

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
January 15, 2020
Closed Session - 5:30 PM
Special Meeting - 6:00 PM

A. ROLL CALL, POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION (5:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9(d)(1))

Name of Case: In the Matter of: Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements Public Utilities Commission Proceeding No. R.16-02-007.

D. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

E. REPORTS

1. City Attorney Department

SUBJECT: 9212 Report regarding:

A. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget";

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Staff Presentation / Council Discussion / Public Comment)

B. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met"; and

C. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run." (30/15/15)

RECOMMENDATION: That the City Council receive the Election Code Section 9212 report prepared by Russ Branson of Russ Branson Consulting regarding the following three initiatives certified by the City Clerk as sufficient:

A. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget";

B. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met"; and

C. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run."

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

2. City Attorney Department

SUBJECT: 9212 Report Regarding "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council." (10/15/15)

RECOMMENDATION: That the City Council receive an Election Code Section 9212 report prepared by Community Development Director Jeff Lambert regarding the following initiative certified by the City Clerk as sufficient: "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council."

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

F. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

G. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9, subd. (d)(4): Four cases.

H. REPORTS

1. City Attorney Department

SUBJECT: Consideration of Action on Initiative Measures Titled:

1. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run;"
2. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met;"
3. "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council;" and
4. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget." (5/10/15)

RECOMMENDATION: That the City Council:

1. For each of the four initiatives, either: a) adopt the ordinance, or b) call an election; and
2. If calling the election, adopt resolution(s) ordering consolidation with the November 3, 2020 statewide election and requesting the County Clerk to conduct the election and authorizing the Board of Supervisors to canvass the returns.

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

I. ADJOURNMENT



CITY COUNCIL AGENDA REPORT

 REPORTS
 AGENDA ITEM NO. E.1.

DATE: January 15, 2020

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: 9212 Report regarding:

- A. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget";
- B. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met"; and
- C. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run." (30/15/15)

RECOMMENDATION

That the City Council receive the Election Code Section 9212 report prepared by Russ Branson of Russ Branson Consulting regarding the following three initiatives certified by the City Clerk as sufficient:

- A. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget";
- B. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met"; and
- C. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run."

BACKGROUND

On December 17, 2019, the City Clerk certified as sufficient the petitions for the four initiatives listed in the subject of this report. Pursuant to Elections Code ("EC") Section 9215, if an initiative petition is signed by a sufficient percentage of City voters, the governing body (the City Council) has the option to take one of the following actions for each of the four initiatives:

- A. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
- B. Submit the ordinance, without alteration, to the voters pursuant to EC Section 1405; or

C. Order a report, pursuant to EC Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to EC Section 1405.

The report the City Council may order pursuant to EC Section 9212 ("9212 Report") is to address impacts or effects of the initiative on the City, including fiscal impacts and any other matters the legislative body (City Council) requests to be in the report. EC Section 9212(a)(8). The 9212 Report must be prepared within the time set by the City Council, "but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition." EC Section 9212(b).

On December 17, 2019, the City Council ordered the preparation of 9212 Reports for the four initiatives that are before the City Council this evening. Three of these reports were prepared by Russ Branson of Russ Branson Consulting and are included with this agenda item.

STRATEGIC PRIORITIES

This agenda item does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

The 9212 Report discusses the potential impacts of three of the initiatives.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Kenneth Rozell, Chief Assistant City Attorney

ATTACHMENTS

1. City of Oxnard Initiative Review
2. City of Oxnard Presentation



City of Oxnard Initiative Review

Independent Analysis

Date: 1/8/2020

For 1/15/2020 Special Council Meeting

TABLE OF CONTENTS

Background	3
Purpose of the Report	4
Reviewers.....	4
Treasurer Expansion Initiative	6
Overview of Initiative	6
Initiative Preamble.....	7
Impact on governance.	9
Organizational Impact.....	13
Organization Charts	14
Organizational Initiative Language	18
Changes in Budget Oversight	18
Shift of Departmental Performance Measurements.....	19
Internal Controls.....	21
Transparency.....	23
Fiscal Impacts	25
Summary of Impacts from the Treasurer Expansion Initiative	28
Meeting Requirements Initiative	29
Definition of Legislative Bodies	29
Governance	30
Meeting Times.....	30
Staff Presentations	31
Public Comment	33
Fiscal Impact.....	33
Summary of Impacts from the Meeting Requirements Initiative	35
Measure O Termination Initiative	36
Measure O.....	36
Funding Options	40
Measure O	40
Gas Tax.....	40
General Fund	40
Implementation Options.....	41

Option #1—Fund Initiative PCI Targets by Required Dates	41
Option #2—Maintain Status Quo	42
Summary of Impacts from the Measure O Termination Initiative	43
Appendices.....	44
Appendix A—Ballot Summary and Text of Initiatives	45
Appendix B—Laws Referenced in report.....	53
Appendix C—Pavement Engineering, Inc. PCI cost sheets.....	57
Appendix D—Measure O Ballot	59
Appendix E—Measure O Costing/Revenue from FY20 Budget.....	62
Appendix F—CFO Job Description	79

BACKGROUND

In the spring of 2019, the City Clerk received a “Notice of Intent to Circulate Petition” for five City initiatives. The completed petitions were delivered to the City Clerk’s office on October 28, 2019 and were forwarded to Ventura County elections officials for signature review. The County Elections Office performed a random sample for verification of signatures, and finalized their count on December 10, 2019. The City Clerk prepared Certificates of Sufficiency for four of the five initiatives. On December 17, 2019, the Oxnard City Council took up the option to either adopt the ordinances proposed by the four initiatives or to submit these ordinance changes to the voters. Instead of taking final action at the meeting, the City Council decided to submit all four initiatives for a report on their impacts to the City, as authorized by Elections Code Section 9212 (see **Appendix B**). The initiatives include (as titled by the City Attorney):

- **“New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run”**
- **“Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five-Year Periods If Specific Pavement Standards Are Met”**
- **“Expansion of Duties of Elected City Treasurer** By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City’s Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget”
- **“Expedited Processing of Certain City-Issued Development Permits** If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council”

A fifth initiative entitled “Term Limits for the Mayor and Councilmembers” did not meet the sampling requirements for the number of valid signatures and is still undergoing signature review by the County. The verification process will be completed by January 28, 2020.

This report addresses the impacts and effect of these initiatives on the City—specifically, fiscal, governance, and organizational impacts of the initiatives,¹ but **only covers the first three**

¹ *The last two categories of impacts were requested by the Council in discussion authorizing the report, as is allowed under EC 9212, 9(a)(8) “Any other matters the legislative body requests to be in the report.”*

initiatives listed above. Analysis of the fourth initiative is being performed separately, and not included in this report.

EC 9212 requires that this report be presented to the legislative body within “30 days after the elections official certifies to the legislative body the sufficiency of the petition.”

PURPOSE OF THE REPORT

The purpose of this report is to address the Council’s request for a review of impacts on three of the four initiatives. For ease of reference, the longer titles provided by the City Attorney are shortened to the following titles throughout this document:

1. Expansion of Duties of Elected City Treasurer—**“Treasurer Expansion Initiative”**
2. New Requirements Regarding the Way in Legislative Bodies are Run—**“Meeting Requirements Initiative”**
3. Early Termination of Measure O Sales Tax—**“Measure O Termination Initiative”**

When used, these shortened titles encompass the longer titles provided at the beginning of this chapter.

