6	SCREENING AT PATIOS AND GROUND FLOOR UTILITIES	BAMBUSA MULT. 'ALPHONSE KARR' ALPHOSE KARR BAMBOO	MED	NO
		BAMBUSA MULT. 'GOLDEN GOODESS' GOLDEN GODDESS BAMBOO	MED	NO
		LAURUS NOBILIS / SWEET BAY	LOW	NO
		PHORMIUM TENAX / NEW ZEALAND FLAX	MED	NO
7	TURF SEATING	MARATHON II SOD WITH SUBSURFACE DRIP IRRIGATION	HIGH	NO

KEY PLAN

LANDSCAPING ALONG BROOKS STREET

Exhibit 4-13: Landscape Rendering



4.8.4 – Parking Lot Landscaping

Parking lot landscaping shall be provided pursuant to Subsection D (Landscaping of Off-Street Parking Facilities) of Ontario Development Code Section 6.05.030 (Required Landscape Areas).

4.8.5 – Compliance with State and Federal Laws

Provide landscaping and an irrigation system, which promotes the conservation of water as required by the Water Conservation in Landscaping Act of 2006 (AB 1881), commencing with California Government Code Section 65591.

4.9 – Screening

- All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.
- Trash enclosures shall be screened with enclosures that are architecturally compatible with the surrounding buildings.
- Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- All ground level screening shall comply with the requirements of Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

4.9.1 – Fences, Walls, and Hedges

Fences, walls, and hedges shall comply with Section 6.02.030 (Protection of Intersection Visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and walls shall be made of decorative materials that are compatible with, or enhance, the overall architectural character of the project. All fences, walls, and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right-of-way.

5 – CIRCULATION

5.1 – Site Accessibility

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be done through building orientation and placement, to minimize the use of gates and fencing; however, amenities shall be properly gated, limiting access to residents and their guests.

5.2 – Vehicular Circulation

The project site shall be designed to reduce the number of dead end aisles in the parking lot areas, and provide all guest parking outside of gated areas (on site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to all parking areas.

5.3 – Pedestrian Circulation

Site design shall provide for safe pedestrian circulation across the project site by separating pedestrian areas from areas with vehicular access. This includes, but is not limited to, accessibility from parking lot areas to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

The 20' street-dedication on Holt Boulevard provides a unique opportunity to create a pedestrian promenade that will connect residential foot traffic between residential units, parking, and community spaces throughout the site. The space shall be welcoming and designed with landscape features that help define the walking path across the project area. Since no vehicular traffic will be allowed on this widened sidewalk, it is expected that pedestrians will be able to walk safely along the exterior area of the development where retail amenity area also located.

Lighting and visibility for enhanced security shall be taken into consideration in designing this area, and shall be compatible with the architectural theme. Buildings shall have windows that look on to this open space area to enhance the views of the residences and help create defensible spaces.

5.4 – Integrated Waste Pickup Circulation

The use of scouting trash pickup service since 32 foot trash pickup truck will not be able to access the site and indicate where the staging of the six bins on the adjacent street, Brooks Street for the two trash enclosures will be on trash pickup day. Integrated Waste Management Report (IWMR) requirements:

The IWMR shall meet the following minimum requirements:

The Integrated Waste Management Report shall address the management of all integrated waste (Refuse, Recycling, Organics, etc.) including, but not limited to: types of waste generated, amount of waste expected and the corresponding sizing of receptacles, all waste diversions, all staging and collection operations, any use of private haulers, and the property management regulations and practices for the site.

The IWMR shall demonstrate compliance with the latest version of the City's Integrated Waste Planning Manual (available online at: http://www.ontarioca.gov/government-departments-municipal-utilities-company/integrated-waste) as well as the applicable State regulations and shall contain, at a minimum, the following elements:

1. A discussion on the types of waste generated (refuse, recycling, green waste, organics, etc.) by all uses on the site and the generation rates and total waste for each type. If a final use is not known the applicant shall make a reasonable assumption of the land use expected or proceed as directed by the City.
2. A discussion on pre-treatment if the project will be required to use and install pre-treatment devices or services and an exhibit showing and labeling the location of the pre-treatment devices.
3. A discussion on the types of City Services that will be utilized and the sizing and number of receptacles (Bins, Compactors, etc.)
4. A discussion on waste that is diverted and the diversion services that will be used.
5. A table utilizing the metrics on Page 8 of the Planning Manual and calculating the volume (gallons or cubic yards), quantity, and service schedule for each type of can and bin required for each Service Category (refuse, recycled, etc.). The table shall include all waste that is diverted and the diversion service(s).
6. An exhibit(s) showing layout and architectural details for enclosures, compactors, roll-offs and non-standard containers proposed by the project. Include specification "cut" sheets for non-standard containers.

7. A discussion on the staging and collection operation and an exhibit identifying these locations on the site and any other relevant details. The discussion shall address circulation, accessibility, ingress, egress, pavement type, parking, the role of the property management association, and the role of private haulers or scouting services.
8. A discussion on private haulers describing their services and supplying the names, contact information, and City of Ontario Commercial Recycler Collection Permit numbers for each hauler. The discussion shall include an exhibit showing the staging and collection areas for private haulers.
   Note: All private third party organics and recycling haulers shall be formally approved and permitted by the City of Ontario and shall meet City Code requirements, otherwise the City shall provide the collection services. If the third party haulers do not have a City of Ontario Commercial Recycler Collection Permit, the discussion shall state whether the third party hauler is charging a fee for service or not.
9. A discussion on the proposed property management association, their role in the integrated waste management plan for the site and the by-laws and regulations that relate to integrated waste (no parking, solid waste collection day coordination, enforcement of the SWHP, etc.).
10. A discussion on any variances that are requested and the need for the variance along with any relevant exhibits.
11. Appendix: A copy of the Final Solid Waste Handling Plan (See City SWHP requirements).
12. Appendix: All exhibits and standard plans proposed for the project.
13. Appendix: A copy of the proposed association by-laws and regulations.
14. Appendix: A copy of the final Integrated Waste Variance Form (if a variance is requested).