The review process was conducted independently and reflects the analysis of the reviewers. City staff was consulted and interviewed to both understand the City’s current operations and to ensure that the report had no factual errors as it describes the City’s current processes. Analysis and conclusions reached on each initiative is the sole opinion of the reviewers. No effort is made to pass judgement on any of the initiatives—good or bad—or to in any way sway future voters to choose a direction to vote on these initiatives. The review is meant to provide an unbiased analysis of the potential, and likely, impact of these initiatives if passed by the voters.

What is not considered in this report is the potential fiscal or staff impact of legal challenges to the initiatives. There is a good deal of vague language in the initiatives that may be challenged in court, as the Council will have not ability to clarify through revising these portions of the Oxnard City Code for initiatives that are passed by voters.

REVIEWERS

The review was conducted as a joint effort between Russ Branson, founder of Russ Branson Consulting, and Patty Francisco of MRG. **Mr. Branson** served as an Assistant City Manager/Administrative Services Director/Finance Director for the City of Roseville for nearly 14 years. Mr. Branson has also spent over 16 years consulting with local governments on fiscal, budget, and organizational issues throughout the State of California.

Ms. Francisco has 30 years of public sector human resources experience including 20 years as Director/Chief of Human Resources. She worked at the Metropolitan Water District of

Southern California (MWD), the Community Redevelopment Agency for the City of Los Angeles, and at Metrolink.

TREASURER EXPANSION INITIATIVE

"Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget"

The purpose of this initiative, as stated in its text, is to:

1. "Declare the elected City Treasurer as the City's Chief Financial Officer and ensure a sufficient number of qualified professionals are in the finance department to carry out required duties"
2. Have the Treasurer design and implement "a system of internal controls and overseeing an internal auditor to discourage malfeasance and criminal conduct"
3. "Entrust the city treasurer with designing and implementing a robust program of transparency, including monthly financial reports and the online posting of documentation supporting city expenditures"
4. Charge the Treasurer "with establishing relevant metrics and regularly reporting on the performance of each city department to better ensure that the public is receiving quality, economical and timely services"
5. "To create clear lines of authority between elected officials and hired city staff, and require that the elected city treasurer publicly report on the level of support and cooperation provided by city staff in assisting the elected city treasurer with fulfilling required duties"

OVERVIEW OF INITIATIVE

The "Treasurer Expansion Initiative" initiative will impose a major change in the City's overall financial governance, will add significant cost to the City's financial oversight function, **but** will be unlikely to provide any additional transparency or accountability on the City's finances. Additionally, this initiative eliminates existing lines of oversight of City departments and will likely result in power struggles that will impair effective governance.

One of the most troubling aspects of this initiative is the merger of a single elected position (Treasurer) with an administrative position (Finance Director/Chief Financial Officer (CFO)) and portions of the City Manager's and City Council oversight. Furthermore, the only requirement for the position with this initiative is a registered voter at least 18 years old. This would not only make this the most powerful position in the City, but there would be no previous experience or qualifications required.

As it now functions, the seven-member City Council hires and oversees the City Manager who hires and oversees the CFO. The Council sets citywide policy and service levels, reviewing and adopting the annual budget, and directing the City Manager to provide proof of the proper functioning of City's finances (e.g., hiring an independent financial auditor, internal auditor, and the whistleblower program).

Policies or direction to the City Manager by the Council require:

- Minimum of four affirmative votes
- Dissenting members discuss their dissent in a public meeting
- Public input is invited

Oversight of the City is provided in the following manner:

- If the City Manager decides not to follow Council policies or to engage in illegal or unethical behavior, the Council can terminate the City Manager with four affirmative votes
- Department Heads serve at the pleasure of the City Manager and can be terminated for any reason, but especially an unwillingness or inability to carry out the duties of their department—including proper management and leadership
- The City's annual financial report and internal auditor's report provide the Council with feedback from independent professionals
- The Whistleblower program provides staff with the opportunity to report suspected wrongdoing without a fear of reprisal

If this initiative is passed by the voters, this system of checks and balances will be replaced by all fiscal and budget oversight, as well as the setting of departmental performance metrics and direct hiring of the City's internal auditor and Whistleblower program, in the hands of a single elected position. Under this system, the Treasurer will have no responsibility to discuss or disclose operational policies, will not be subject to discipline for unethical behavior, poor management that damages the City, or engaging in actions that undermine City Council policies and City Manager's administrative oversight responsibilities.

Initiative Preamble

The initiative begins with a preamble that asserts findings that are misleading. This set-up to the changes in the Oxnard City Code in the initiative do not match the reality of what is being proposed.

The "Findings and Declarations" from the initiative state that:

"No one elected official is explicitly accountable to voters for overseeing the city's finances, including a system of internal controls required to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives."

This preamble begins the initiative with several assertions that are false and implies that the initiative changes will address these issues. This misstates the oversight function provided by City Council providing the primary governance oversight. The issues on an assertion-by-assertion basis are:

- “No one elected official is explicitly accountable to voters for overseeing the city’s finances...”
 - There are six Council members and the Mayor who are charged with overseeing City finances
 - Council does this through a Council-Manager form of government that delegates day-to-day operations of the City’s administrative oversight to the City Manager
 - The City Manager can be changed with a majority vote from the Council at any time the Council decides to take such action
 - On the other hand, the elected Treasurer cannot be replaced except by the voters—even then only every four years or by recall; therefore, oversight of the City finances actually become less subject to oversight if these administrative duties are shifted to the elected Treasurer position
- “...including a system of internal controls required to safeguard assets, ensure financial statement reliability...”
 - The system of internal controls in place currently are similar to the requirements of internal controls without this initiative. The reporting required by the initiative is difficult to do with the existing accounting system and will require additional staff that the City cannot afford. Preparing these reports will be easier with the implementation of the new Tyler Technologies financial system.
 - The City performs an annual external independent audit of its financial statements to ensure reliability
 - The City hires an outside internal auditor to provide continuous oversight of City financial accountability
- “...promote operational efficiency...”
 - In the initiative, this is accomplished by giving the elected Treasurer the responsibility to set performance metrics for every department in the City (including police, fire, public works, parks, etc.)
 - This will be neither efficient nor effective. An elected City Treasurer is unlikely to have any working knowledge of departments—even Finance and Treasury. There may be no buy-in by departments, the City Manager, or City Council to these metrics and the Treasurer will have no direct oversight of any department except Finance and Treasury
- “...and encourage compliance with applicable laws and city council directives.”
 - The City Manager, department heads, and staff are required to follow all applicable laws and City Council directives. Failure to do so can result in termination or significant discipline

- It is unclear what “encourage compliance” means or how this would be carried out, especially if there is a difference of opinion on what is “applicable” and what the “city council” has directed

IMPACT ON GOVERNANCE.

If passed, the Treasurer Expansion Initiative will result in a major reorganization of the City’s governance and City Council oversight of finances. These impacts include:

- **Creating a schism in governance between elected City Council and elected Treasurer.** While the City Council retains approval power over the City budget, this initiative shifts the responsibility for developing and presenting the yearly budget from the City Manager—who reports directly to the City Council and is charged with carrying out Council policies—to the new Treasurer/Finance Director/CFO who only has accountability to the voters every four years. There is no accountability to the Council, effectively creating dual oversight of City finances and operations. This is recipe for conflict and ineffective governance.