Solid Waste Handling Plan (SWHP) requirements:

The SWHP shall meet, at a minimum, the following requirements:

1. SWHP Content and Format: The Solid Waste Handling Plan shall demonstrate compliance with the Services Standards in the City's Solid Waste Planning Manual (available online at: http://www.ontarioca.gov/government-departments-municipal-utilities-company/integrated-waste) and shall contain, at a minimum, the following elements:

a. A statement identifying the Service Requirements being used (e.g. Single Family Detached with automated cans, Multi-family/Commercial/Industrial with bins and enclosures, etc.) and describing the solid waste handling operation (for instance, will there be scouting services, etc.).
b. A table utilizing the metrics on Page 8 of the Planning Manual and calculating the volume (gallons or cubic yards), quantity, and service schedule for each type of can and bin required for each Service Category (refuse, recycled, etc.).
c. An Engineering Site Plan drawn to scale that shows:
    i. Minimum plan scale of scale of 1:100. Larger scales are preferred and should be scaled to fill the sheet and show as much detail as clearly as possible on one sheet; multiple sheets may be used if entire project area cannot fit on one sheet at 1:100 scale.
    ii. A detail of the Solid Waste Vehicle with dimensions and annotation that states the minimum turning radii and path of travel widths actually being used on the plan.
    iii. The Solid Waste Vehicle turning movements and paths of travel in each direction of travel and at all intersections. All paths of travel shall be 15 feet wide minimum.
    iv. All parking stalls and parallel parking spaces along all streets, alleys, or aisles.
    v. All proposed curbs and areas designated and striped/signed as "No Parking".
    vi. All proposed trash enclosures and the ADA paths of travel from the buildings.
    vii. A detail for each enclosure footprint delineating the number and size of the bins in order to demonstrate that the enclosure is adequately sized and oriented, if enclosures and bins are proposed.
    viii. All proposed locations of automated cans shown as a 26-inch by 26-inch can pad with 20-inches between can pads and 40-inches between can pads and Parking spaces, mailboxes and other obstructions (Can Collection Area). Can Collection Areas shall be located along designated paths of travel and cannot be located along dead end alleys, motor courts, driveways, or private streets; use multi-family standards for enclosures in these cases.

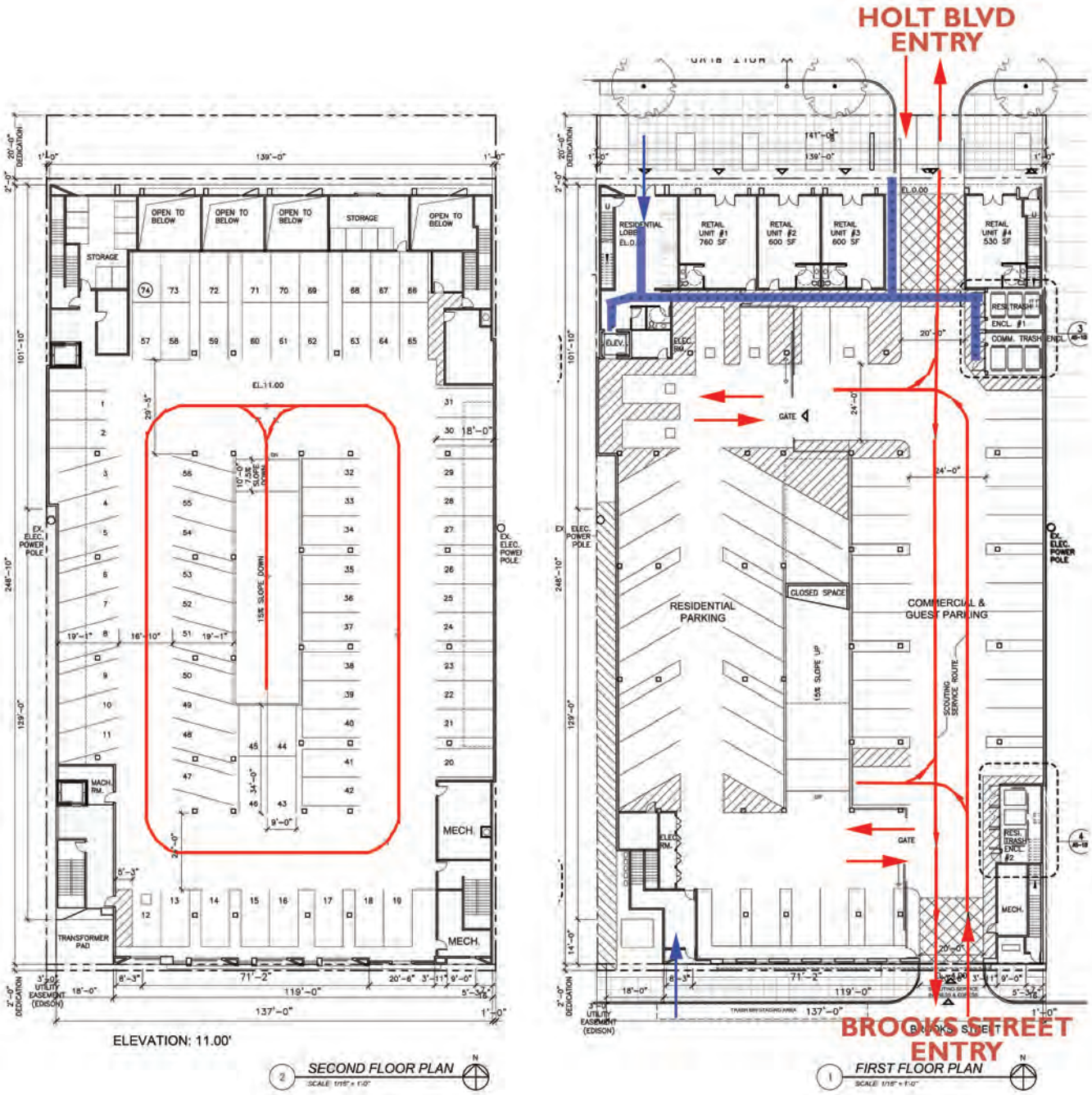
2. Can Collection Area (CCA) Locations: If CCAs are being proposed in lieu of bin enclosures for residential units located along dead end alleys, motor courts, driveways, or private streets, then the SWHP shall comply with the following requirements:

    a. CCAs cannot conflict or compete with potential parking areas. Proposed CCAs must be designated as "no parking" at all times with appropriate striping and signage.
    b. Each residential unit must have a designated CCA and each CCA must delineated with markings so that its location and the unit it is designated for are easily identifiable.
    c. Solid Waste Handling Plan shall include a detail showing how the CCAs will be delineated and identifiable.

3. Private Third Party Hauler: If any Solid Waste Collections are going to be provided by a private third party hauler, include on the SWHP:

    a. A statement describing the service.
    b. The names, contact information, and City of Ontario Commercial Recycler Collection Permit numbers of all private third party haulers. Note: all private third party organics and recycling haulers must be formally approved and permitted by the City of Ontario and meet City Code requirements, otherwise the City must provide the collection services. If the third party haulers do not have a City of Ontario Commercial Recycler Collection Permit, state if the third party hauler is charging a fee for service.
    c. Show & label staging and collection areas for private third party haulers.

Exhibit 5-1: Circulation Plan



6 – DESIGN GUIDELINES

The entire project area is covered by the Ontario Plan Policy Plan (General Plan) and has been designated as mixed-use (Holt Boulevard) and as described in the Ontario Plan Downtown Mixed-Use Growth Area. This PUD area will be distinctive through the requirement of a well-designed projects that convey visual interest and character through:

► Appropriate scale and massing.
► Architectural style and design that are complementary and appropriate to its setting.
► The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
► Appropriate Site Planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well designed street frontages.