While the Council has the authority to pass a budget, if the presented budget is not adopted by Council, it will go into effect on July 1st of the budget year and remain in place until Council changes it by vote of the Council²

- **Shifting responsibility of developing and presenting the annual budget to Council** from the City Manager to the City Treasurer
- Designating the City Treasurer as the City’s Finance Director, effectively making this appointed, at-will position **an elected position with no direct oversight**
- **Adding the power to designate performance measures for all departments** to the City Treasurer. Currently, defining performance measures is the responsibility of the City Manager as the City’s supervisor of all appointed department heads. Generally, performance measures are developed by each department and reviewed and approved by the City Manager in the preparation of the budget. This provision of the Treasurer Expansion Initiative creates a muddling of responsibility between the elected Treasurer and the City Council which appoints the City Manager to oversee City operations.

Requirements of the elected position

A key aspect of the impact of the Treasurer Expansion Initiative is to transfer most of the fiscal and departmental oversight from the appointed City Manager to an elected City Treasurer. Additionally, the elected Treasurer will be designated as the Finance Director/CFO and will oversee the Finance Department.

² Sec. 2-179 (D) “...If the budget is not adopted on or before the beginning of such fiscal year, the proposed budget shall become effective without action by the city council.” And (E) “The city council may revise at any time an adopted budget...”

The City Manager and Finance Director positions have significant minimum requirements in order to be considered for employment: years of experience in similar positions, education, and suitability to lead a City or department (*see [Appendices](#) for CFO job description*).

An elected position in the State of California has one primary requirement:

REGISTERED TO VOTE IN CITY OF OXNARD

Age 18 & US Citizen

Not currently in state or federal prison or on parole for a felony

Not currently found mentally incompetent

New Duties of the City Treasurer

Initiative Code Section	Action	Impact
Section 4, B. Sec. 2-168 (A) DUTIES OF THE TREASURER Section 4, D. Sec. 2-176 (F) DUTIES OF THE TREASURER	<u>“The city treasurer shall be the director of finance...”</u> “The city manager may assign to the director of finance additional powers and duties not set forth herein.”	▪ Council loses policy oversight of budget development ▪ Consolidates electoral and administrative oversight into a single elected official ▪ Eliminates City Manager’s oversight of finance function
Section 4, C. Sec. 2-175 (C) DUTIES OF THE TREASURER	“There shall be a finance department, headed by a director of finance <u>the city treasurer</u> who shall supervise such employees as are necessary...”	▪ Moves oversight of critical City department to a single elected official without professional qualifications ▪ Unclear how this impacts normal hiring, firing, discipline of employees—which come under the purview of the City Manager now
Section 4, B. Sec. 2-168 (C) DUTIES OF THE TREASURER	<u>“The City Manager and City Attorney shall in good faith cooperate with and be responsive to requests for information or administrative services made by the city treasurer....”</u>	▪ Anticipates resistance in reallocation of governance responsibilities ▪ Does not define “good faith” or “responsiveness” nor does this section require “good faith” from the Treasurer

New Duties of the City Treasurer

Initiative Code Section	Action	Impact
Section 4, B. Sec. 2-168 (B) DUTIES OF THE TREASURER	<u>“The city treasurer’s reports to the city council shall also convey the extent to which the city manager and the city attorney have supported or hindered the city treasurer’s fulfillment of those duties”</u>	▪ This creates potential conflict between the Treasurer, Council, City Attorney and City Manager based solely on the Treasurer’s perception of support by the City Manager and City Attorney
Section 4, D. Sec. 2-176 FINANCIAL AND ACCOUNTING DUTIES (D)	“The powers and duties of the director of finance include centralizing fiscal and accounting duties; controlling inventory; financial reporting; and assisting in budgeting.	▪ Reflects the shift of complete oversight of the budget preparation from the City Manager to the Treasurer

ORGANIZATIONAL IMPACT

The impact on the City's organization will be significant if the Treasurer Expansion Initiative is passed by voters. The organizational charts on the following pages reflect:

- The current organizational structure
- The oversight changes that will occur if the Treasurer Expansion Initiative is approved
- Organization-wide impacts of the functional oversight changes

The initiative will remove oversight of the Finance Department, performance monitoring, and budget development from overall Council control. While this appears to be a minor shift in the overall organizational structure (second organizational chart), the Finance Department controls spending, purchasing, and payments for all City departments. Additionally, the budget development responsibility and the setting performance metrics for all City departments, represents a significant shift in power from the current Council-Manager form a government (third organizational chart). The Treasurer can recommend a budget that has no relationship to Council priorities, requiring the Council to effectively re-do the budget to direct spending based on their priorities. Even if Council does this, there may be issues with paying bills based on Council priorities.

In addition to this organizational restructuring, there is a shift away from oversight provided by professional administrative staff (who can be redirected, disciplined, or removed at any time) to an elected position:

- **Shifting oversight of finance function** from the City Manager to the elected City Treasurer
- **Shifting oversight** of all treasury, finance, and budget preparation to an elected official **with no required experience or knowledge in public finance or management**

As noted above, the elected Treasurer position has no education or experience requirements to be elected. The Finance Director position, however, has a long list of requirements that need to be met in order to be appointed to this position. Based on the CFO job description, the following is the minimum required of this position to even be interviewed:

- Bachelor's degree in finance, accounting, economics, public or business administration or a closely related field
- Minimum of eight years of progressively responsible experience in financial management and analysis, budget development, accounting, treasury, and debt and liability management
- Three to five years in management or supervisory capacity
- Competent in managing, planning, organizing, directing and controlling a large financial/accounting organizational unit

City Treasurer Duties and Compensation. Currently, Sec. 2-165 of the Oxnard City Code designates the city treasurer classification "as a department director" and as "the administrative head of the city treasurer's office." The existing Code Sec. 2-168. Duties of the City Treasurer, designates two levels of duties: 1) the statutory duties as "assigned to the city

treasurer of a general law city by the law of the State and confirmed by resolution,” and 2) “such administrative duties as assigned by the city manager.”