6.1 – Building Orientation

Building orientation shall be designed to minimize noise impacts, aide in providing property site safety, create proper accessibility to site amenities and parking, and to maximize views from residential units. Design should also be done in a way to create defensible spaces improving site safety.

- Orientation towards the exterior of the project area shall be carefully evaluated to ensure a proper relationship.
- Buildings shall be clustered in a way that creates defensible spaces providing views of interior open spaces and amenities. For units without garage spaces buildings shall be oriented to create minimal distances from assigned parking spaces to primary or secondary residential unit entries.

The proposed development units was set-backed 2' on Holt Blvd and 2' on Brooks St both streets to form a strong retail and parking podium development adding a more interesting dimensional form to the architecture. The overall look if the development is to appeal to the younger demographics of the city. A sample rendering shown below:

Exhibit 6-1: Architectural Elevations

North Elevation

Exhibit 6-2: Architectural Elevations

South Elevation

Exhibit 6-3: Architectural Rendering

North Perspective

Exhibit 6-4: Architectural Rendering

South Perspective

6.2 – Architectural Character

The Roosevelt Tower design leans toward Contemporary and Modern Minimalist Style. The design will make use of smooth cement plaster exterior finishes, simple square glazed window and storefront openings and decorative metal canopies throughout the development. Large angular forms, creating a series of 'boxes' are used on both north and south exterior facades to emulate the simple and uncluttered lines - a predominant character of the modernist architectural style used by Nuetra and Schindler popularized in the 1930's. The use of strong accent colors all throughout the exterior elevations were meant to offer fresh and playful character that will differentiate the development from the other similar adjacent development along Holt Boulevard.

6.3 – Massing and Scale

All buildings shall be in scale with the surrounding community, with a majority of the building placement to occur toward the boundary of the project site. The prominent building elevations shall face both Holt Boulevard and Brooks Street. Buildings shall be 2 to 5 stories in height, containing a varied amount of units in each building, with varying façade planes so as not to creat a "monotonous" look. Amenities and site design shall be developed with the pedestrian scale in mind.

6.4 – Architectural Details

Architectural variations should occur between buildings to help distinguish each building and create variety within the proposed development. Architectural details should be consistent with the architectural style proposed. Details shall complement and enhance openings, and accentuate the overall design of each building. Detailing can be achieved through the use of different colors, window and door treatments, and a variety in exterior textures and materials (stone, siding, etc.) to create interesting elevations.

Decorative awnings should be placed where feasible, over south facing windows, and adequate shade should be provided for outdoor spaces. Coverings shall use materials compatible with the architecture style to create a comprehensive building design. Exposed beams shall be integrated into the building design.

6.5 – Materials and Color

Materials and colors shall be compatible with, and complementary to, the overall architectural style of the project. Larger building masses shall use a combination of dark and light colors to break up building planes, and use light colored trim to help accentuate roof features. All colors shall be complementary, and the project shall utilize "warm tone" colors. Materials shall be a mixture of stucco, wood, rich stones and masonry siding, in a variety of complementary colors. A concrete or composite roof material shall be used.

6.6 – On-Site Streetscapes and Pedestrian Walkways

Street furniture and decorative paving should be used throughout the project area to enhance architectural design. The use of complementary materials and textures should be used to create a continuity and consistency that is desired throughout the project area.

A variety of decorative elements should be incorporated into the design of the project area, including, but not limited to, benches, tree grates, bike racks, enhanced paving, trash receptacles, and decorative bollards.

A selection of appropriate elements shall consider sidewalk widths, size and spacing of street trees, importance of the pedestrian path, and the requirement to maintain a minimum 4-foot wide walkway for pedestrian movement in all areas. All streetscape features shall comply with the Americans with Disabilities Act (ADA), along with accessibility requirements for public services, such as police and fire.

6.7 – On-Site Lighting

Decorative light fixtures compatible with the architectural style of the buildings shall be provided on-site.

A minimum of one footcandle of light shall be provided within parking areas and 0.5 footcandles of light within pedestrian pathways, in compliance with the City of Ontario Police Department standards.

6.8 – Signs

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development Code. A Sign Program shall be reviewed and approved by the City for this proposed Mixed-Use project.

6.9 – Off-Site Improvements

All off-site improvements shall be installed in accordance with City standards, and to the satisfaction of the City Engineer.

Note: All Priority Land Use (PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water Resources Control Board (SWRCB) and trash requirements in the most current San Bernardino.

Exhibit 6-5: Streetscape Examples

7 – INFRASTRUCTURE AND UTILITIES

7.1 – Infrastructure

All improvements and alterations to public infrastructure (sewer, water, recycled water, storm drain, etc.) shall obtain approval from all appropriate agencies.

If infiltration is deemed feasible by a licensed geotechnical engineer, on-site storm water drainage facilities shall be provided for capture and infiltration of a 2-yr, 24-hour storm event, consistent with the San Bernardino County MS4 Program's Water Quality Management Plan (WQMP) requirements for new development. Storm water capture and infiltration facilities include the utilization of not proposed MaxWell Drywells and underground storm water infiltration chambers.

7.2 – Street Improvements

Street improvements (street, sidewalk, parkway, curb, gutter, street lights, etc.) shall be constructed with the development of the project site. Improvements will be required on the streets adjacent to the project area including Holt Boulevard and Brooks Street. Design and construction of street improvements shall be in accordance with the City standards, and to the satisfaction of the City Engineer. Exhibit 7-4 (Street Sections) identifies the improvements for each street adjacent to the project site.

Upon development of the project site, the developer shall construct the right-of-way improvements adjacent to the project site, to the centerline of the street (street, curb, gutter, parkway, sidewalk, etc.). Curb returns at entry and exit driveways to the project site on Holt Boulevard and Brooks Street, shall be designed and constructed with a minimum 10-foot radius. All Priority Land Use (PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water Resources Control Board (SWRCB) and trash requirements in the most current San Bernardino. See Exhibit 7-1 (Civil Plan).