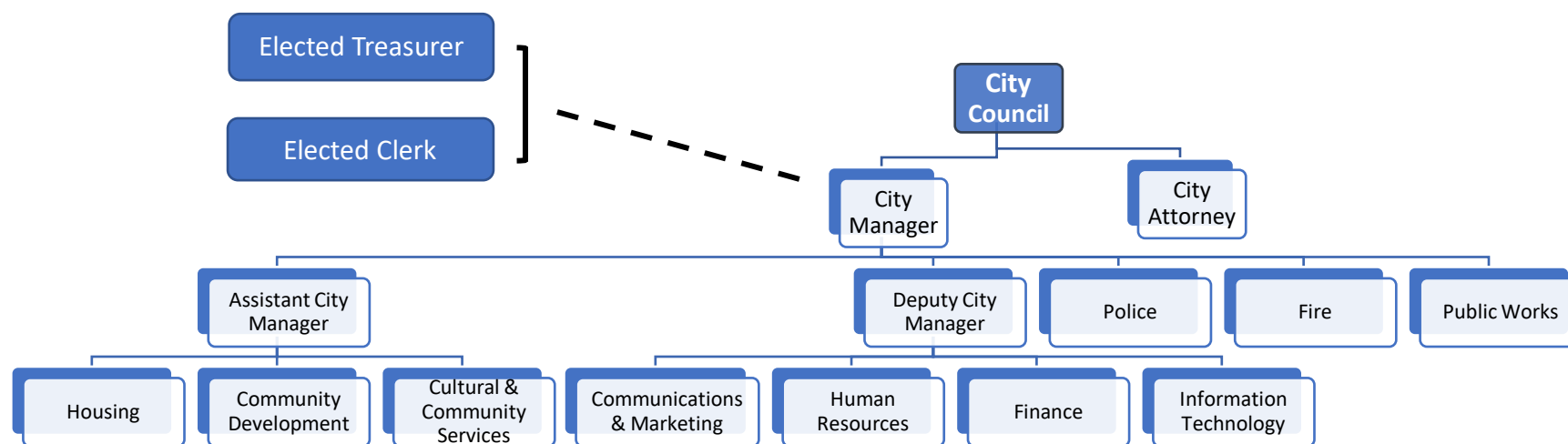
The City Treasurer is assigned the duties of overseeing the City’s utility billing and business tax licensing by the City Manager. The Treasurer is compensated for these duties an annual salary of between \$109,672 and \$150,799 per year. Additionally, the Treasurer receives a statutory pay of \$5,400 per year for elected Treasurer duties. If the City Manager re-assigns the Treasurer’s administrative duties, the Treasurer should only receive the statutory pay.

Organization Charts

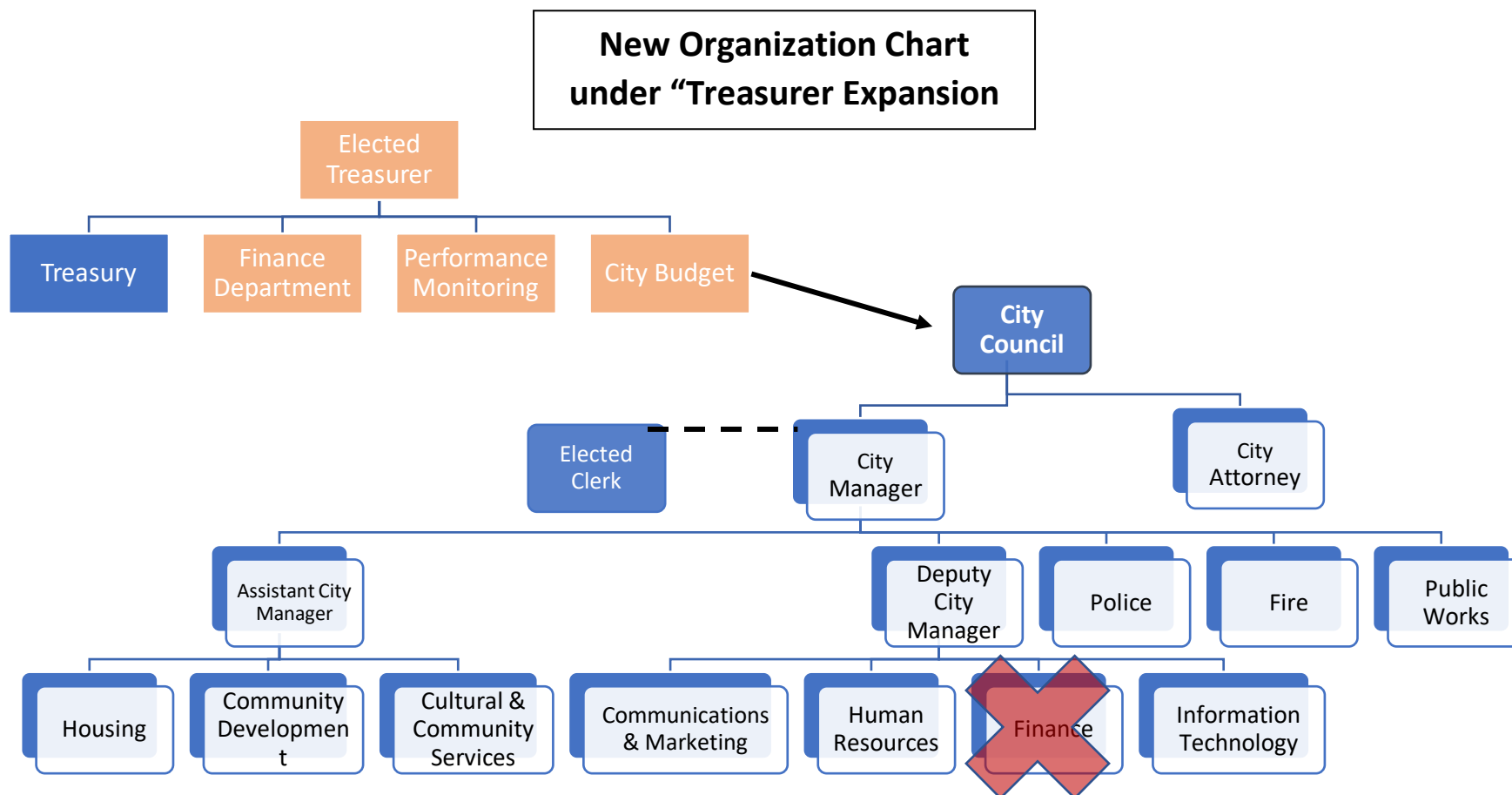
The impact of the of the proposed initiative changes related to oversight and reporting structures is provided on the following three organizational charts:

1. Shows the current organization chart provided in the City’s FY20 adopted budget
2. Shows how the organization chart will change if the Treasurer Expansion Initiative is adopted by the voters
3. Shows the citywide impact of the organizational changes that do not jump out in the previous chart

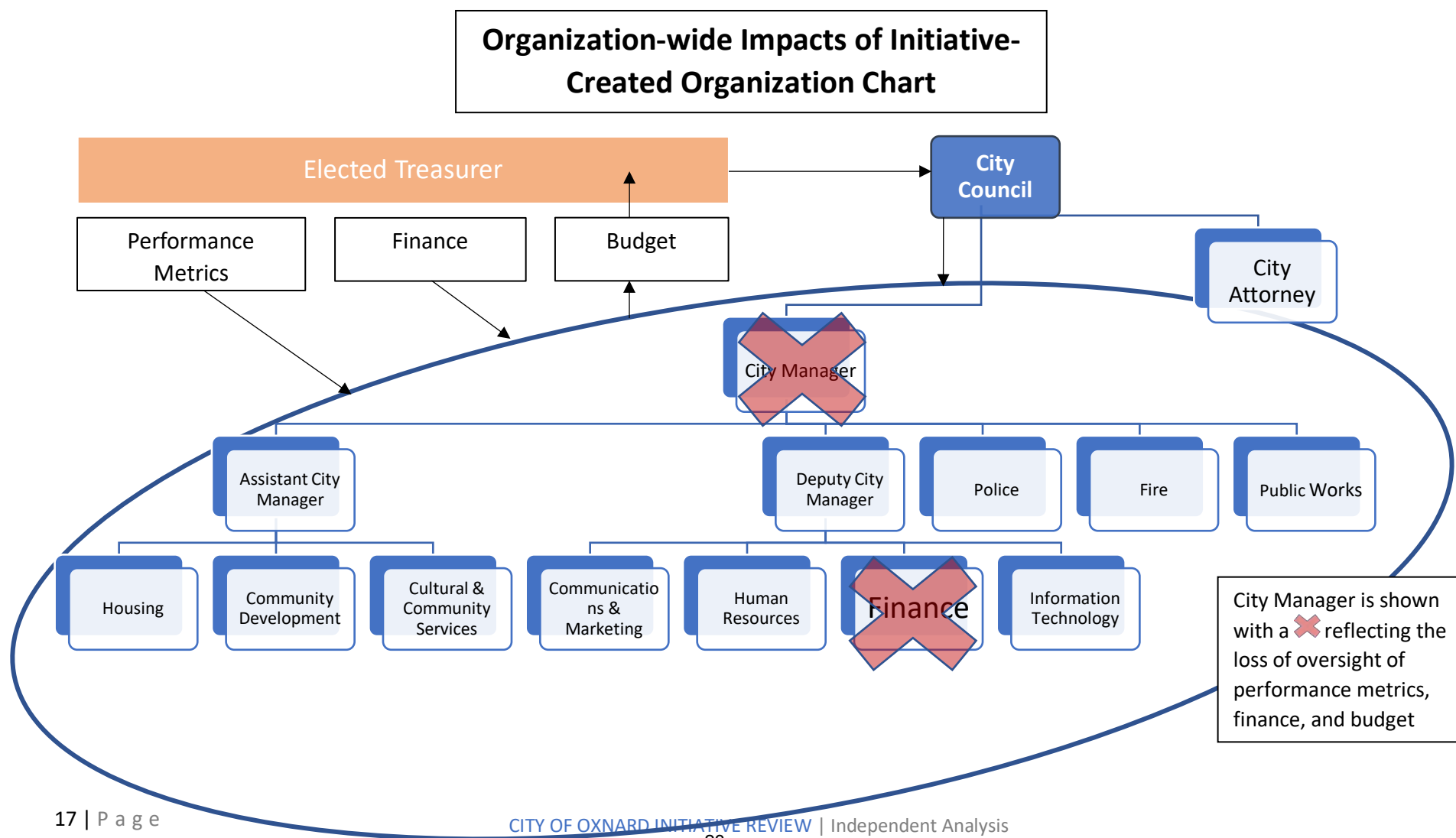
Current Organization Chart



This initiative will drastically alter the current City organization structure, creating a change from a Council-Manager form of government to a new hybrid government—something akin to a “strong Treasurer” form of government that does not exist in the State of California. As shown below, this new organization will transfer power over all finance, budget, and performance monitoring functions to the elected Treasurer.



The initiative will shift a great deal of administrative oversight and power from the City Council and City Manager to the Treasurer. The graphic below is meant to demonstrate the breadth of this shift. Under the initiative, the development of the budget—which sets the spending for every department (including staffing levels)—will be shifted from the City Manager to Treasurer. Additionally, the implementation of the adopted budget and control of spending and purchasing is also transferred from the City Manager’s oversight to the single position of the elected treasurer.



ORGANIZATIONAL INITIATIVE LANGUAGE

The following matrices provide the specific Oxnard City Code sections, language, and impact analysis of the primary language changes proposed in this initiative. Code section changes that are repetitive or immaterial are not included. A current section, that is unchanged, is included as it has a changed impact if the initiative is approved. Sections have been grouped together for discussion purposes.

CHANGES IN BUDGET OVERSIGHT

Initiative Code Section	Action	Impact
Section 4, I. Sec. 2-179, BUDGET, (A)	Before the beginning of each fiscal year for which the city council has not adopted a budget, the city manager <u>director of finance</u> shall submit to the city council a proposed operations and capital budget for the following fiscal year or for more than one of the following fiscal years....”	- Shifts responsibility for preparing and presenting the budget from the City Manager to the Treasurer - Council cannot enforce budget development to incorporate Council policies - Conflicts in policy would be resolved by Council changing budget, possibly line-by-line - Council will then rely on the Treasurer to enforce the Council’s adopted budget - If Council does not accept Treasurer’s budget, it takes effect July 1 until changed by Council
Section 4, I. Sec. 2-179. BUDGET, (F)	“ <u>Notwithstanding Section 9217 of the Election Code, the city council may amend this section without submission to the voters, so long as the amendment furthers the purposes and intent of this Act.</u> ”	If passed by the voters, the provisions of these Oxnard City Code changes can only be changed by the voters

SHIFT OF DEPARTMENTAL PERFORMANCE MEASUREMENTS

Initiative Code Section	Action	Impact
Section 4, G. Sec. 2-176.3 PERFORMANCE MEASUREMENTS, (A)	<u>“For each department the director of finance shall establish performance measurements pertaining to the department’s core functions, with no fewer than one performance measurement based on cost, one based on quality and one based on timeliness. The city council may establish additional measures by resolution.”</u>	▪ This is currently in purview of City Manager ▪ Performance measures must be set in consultation with departments ▪ Politicizes performance measure setting by putting it in the hands of a single elected position
Section 4, G. Sec. 2-176.3 PERFORMANCE MEASUREMENTS, (B)	<u>“The director of finance shall cause the city’s current and historical performance measurements to be published on a centralized location on the city’s website in the form of dynamic interactive online dashboards.”</u>	▪ This is planned to occur in any event once the City’s financial software is replaced with a Tyler Technologies systems
Section 4, G. Sec. 2-176.3 PERFORMANCE MEASUREMENTS, (C)	<u>“Regularly, at least once each month, the director of finance shall submit to the city clerk a written report on the results of performance measurements, a copy of which shall be filed with the city council.”</u>	▪ Will create additional workload that cannot be carried out by current staff. Will need more staff or consultants ▪ For most departments, performance cannot be measured effectively on a monthly basis

What is not changed by the Treasurer Expansion Initiative. This initiative provides several provisions aimed at fiscal responsibility; however, most of the changes listed under Oxnard City Code sections entitled “Internal Controls” and “Financial Transparency” are either:

1. Already the job of the Finance Director
2. Not able to be completed with the current accounting software system (currently being replaced by a Tyler Technologies system that will allow for posting of most required reports)
3. Already in place (internal auditor and whistleblower program, monthly expense reporting)

The designation of the elected Treasurer as the Finance Director/CFO, and the requirements listed in the proposed additional Oxnard City Code sections, will have no real impact on the City’s financial transparency or improving internal controls. The primary shift in this initiative is for these duties to be overseen by an elected position—who can only be replaced in a new election regardless of day-to-day performance of duties—rather than an appointed position—which is subject to replacement at any time based on performance of duties.