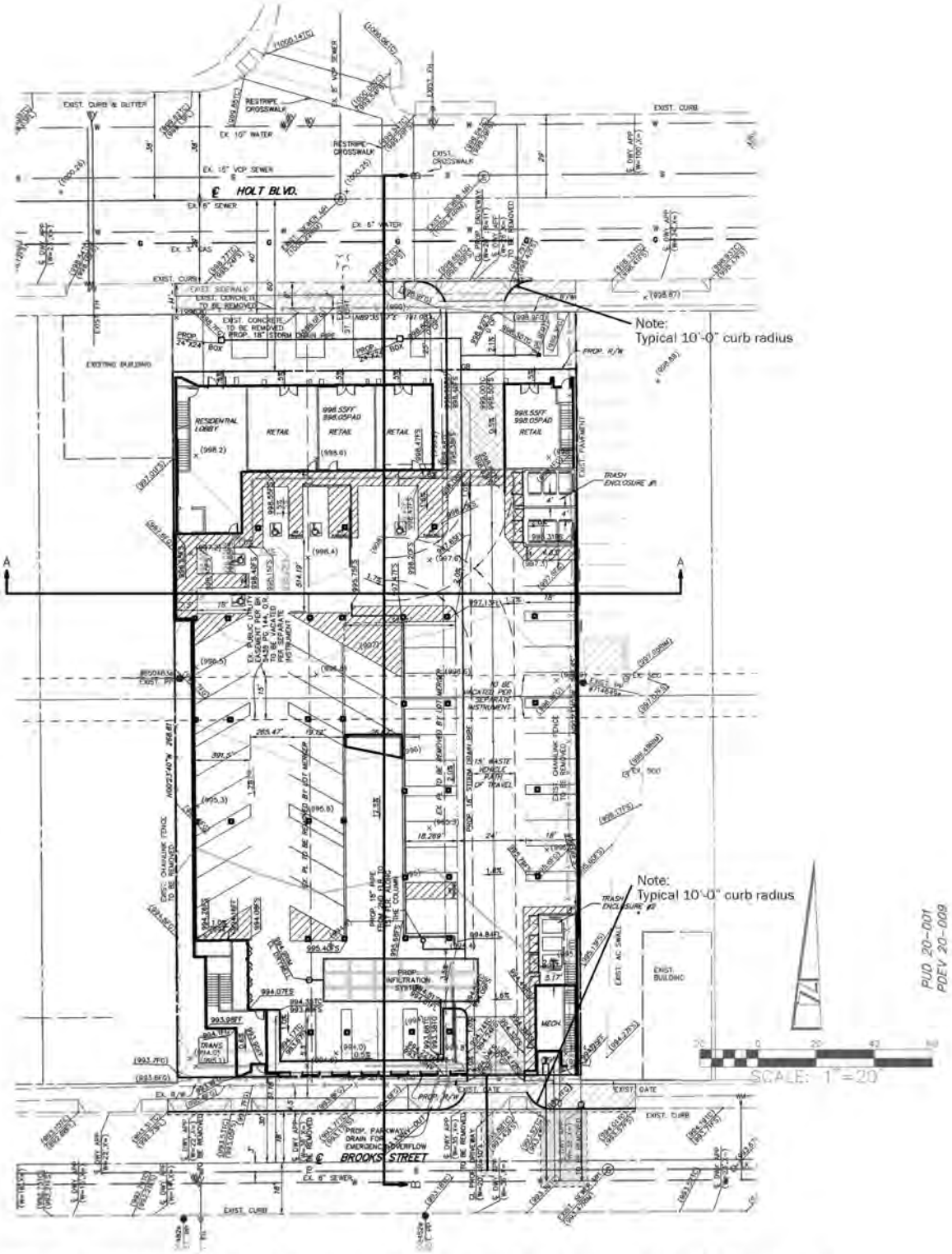
7.3 – Public Utilities

All existing dry utilities (electricity, cable, telephone, gas, etc.) along Holt Boulevard and Brooks Street shall be relocated and re-routed as required and approved by the affected utility agencies/companies.

7.4 – Street Dedication, Vacation and Easements

The ultimate Holt Boulevard right-of-way is 60 feet, measured from centerline, and will require an additional 20 feet of street dedication. The ultimate Brooks Street right-of-way is 30 feet, measured from centerline, and will require an additional 2 feet of street dedication.

Exhibit 7-1: Civil Plan



Note: "All Priority Land Use(PLU): Land use consisting of high-density residential, defined as a land use with at least ten (10) dwelling units per acre, industrial, commercial, mixed urban, and public transportation station land uses within the project area shall comply with the statewide Trash Provisions adopted by the State Water resources Control Board (SWRCB) and trash requirements in the most current San Bernardino"