Consequences arising from new “Internal Controls” language. While there is little new in the “Internal Controls” sections of the initiative, there are several negative consequences from the shift of responsibility to the elected Treasurer, including:

- **Assertion of the “plenary authority” of the Treasurer over internal controls** (Section 4, Sec. 2-176.1 (A)). “Plenary Authority” is defined as “wide-ranging, broadly construed, and often limitless for all practical purposes.” (Legal Information Institute). The City Council cannot “undermine” this authority, hence, underscoring the independence from oversight of this single, critical position
- **Selection and oversight of the internal auditor are transferred from the City Council to the Treasurer** (Section 4, Sec. 2-176.1 (B)). Because the primary oversight of an internal auditor is often in relationship to financial practices, this change reduces financial oversight and makes the Treasurer position more susceptible to corrupt practices. Current practice is to have internal auditor contract approved by Council, with requires four affirmative votes. Furthermore, reports come back to Council for review, not to the departments being audited
- **“Requires” the Treasurer to report findings of malfeasance.** This is a responsibility of all management employees in the City. Since malfeasance often applies to fiscal issues, this provision, along with selection and oversight of the internal auditor, limits the oversight of finances of the City by the City Council—a truly independent legislative body.

INTERNAL CONTROLS

Initiative Code Section	Action	Impact
Section 4, E. Sec. 2-175 CREATION	<u>"At least one employee of the finance department must possess a valid certificate....authorizing that person to practice as, a certified public accountant"</u>	▪ The Finance Department currently has an employee who is a certified public accountant (CPA) ▪ Reduces flexibility in hiring future employees—there is no requirement for a finance department to have a CPA on staff
Section 4, E. Sec. 2-176.1. INTERNAL CONTROLS, (A)	<u>"The director of finance shall design, implement and oversee a system of internal controls to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives"</u>	▪ No impact ▪ This is the current function and responsibility of the Finance Director ▪ Design and implementation of internal controls would not require any professional qualifications or experience
Section 4, E. Sec. 2-176.1. INTERNAL CONTROLS, (A)	<u>"The city council may establish controls by resolution provided they do not undermine the plenary authority of the director of finance"</u>	▪ Establishes that the Director of Finance has PLENARY AUTHORITY ▪ Underscores the independence and power given to the Treasurer in this initiative
Section 4, E. Sec. 2-176.1. INTERNAL CONTROLS, (B)	<u>"The director of finance shall select and oversee an internal auditor who shall not be an employee of the City."</u>	▪ Current contract w/Price Paige for internal audits whistleblower program ▪ Places the selection and oversight of the internal auditor at the sole discretion of the Treasurer/Finance Director. ▪ Makes this function subject to corrupt practices

PLENARY AUTHORITY is "Power that is wide-ranging, broadly construed, and often limitless for all practical purposes." – Legal Information Institute definition

Internal Controls

Initiative Code Section	Action	Impact
Section 4, E. Sec. 2-176.1. INTERNAL CONTROLS, (C)	<u>“In consultation with the City attorney, the director of finance shall report findings of malfeasance and criminal conduct to the city council and/or law enforcement officials. “</u>	▪ This is a current responsibility of all staff in the City, especially department heads and the City Attorney ▪ More likely to have malfeasance and criminal conduct in the Treasury and Finance Departments. With the internal auditor selected and overseen by the Treasurer, it is less likely that malfeasance and criminal conduct will be identified or reported by the Treasurer

TRANSPARENCY

Initiative Code Section	Action	Impact
Section 4, F. Sec. 2-176.2 FINANCIAL TRANSPARENCY, (A)	<u>“The director of finance [City Treasurer] shall oversee the design and implementation of a financial transparency program that includes, but shall not be limited to, enabling public online review of city expenditures, including supporting invoices, purchase orders, submitted bids, and solicitations for bids and quotes.”</u>	▪ The City’s financial system does not have the capacity to allow putting this level of financial detail online. Instead the City would need to add staff to scan thousands of documents to upload to City’s website ▪ The new Tyler Technologies financial system will allow this level of transparency when fully implemented—2022 ▪ Disclosing “submitted bids” may create issues with vendors and could lead to less competition for City business
Section 4, Sec. 2-176.2 FINANCIAL TRANSPARENCY, (B)	<u>“Each month the director of finance shall submit to the city clerk a financial report and shall file a copy with the city council. The financial report shall include at least the following components:</u> 1) <u>Itemized statements of monthly and year-to-date revenues and expenses....</u> 2) <u>Itemized statements showing estimate changes in fund balances...</u> 3) <u>Itemized schedules...cash receipts and disbursements...</u> 4) <u>Additional schedules by city council resolution</u>	▪ Most of this reporting can, and will, be done once the City’s financial accounting system is replaced by a Tyler Technologies financial system ▪ To do this level of reporting at this time will require additional staff time

New Paradigm

The “Treasurer Expansion” initiative will, if approved, create a new paradigm for managing finances in a California city. Based on a review of cities with elected treasurers—and population over 25,000—in Ventura, Los Angeles, San Bernardino, Riverside, and Kern counties, no City had a treasurer who oversaw more than the treasury functions as a part of their elected position.

While it is common to merge the finance and treasury functions in cities with appointed positions, an example of an elected treasurer with broad finance oversight was not found. Even the State of California, which has an elected treasurer, has a Finance Director appointed by the Governor. It does not appear that this form of governance has been considered anywhere else.

Select Cities with Elected Treasurer

City	Population	Charter/General Law	Special Duties?
Fontana	209,895	General	No
Oxnard*	209,877	General	No
Glendale	201,668	General	No
Ontario	175,841	General	No
Rancho Cucamonga	175,251	General	No
Inglewood	116,648	Charter	No
El Monte	113,885	General	No
El Monte	113,885	General	No
Rialto	107,330	General	No
Burbank	105,110	Charter	No
Burbank	105,110	Charter	No
Santa Maria	104,404	Charter	No
Compton	101,226	Charter	No
Carson	93,993	General	No
Hawthorne	88,003	General	No
Baldwin Park	74,738	General	No
Redlands	68,368	General	No
Gardena	60,785	General	No
Cathedral City	54,261	Charter	No
Azusa	49,485	General	No
Covina	49,291	General	No
San Jacinto	47,656	General	No
Coachella	45,407	General	No
Beaumont	45,118	General	No
Beverly Hills	34,763	General	No
Santa Paula	30,752	General	No
Wasco	26,471	General	No

Note: The Oxnard Treasurer has duties assigned by the City Manager that are not a part of the Treasurer's statutory duties

FISCAL IMPACTS

The fiscal impacts of the Treasurer Expansion Initiative depend in large part on how the City responds to this major shift in governance and organizational structure. On an order-of-magnitude basis, this initiative is projected to **cost the City approximately \$689,500 per year**. Potential fiscal impacts are expected to fall in the following areas:

- Designation of elected Treasurer as Finance Director.** If the elected Treasurer is designated as the Finance Director/Chief Financial Officer (CFO), this will likely result in an increase in compensation. Currently the Treasurer is paid up to \$212,830 per year, including benefits, as a department head. The CFO position pays a maximum of \$336,992 per year with benefits, **a jump in compensation of \$124,162 for the elected Treasurer**. At the same time, this designation will likely require the elimination of the current CFO position, resulting in a compensation reduction of up \$336,992.

Designate Treasurer as Finance Director/CFO			
Position	Change in Salary	Benefits (@35%)	Total Compensation
Treasurer	+ \$91,972	\$32,190	\$124,162
Finance Director/CFO	(\$249,624)	(\$87,368)	(\$336,992)
Net Cost/(Savings to City)	(\$157,652)	(\$55,178)	(\$212,830)

- Implementation of setting performance measures by the Treasurer.** Granting the power for the elected Treasurer to set performance measures for all departments and requiring monthly reports on these measures will create an additional level of administrative workload in the Finance Department and in each City department. While departmental workload may need to be absorbed by current staff, the level of work by Finance staff will require at least one additional position.

Performance Measure Cost				
Position	Salary Range	Salary Mid-Point	Benefits (@35%)	Total Compensation
Financial Analyst III	\$67,446-\$112,559	\$90,022	\$31,508	\$121,530
Total		\$90,022	\$31,508	\$121,530

- Implementation of financial management and reporting requirements.** While most of the required financial management reporting is not new, the ability of the City to produce this level of reporting is limited by software constraints, but also by staffing constraints. In order to meet the reporting requirements in the initiative, it is expected that two staff members would need to be added to provide this data on a monthly

basis. These positions can be revisited once the City's new accounting software system is operational.

Financial Management Cost				
Position	Salary Range	Salary Mid-Point	Benefits (@35%)	Total Compensation
Financial Manager	\$86,715-\$150,039	\$118,377	\$41,432	\$159,809
Financial Analyst II	\$61,998 - \$103,881	\$82,939	\$29,029	\$111,968
Total		\$201,276	\$70,371	\$271,777

- **Response by Council to shift of governance and organizational oversight.** Shifting the CFO and budget development responsibilities over to a single elected official will likely cause the City Council to create staff positions to counter-balance the loss of administrative oversight. The reasoning behind this is as follows:
 1. The City Manager, who reports to the Council, is currently charged with developing and presenting the annual budget to the Council
 2. The budget sets the funding priorities and authority to spend in every department in the City
 3. Under current rules, if the budget presented to the Council is not adopted by July of each year, the presented budget goes into effect until changed by Council
 4. A difference in policy position between the elected Treasurer and the seven-member Council could result in a budget produced by the Treasurer that is out of synch with Council priorities. If this happens, the City Manager may need staff to produce a budget within Council priorities that can be adopted by Council

While this is a somewhat cynical view of what may happen if this initiative passes, it is well within the range of realistic outcomes; therefore, it is important to estimate the fiscal impact to the City if this occurs. It is assumed that three high-level finance positions will need to be added as a new Administrative Services office or department.

Council Response to Shift in Organization and Governance				
Position	Salary Range	Salary Mid-Point	Benefits (@35%)	Total Compensation
Admin. Services Manager	\$104,709 - \$177,108	\$142,363	\$49,827	\$192,190
Budget Manager	\$86,715 - \$150,039	\$118,377	\$41,431	\$159,808
Financial Analyst	\$56,395 - \$94,918	\$75,656	\$26,480	\$102,316
Total		\$336,396	\$117,738	\$454,134

The total fiscal impact to the City of the Treasurer Expansion Initiative is dependent on: 1) the need for staff to implement the reporting requirements (financial and performance), and 2) response by Council in the shift of powers away from Council oversight (finance and budget) to the elected Treasurer. The total cost of these impacts is summarized below.

Impact	Estimated Cost/(Savings)
Designate Treasurer as Finance Director/CFO	(\$212,830)
Performance Measure Cost	\$121,530
Financial Management Cost	\$271,777
Council Response to Shift in Powers to Treasurer	\$454,134
Total Estimated Fiscal Impact	\$634,611

These fiscal impacts do not account for impacts related to a Treasurer/Finance Director who may not be competent or experienced, and who cannot be removed—except every four years or by recall—even if resulting in loss of competent staff and need to hire consultants or staff operating under the City Manager to address financial issues that may be created by this elected position.

SUMMARY OF NON-FINANCIAL IMPACTS

Finding #1—The primary impact of this initiative is to shift oversight and power from the City Council and City Manager to the single elected position of Treasurer/Finance Director/CFO.

This shift will have the effect of relying on a single person, with recourse for removal once every four years by an electorate which may not understand the breadth of power that is being conferred on this person or the impacts of how that power is being used

Finding #2 – The internal controls and financial responsibility portions of this Initiative do not offer any real improvement to the City’s fiscal transparency or safety. They cannot currently be implemented due to: 1) software limitations that are in the process of being addressed, or 2) without increasing staffing in the Finance Department. The current transparency measures—comprehensive annual financial report, contract with an internal auditor, whistleblower program, midyear and annual budget reports, and monthly expenditure reports online—have improved in recent years

SUMMARY OF IMPACTS FROM THE TREASURER EXPANSION INITIATIVE

Governance



- ☐ Splits governance oversight between City Council and Treasurer
- ☐ Places the Treasurer as the most powerful position in the City
- ☐ Supplants City Manager's duties in carrying out Council policy in the areas of:
 - Budget development
 - Oversight of departmental performance
- ☐ Establishes Treasurer's Plenary Authority over internal controls

Organization



- ☐ Changes requirements for Finance Director from seasoned professional to—minimum age of 18, registered to vote, and able to get elected
- ☐ Merges electoral and administrative duties in finance and budget
- ☐ Changes direct line of oversight of City's financial health from Council members to a Treasurer
- ☐ Supplants City Manager's duty to prepare budget and oversee departmental performance
- ☐ Eliminates professional qualifications from choice of Finance Director or to perform key City Manager duties

Fiscal



- ☐ Treasurer mandated Statutory compensation--5,400/yr.--and administrative pay--up to \$212,830--increased to up to \$336,992/ year
- ☐ Elimination of current Finance Director savings of \$336,992/year
- ☐ Addition of 6 positions t`o maintain monthly reporting of fiscal and performance measures, estimated at \$847,441/yr.
- ☐ **Net annual cost of \$634,611 plus** costs related to potential inefficiencies across the organization or related to inexperienced or unfit person leading a key department for the City without immediate recourse for change

MEETING REQUIREMENTS INITIATIVE

“New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run”

This initiative has several elements that will impact the City across areas of governance, organization, and fiscal. The initiative has several elements, summarized below:

1. **Governance:** Meetings of all legislative bodies shall be governed by *Robert’s Rules of Order*. Training will be provided by a certified trainer
2. **Meeting Times:** Meetings of legislative bodies shall commence no earlier than 5:00PM on weekdays and 9:00AM on weekends (may be waived by a 4/5ths vote under extenuating circumstances)
 - “Actions taken at meeting held in violation of this section shall be deemed invalid”
3. **Staff presentations:** Each agenda item presentation shall be videotaped, posted on the City’s website, and made available for viewing on City website and premises at the same time as posting of the agenda for the meeting
 - Council agendas are posted twelve days in advance of Council meetings
 - “The primary role staff at meetings is to answer questions posed by the legislative body, not reenactment of pre-recorded presentations”
4. **Public Comment:** Members of the public may address the Council on any item that has already been considered by a committee composed exclusively of the legislative body
 - Reasonable accommodations shall be made to facilitate the presentation of videos, PowerPoint, or similar presentations during public comments
 - Presenters shall be required to provide hard copies of presentations to member of the legislative body

DEFINITION OF LEGISLATIVE BODIES

A key component to understanding the impact of this initiative is the definition of a “legislative body.” For purposes of the new Oxnard City Code sections proposed, the initiative uses Government Code Sec. 54952 from the Brown Act. Under this definition, a legislative body includes:

- The governing body of a local agency
- A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body
- Governing body advisory committees composed of less than a quorum of the legislative body which have a continuing subject matter jurisdiction, or a meeting schedule fixed by ordinance or resolution, or formal action of the legislative body