Exhibit 7-2: Utility Plan

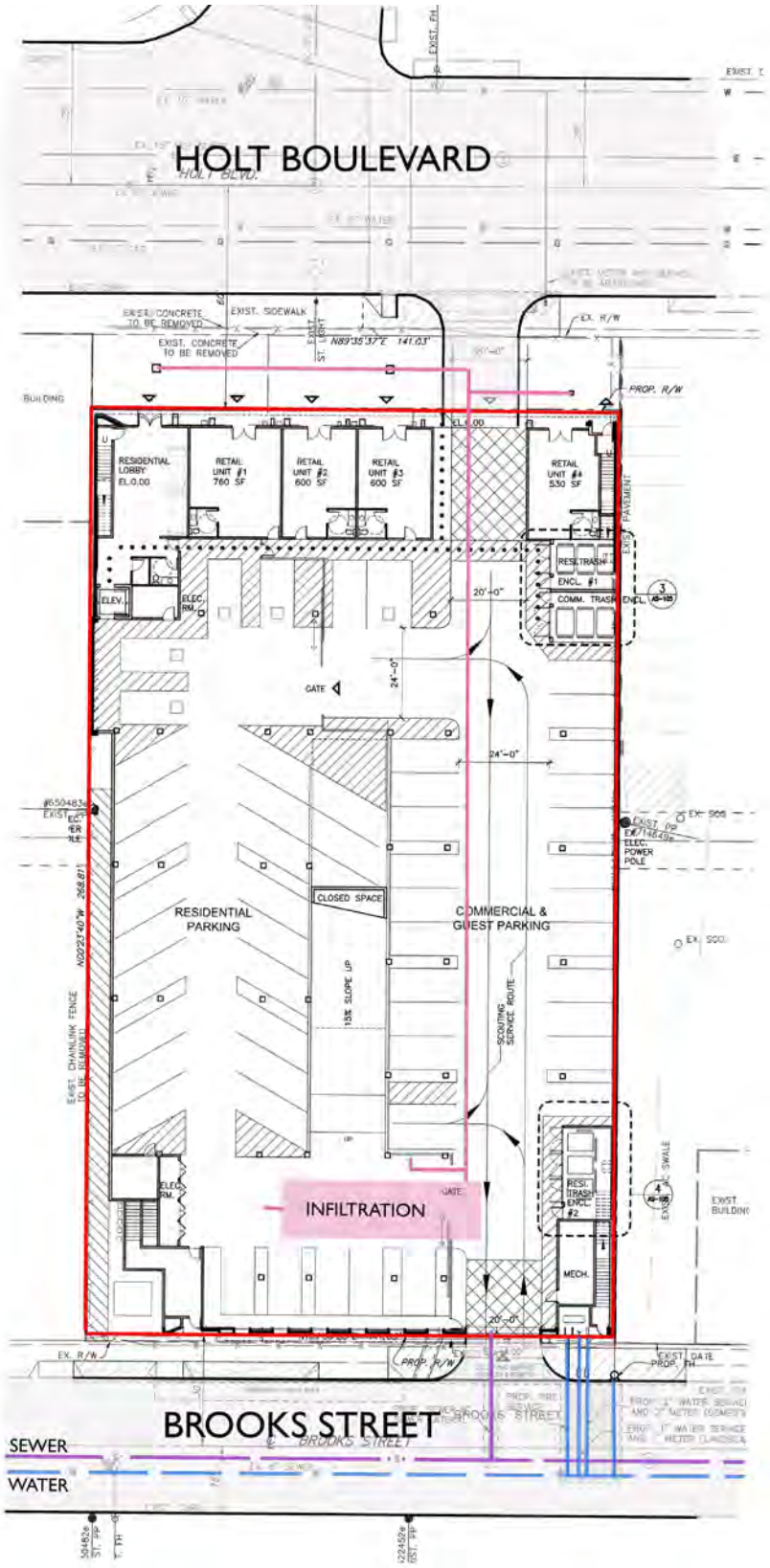


Exhibit 7-3: Easement and Dedication Locations

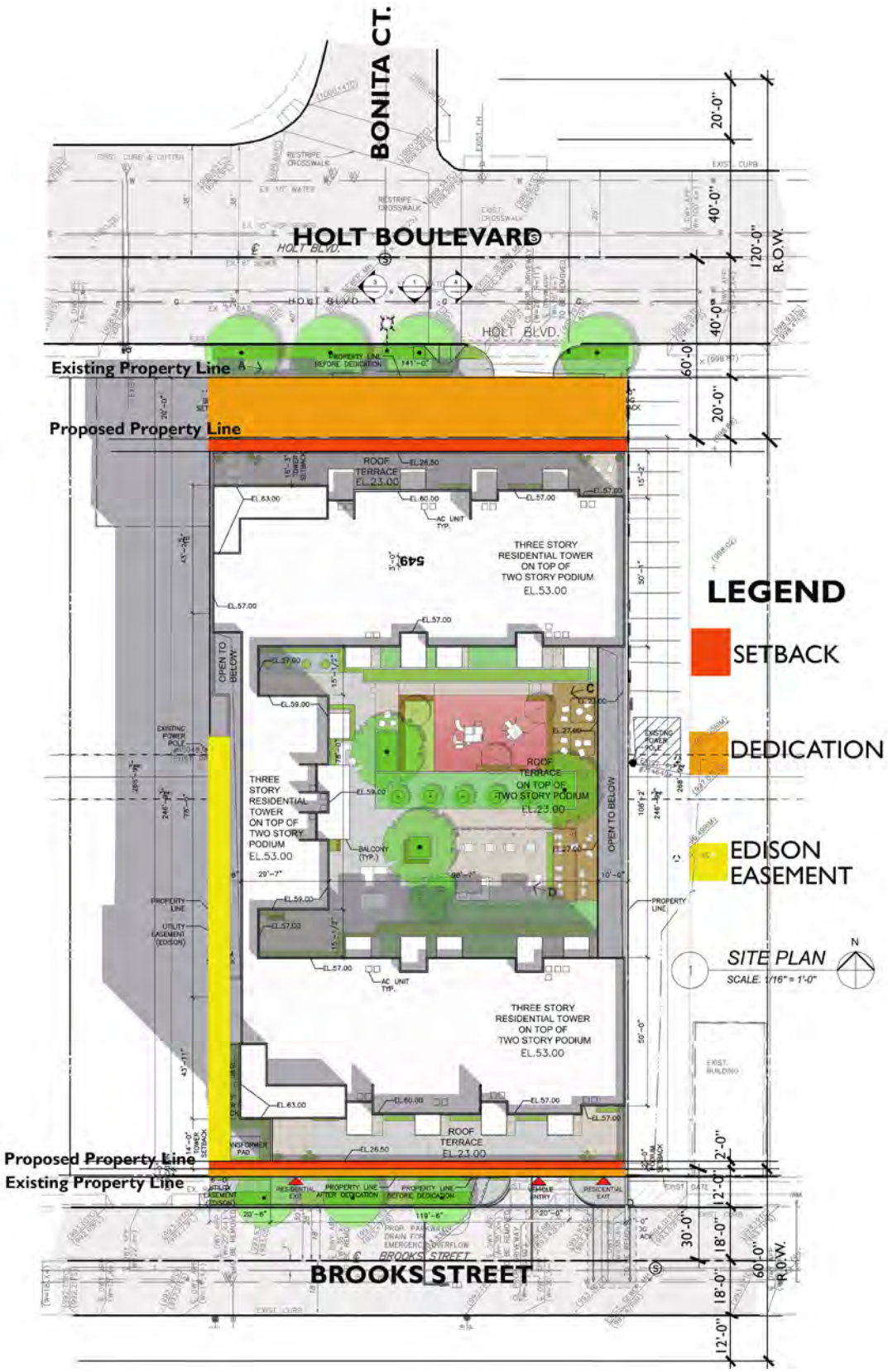
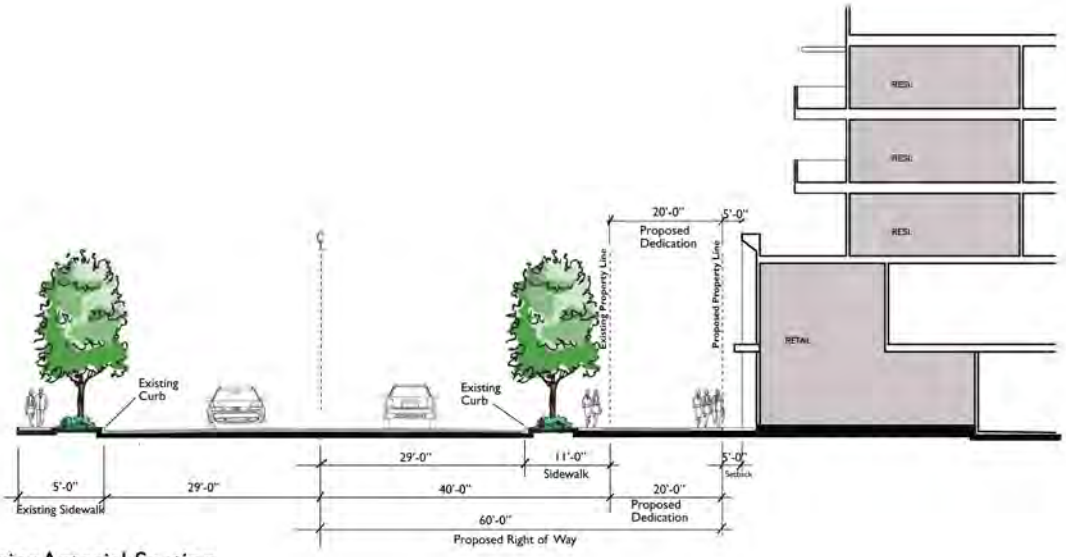
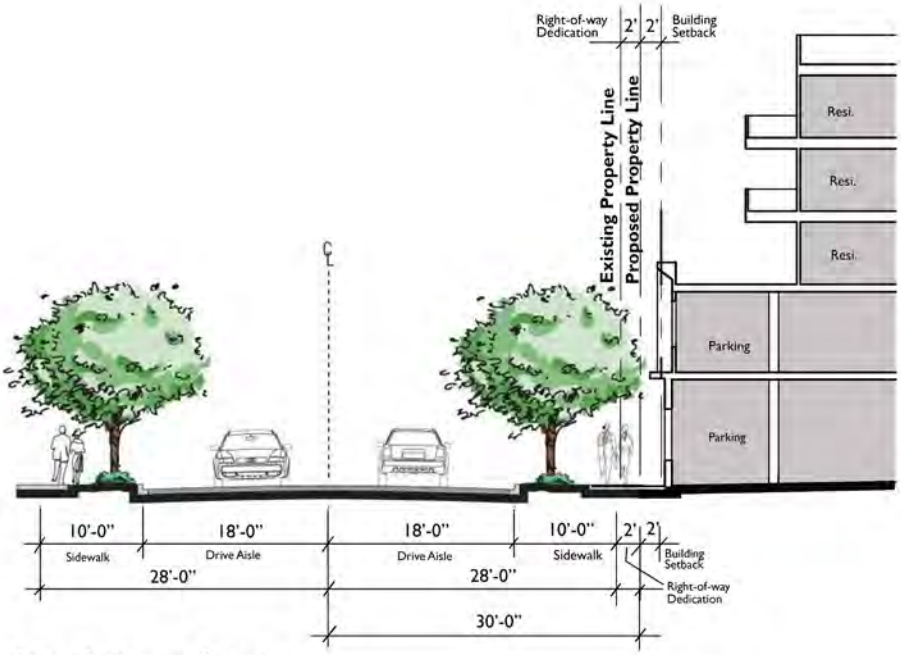


Exhibit 7- 4: Street Sections



Major Arterial Section
Holt Boulevard



Local Street Section
Brooks Street
not to scale

8 – CEQA COMPLIANCE

An Addendum to The Ontario Plan Environmental Impact Report (SCH No. 2008101140), prepared in conjunction with File No. PGPA06-001, and certified by the City of Ontario City Council on January 27, 2010, was prepared for the project. The Approving Authority for the Project reviewed and considered the information contained in the Addendum, the initial study, and the administrative record for the Project, including all submitted written and oral evidence. Based upon the facts and information contained in the Addendum, the initial study, and the administrative record, including all written and oral evidence, the Approving Authority found as follows:

- The Addendum and administrative record have been completed in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and
- The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Approving Authority; and
- There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and
- The project will not introduce any new significant environmental impacts beyond those previously analyzed in the Environmental Impact Report, and all mitigation measures previously adopted by the Environmental Impact Report, are incorporated herein by this reference.

8.1 – Environmental Performance Standards

Due to the proximity of the project area to rail lines and Holt Avenue which are both generators of noise and emissions, standards have been established to mitigate these environmental impacts.

8.1.1 – Noise

To ensure a proper standard of living, noise levels shall not exceed 65 dBA for exterior noise levels and 45 dBA for interior noise levels. In order to achieve these noise levels the following mitigations shall be followed:

- Prior to the issuance of building permits, the developer/owner shall retain an acoustic engineer to conduct an acoustic analysis and identify, where appropriate, site design features (e.g., setbacks, berms, or sound walls), and/or required building acoustical improvements (e.g., sound transmission class rated windows, doors and attic baffling), to ensure compliance with the City's Noise Compatibility Criteria, and the California State Building Code and California Noise Insulation Standards (CCR Titles 24 and 21).
- Prior to the issuance of building permits, the developer/owner shall retain an acoustical engineer to evaluate the potential for trains to create perceptible levels of vibration indoors. If vibration-related impacts are found, mitigation measures, such as use of concrete, iron, steel, or masonry materials to ensure that levels of vibration amplification are within acceptable limits to building occupants, shall be implemented. Pursuant to the Federal Transit Administration vibration-annoyance criteria, these acceptable limits are 78 VdB during the daytime and 72 VdB during the nighttime for residential uses.
- Construction activities shall only occur between the hours of 7:00 AM and 6:00 PM on weekdays, and 9:00 AM and 6:00 PM on Saturdays and Sundays;
- Structural noise attenuation requirements contained in Ontario Municipal Code Title 8, Chapter 15, Article 3 (Building Requirements for New Residential Construction in the 65 CNEL to 70 CNEL Noise Zone) are required to be incorporated into exterior façade units located along the eastern, western, and northern project perimeter.
- Structural noise attenuation requirements contained in Ontario Municipal Code Title 8, Chapter 15, Article 2 (Building Requirements for New Residential Construction in the 70 CNEL to 75 CNEL Noise Zone) are required to be incorporated into exterior façade units located along the southern project perimeter;
- Balconies on exterior façade units located along the project's east, south and north frontages shall have a solid balcony barrier of at least 5 feet per study findings. On exterior façade units located along the project's south perimeter street frontage, no balconies or yard areas shall be permitted; and
- If required upon findings of a study, a 6-foot high solid decorative masonry block wall with self-closing, sound insulated gates shall be constructed between the buildings located along the southern edge of the project site. This will ensure exterior noise for outdoor facilities within the project will not exceed 65 dB CNEL.

8.1.2 – Air Quality

- Due to the proximity of the active rail lines to the south of the project area, air quality is a concern for the project site resulting from the diesel emissions from trains.
  Listed below are standards for reducing the air quality impacts of the diesel emissions.
- All residential living areas shall be equipped with air filtration systems operating under a positive pressure rated at MERV 12 or higher;
- The HOA or property management will replace all unit filters on a routine basis, deter mined by industry standards for the filter and air conditioning HVAC systems selected;
- The active outdoor recreation areas should be shifted northward where feasible, to provide the greatest possible distance setback from the closest railroad tracks; and
- A dense tree canopy shall be established along the southern site boundary to act as a living bio-filter for particulate air pollution.

9 – ADMINISTRATION

9.1 – Items Not Addressed in PUD

Any terms or regulations pertaining to design, development, subdivision, administration and interpretation, and nonconforming use, structures and, which are not addressed in this PLANNED UNIT DEVELOPMENT, shall be governed by the City of Ontario Development Code.

9.2 – Development Applications

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

9.3 – Administrative Exceptions

Minor exceptions to the development standards set forth in this document may be granted by the Zoning Administrator in accordance with Section 4.02.020.C (Administrative Exceptions) of the Ontario Development Code, not to exceed 10 percent from minimum residential setback and separation requirements.

9.4 – Severability

If any portion of this Planned Unit Development is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Planned Unit Development. Moreover, the decision shall not affect, impair, or nullify this Planned Unit Development, either in whole or in part, and the remainder of this Planned Unit Development shall continue in full force and effect.

CITY OF ONTARIO *Agenda Report* **December 20, 2022**	**SECTION:** **PUBLIC HEARINGS**
Department: Planning Prepared By: Ruben Duran Staff Member Presenting: Scott Murphy, Executive Director Community Development Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 20

SUBJECT: **A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA22-005, REVISING DIVISION 5.03 - SUPPLEMENTAL LAND USE REGULATIONS, SECTION 5.03.010 (ACCESSORY RESIDENTIAL STRUCTURES) IN ORDER TO BRING THE CITY'S CURRENT PROVISIONS GOVERNING ACCESSORY DWELLING UNITS INTO COMPLIANCE WITH THE REQUIREMENTS OF CALIFORNIA SENATE BILL NO. 897 (GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22)**

RECOMMENDATION: That the City Council consider and adopt an Urgency Ordinance approving File No. PDCA22-005, amending Section 5.03.010 of Division 5.03 of Chapter 5 of the Ontario Development Code relating to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), consistent with the requirements of California Senate Bill No. 897 (Government Code sections 65852.2 and 65852.22).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: There is not a direct fiscal impact associated with this action.

BACKGROUND & ANALYSIS: In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Government Code sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. In 2022, the California Legislature approved, and the Governor signed into law, Senate Bill 897 ("SB 897") that further amends Government Code sections 65852.2 and 65852.22 ("New Amendments"). The New Amendments:

1. Require the City to allow certain ADUs to be higher — up to 18 or 25 feet, depending on the situation; Require the City's front setback to yield for certain ADUs;
2. Require the City to justify a denial with a full set of detailed comments describing the deficiencies in the application and explaining how to remedy them; and
3. Remove the automatic repeal in 2025 (now the ADU statute is permanent).

PROPOSED URGENCY ORDINANCE: SB 897 becomes effective on January 1, 2023 and preempts any conflicting city ordinance. Consequently, Staff and the City Attorney have prepared an urgency ordinance in accordance with Government Code Section 36937(b).

The proposed ordinance amends the City's local regulatory scheme for the construction of ADUs and JADUs to comply with recently amended provisions of Government Code sections 65852.2 and 65852.22.

Failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) by January 1, 2023, renders the City's ADU ordinance null and void, thereby limiting the City to the application of the few default state standards provided in Government Code sections 65852.2 and 65852.22. The approval of ADUs and JADUs based solely on these default statutory standards, without local regulations governing height, setback, landscape, and architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

The ADU code amendments are proposed for adoption by urgency ordinance, in accordance with Government Code section 36937, subdivision (b), and will be followed at the earliest possible time by a non-urgency ordinance that will be considered for approval by the Planning Commission before returning to the City Council for ultimate adoption.

Staff recommends that the City Council approve the proposed urgency ordinance to allow sufficient time for City staff to prepare a permanent ordinance pertaining to the updated regulation of Accessory Dwelling Units and Junior Accessory Dwelling Units in a manner that complies with the new State law and is consistent with Government Code Sections 65852.2 and 65852.22.

ENVIRONMENTAL REVIEW: Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA22-005, AMENDING SECTION 5.03.010 OF DIVISION 5.03 of CHAPTER 5 OF THE ONTARIO DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

WHEREAS, the City of Ontario, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Government Code sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2022, the California Legislature approved, and the Governor signed into law Senate Bill 897("SB 897") that further amends Government Code sections 65852.2 and 65852.22; and

WHEREAS, SB 897 takes effect January 1, 2023, and if the City's ADU ordinance does not comply with the requirements imposed by SB 897 by that date, the City's entire existing ADU ordinance becomes null and void as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 897 because if the City's ordinance does not comply with the amended laws as of January 1, 2023, and the City's ADU ordinance becomes null and void, the City would thereafter be limited to applying the few default standards that are provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, and architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b).

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

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

SECTION 3. General Plan. This ordinance is, as a matter of law, consistent with the City's General Plan pursuant to Government Code Section 65852.2(a)(1)(C).

SECTION 4. Code Amendments. Section 5.03.010 of Division 5.03 of Chapter 5 of the Ontario Development Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 5. Effective Date. This ordinance takes effect immediately upon its adoption.

SECTION 6. Publication. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, within 15 days after its adoption.

SECTION 7. Submittal to HCD. The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

SECTION 8. Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

SECTION 9. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least twice, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Urgency Ordinance No. _____ was duly introduced and adopted at the regular meeting of the City Council of the City of Ontario held on the 20th day of December 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Urgency Ordinance No._____ duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and summaries of the Ordinance were published on December 27, 2022 and January 3, 2023 in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

<u>EXHIBIT “A”</u>
Amended ADU Regulations

EXHIBIT "A"

Section 5.03.010 – Accessory Dwelling Units

A. **Purpose.** The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

B. **Effect of Conforming**. An ADU or JADU that conforms to the standards in this Section will not be:

1. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.

2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

3. Considered in the application of any local ordinance, policy, or program to limit residential growth.

4. Required to correct a nonconforming zoning condition, as defined in Subsection C.7 below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. **Definitions**. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified.

1. Accessory Dwelling Unit (ADU). An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

   a. An efficiency unit, as defined by California Health and Safety Code Section 17958.1; and

   b. A manufactured home, as defined by California Health and Safety Code Section 18007.

2. Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same lot.

3. Complete Independent Living Facilities. Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multiple-family dwelling is or will be situated.

4. Efficiency Kitchen. A kitchen that includes all the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the JADU.

5. Junior Accessory Dwelling Unit (JADU). A residential unit that satisfies all of the following:

a. It is no more than 500 square feet in size;

b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.

c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.

d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

e. It includes an efficiency kitchen, as defined in Subsection C.4 above.

6. Living Area. The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

7. Nonconforming Zoning Condition. A physical improvement on a property that does not conform with current zoning standards.

8. Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

9. Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

10. Public Transit. A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

11. Tandem Parking. Two or more automobiles parked on a driveway or on any other location on a lot, lined up one behind the other.

D. **Approvals**. The following approvals apply to ADUs and JADUs under this Section:

1. Building Permit Only. If an ADU or JADU complies with each of the general requirements in subsection E below, it is allowed with only a building permit in the following scenarios:

a. *Converted on Single-family Lot*. One ADU as described in this Subsection D.1.a and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

(1) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

(2) Has exterior access that is independent of that for the single-family dwelling; and

(3) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(4) The JADU complies with the requirements of Government Code Section 65852.22.

b. *Limited Detached on Single-family Lot*. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection D.1.a above), if the detached ADU satisfies each of the following limitations:

(1) The side- and rear-yard setbacks are at least four-feet;

(2) The total floor area is 800 square feet or smaller; and

(3) The peak height above grade does not exceed the applicable height limit provided in Subsection E.2 below.

c. *Converted on Multiple-Family Lot*. One or more ADUs within portions of existing multiple-family dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this Subsection D.1.c, at least one converted ADU is allowed within an existing multiple-family dwelling, up to a quantity equal to 25 percent of the existing multiple-family dwelling units.

d. *Limited Detached on Multiple-Family Lot*. No more than two detached ADUs on a lot that has an existing or proposed multiple-family dwelling if each detached ADU satisfies both of the following limitations:

(1) The side- and rear-yard setbacks are at least four-feet. If the existing multiple-family dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multi-family dwelling as a condition of approving the ADU.

(2) The peak height above grade does not exceed the applicable height limit provided in Subsection E.2 below.

2. ADU Permit.

a. Except as allowed under Subsection D.1 above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Subsections E and F, below.

b. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The fee for processing an ADU is established by resolution of the City Council.

3. Process and Timing.

a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

b. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

(1) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(2) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multiple-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multiple-family dwelling, but the application to create the ADU or JADU will still be considered ministerially, without discretionary review or a hearing.

c. If the City denies application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Subsection D.3.b above.

d. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

E. **General ADU and JADU Requirements**. The following requirements apply to all ADUs and JADUs that are approved under Subsections D.1 or D.2, above:

1. Zoning.

a. An ADU or JADU subject only to a building permit under Subsection D.1, above, may be created on a lot in a residential or mixed-use zoning district.

b. An ADU or JADU subject to an ADU permit under Subsection D.2, above, may be created on a lot that is zoned to allow single-family dwelling residential use or multiple-family dwelling residential use.

2. Height.

a. Except as otherwise provided by Subsections **Error! Reference source not found.** and **Error! Reference source not found.** below, a detached ADU created on a lot with an existing or proposed single-family or multiple-family dwelling unit may not exceed 16 feet in height.

b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multiple-family dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

c. A detached ADU created on a lot with an existing or proposed multiple-family dwelling that has more than one story may not exceed 18 feet in height.

d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this Subsection E.2.d may not exceed two stories.

e. For purposes of this subsection E.2, height is measured above existing legal grade to the peak of the structure.

3. Fire Sprinklers.

a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

4. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

5. No Separate Sale or Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multiple-family lot).

6. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last 5 years or, if the percolation test has been recertified, within the last 10 years.

7. Owner Occupancy.

.

a. An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.

b. Unless applicable law requires otherwise, all ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

c. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this Subsection E.7.c does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

8. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

a. Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.

b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.

c. The deed restriction runs with the land and may be enforced against future property owners.

d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Planning Director, providing evidence that the ADU or JADU has in fact been eliminated. The Planning Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Planning Director's determination, consistent with other provisions of this Development Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Development Code.

e. The deed restriction is enforceable by the Planning Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

9. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.2, the following requirements must be satisfied:

a. With the building-permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

10. Building & Safety.

a. *Must comply with building code*. Subject to Subsection E.10.b below, all ADUs and JADUs must comply with all local building code requirements.

b. *No change of occupancy*. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or

Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection E.10.b prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

F. **Specific Requirements**. The following requirements apply only to ADUs that require an ADU permit under Subsection D.2, above.

1. Maximum Size.

   a. The maximum size of a detached or attached ADU subject to this Subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.

   b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

   c. Application of other development standards in this Subsection F, such as lot coverage, might further limit the size of the ADU; nevertheless no application of the percent-based size limit in Subsection F.1.b, above, or of a lot coverage limit, front setback, or open-space requirement may require the ADU to be less than 800 square feet.

2. Building Setbacks.

   a. Subject to Subsection F.1.c above, an ADU that is subject to this Subsection F must conform to the front yard setback of the zoning district in which it is located.

   b. An ADU that is subject to this Subsection F must conform to 4-foot side yard and rear yard setbacks.

   c. No setback is required for an ADU that is subject to this Subsection F if the ADU is constructed in the same location and to the same dimensions as an existing structure.

3. Lot Coverage. No ADU subject to this Subsection F may cause the total lot coverage of the lot to exceed the maximum lot coverage of the zoning district in which it is located, subject to Subsection F.1.c, above.

4. Minimum Open Space. No ADU subject to this Subsection F may cause the total percentage of open space of the lot to fall below the requirements specified in Section 6.01.010 (Residential Zoning Districts) of this Development Code, subject to Subsection F.1.c, above.

5. Passageway. No passageway, as defined by Subsection C.8, above, is required for an ADU.

6. Off-Street Parking.

a. *Generally*. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Subsection C.11, above.

b. *Exceptions*. No parking under Subsection F.6.a, above, is required in the following situations:

(1) The ADU is located within one-half mile walking distance of public transit, as defined in Subsection C.10 above.

(2) The ADU is located within an architecturally and historically significant historic district.

(3) The ADU is part of the proposed or existing primary residence, or an accessory structure under Subsection D.1.a, above.

(4) When on-street parking permits are required but not offered to the occupant of the ADU.

(5) When there is an established car share vehicle stop located within one block of the ADU.

(6) When the permit application to create an ADU is submitted with an application to create a new single-family or multiple-family dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in Subsections F.6.b(1) through F.6.b(5) above.

c. *No Replacement*. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

7. Architectural Requirements.

a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

c. The exterior lighting must be limited to down-lights or as otherwise required by the City's Building or Fire Code.

d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of 7 feet.

f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line-of-sight.

g. All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least 6 feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

8. Historical Protections. An ADU that is on or within 600 feet of real property that is listed as a Historic Resource must be located so as to not be visible from any public right-of-way.

G. **Fees**. The following requirements apply to all ADUs that are approved under Subsections D.1 or D.2, above.

1. Impact Fees.

a. No impact fee is required for an ADU that is less than 750 square feet in size. For the purposes of this Subsection G.1, the term “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code, § 66000(b)) and a fee under the Quimby Act (Gov. Code, §66477). “Impact fee” as used in this Section, does not include any connection fee or capacity charge for water or sewer service.

b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. Utility Fees.

a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility, and payment of the normal connection fee and capacity charge for a new dwelling, are required.

b. Except as described in Subsection G.2.a above, converted ADUs on a single-family lot that are created under Subsection D.1.a above, are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.

c. Except as described in Subsection G.2.a, above, all ADUs that are not covered by Subsection G.2.b, above require a new, separate utility connection directly between the ADU and the utility.

(1) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU , based on either the floor area or the number of drainage fixture unit (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

(2) The portion of the fee or charge that is charged by the City shall not exceed the reasonable cost of providing this service.

H. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures**.

1. Generally. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. Unpermitted ADUs constructed before 2018.

a. Permit to Legalize. As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

(1) The ADU violates applicable building standards, or

(2) The ADU does not comply with state ADU law (Government Code Section 65852.2) or this ADU ordinance (Section 5.03.010).

b. Exceptions:

(1) Notwithstanding Subsection H.2.a above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.

(2) Subsection H.2.a above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

I. **Nonconforming ADUs and Discretionary Approval**. Any proposed ADU or JADU that does not conform to the objective standards set forth in Subsections A through H of this Section may be allowed by the City with a Conditional Use Permit, in accordance with the other provisions of this Development Code.