Under these broad categories, it appears that all of the City’s committees and commissions will be subject to the requirements of this initiative. A list of these “legislative bodies” is provided in the matrix below:

Legislative Body	Present in Oxnard	Meeting Frequency	Meeting Time
Governing Body	City Council	Twice a month	6:00PM
Standing Council Committees (5)	Finance & Governance, Public Works & Transportation, Public Safety, Housing and Ec. Dev., Community Services	Twice a month	Between 9:30 AM to 7:15PM
Citizen Commissions/ Committees	Downtown Design Review, Planning	Twice Monthly	Design Review 9:00AM
Citizen Commissions/ Committees	Community Relations, Homelessness, Cultural Arts, Inter-Neighborhood Council,, Senior Citizens, Youth, Park & Rec, Library	Generally Monthly	Three before 5:00PM
Boards	Mobile Home Park Rent Review, Measure O Oversight	Quarterly/ Periodic	Varies

GOVERNANCE

Changing to Robert’s Rules of Order, from Rosenberg’s Rules of Order, will require initial and ongoing training of the members of the legislative bodies as well as staff. Initial in-person training may take a half day and could be done in or two sessions to include all legislative bodies. There are on-line and software courses to train future legislative body members or for a refresher for members who have done an in-person training. Robert’s Rules or Order are more structured than Rosenberg’s rules and may impact the operations of meetings during the transition. Additionally, strict adherence to these rules may be difficult to monitor across all committees and commissions. If staff is required to monitor the use of these rules, this could result in:

- Increased staff overtime
- More staff time at night meetings, potentially resulting in adjusted schedules and less in-office work time on meeting days
- Staff time training in the use of Roberts Rules of Order
- Cost of hiring a certified trainer in Roberts Rules of Order both for initial training and ongoing training updates

MEETING TIMES

The limits imposed in this initiative on meeting times will create impacts to several existing committees and commissions. The biggest impact will be on the Council’s five standing committees. These committees meet primarily during the day twice per month. If meeting

times are restricted to 5:00PM or later, these committee meetings will not be able to continue. The committee structure was started as a way to allow more discussion on key items before coming before the Council and to reduce Council meetings from weekly to bi-monthly. The Council could leave the current Council meeting structure as it is or return to weekly Council meetings.

The initiative will have less drastic impacts on citizen committees/commissions/board, as most of these meetings are already after 5:00PM on weekdays. The two exceptions are the Downtown Design Review committee and Senior Citizens Commissions which both meet at 9:00AM. These times match the time that interested parties are most likely available; however, if this initiative passes, these meeting times will have to be reset to an evening or moved to a weekend.

The Homelessness Commission meets at 4:00PM, and pushing back its start to a 5:00PM would likely not be a major impact.

STAFF PRESENTATIONS

Under the proposed initiative, meetings of legislative bodies, as defined in the new ordinances, will require the pre-taping of any staff presentations. The taped presentation must be available online and at the City at the same time as the meeting agenda is posted. Currently, hard copies of staff presentation PowerPoints are provided with the agenda online. Staff will not repeat presentations live at the legislative body meeting; however, it is not clear if these videos can/will be played at the meetings to provide full context to an agenda item.

The City has 15 different legislative bodies that receive presentations from staff. The most visible of these are the City Council, the five standing Council committees, and Planning Commission. In addition, there are eight citizen committees and commissions that meet on a regular basis and receive staff presentations. The estimated number of staff presentations on an annual basis is 398, as shown in the table below.

City of Oxnard Commission/Committees
Estimated Staff Presentations Per Year

Committee/Commission	Frequency	Meeting Time	Avg. # of Staff Presentations/ Meeting	Annual Meetings	Presentations
City Council	Twice-Monthly	6:00	4.26	27	115
Council Committees (x5)	Twice-Monthly	AM	1.52	95	144
Homelessness	Monthly	4:00	1.00	12	12
Community Relations	Monthly	6:00	1.00	12	12
Parks & Rec	Monthly	5:30	1.00	12	12
Cultural Arts	Monthly	5:00	1.00	12	12
Planning	Twice-Monthly	6:00	1.63	24	39
Mobile Home Rental	As needed	5:30	1.00	4	4
Downtown Design Review	Twice-Monthly	9:00	1.00	24	24
Senior Citizens Committee	Monthly	9:00	1.00	12	12
Library	Monthly	5:00	1.00	12	12
Total				246	398

Source: City of Oxnard--actuals for 2019 for Council, Council Committees, and Planning Commission

The number of presentations per meeting, and number of meetings for the Council, Council committees, and Planning Commission are from actual meeting dates and presentation counts from 2019. The remaining meetings assume one staff presentation per meeting.

To implement this provision of the initiative, the City would be required to:

- Have staff presentations ready earlier than currently required (twelve days ahead for most meetings) in order to allow time to videotape the presentation for posting on the City's website and viewing at City Hall at the time of posting the agenda
- Staff must set-aside additional work time to videotape the presentation
- New staff (or contract staff) must be enlisted to do the videotaping and then perform post-production work to make the video available on the web
- Schedule staff to do the presentations, and follow-up if a staff member is sick or called away during the original videotaping time slot
- Purchase equipment (or pay for equipment use through contract videotaping)
- Expand City computer storage for added video

The initiative states that "the primary role of staff at meetings is to answer questions posed by the legislative body." This appears to mean that there will not be a live presentation, but there may be a replay of the presentation video. Playing the video at a meeting may be necessary to:

- Allow understanding of the item before the legislative body by anyone who has not seen the video
- Provide proper context for agenda items that also have presentations from project proponents (especially in the development-related agenda item or contract with the City)

- Help the audience keep questions about the presentation in context. Even if someone has viewed the video, they may not remember nuances of a presentation

It is not clear what would happen if a staff presentation could not be taped by the time an agenda was posted due to illness, scheduling issues, or late changes in presentations. It seems that the item could be considered with no staff presentation or delayed until a further meeting—both options seem to defeat a goal of efficient governance.

PUBLIC COMMENT

The last element of the initiative expands the public comment to allow comment on Council Committee items at the City Council meeting. The second part of this section would allow reasonable accommodations to facilitate the presentation of videos, PowerPoint, or similar presentations during public comments at Council meetings.

It is not clear what the impact of this provision would be, how many presenters would take advantage of this option, or what type of media would be used; however, the City should have a reasonable concern about allowing unknown media (e.g. USB storage) to be plugged into the City's computer system without being checked for viruses. Reasonable accommodations for this could include a presentation computer not connected to the City computer system and waivers signed by presenters releasing the City from any liability for viruses that may be left on this computer by other presenters.

FISCAL IMPACT

The primary fiscal impact from the Meeting Requirements Initiative will be in the pre-meeting videotaping of staff presentations. There will be both a direct cost and an efficiency cost in time directed away from a staff member's primary job to the time videotaping a presentation.

The direct cost may be funded through adding City staff positions or on a contract basis with a private-sector vendor. The cost of these two options is estimated below.

Hire City Staff. To effectively produce 398 videos a year, or approximately 33 per month, the City would need the following:

Cost Item	Base Cost	Benefits	Total
Video Production Technician	\$47,016	\$16,456	\$63,472
Video Production Supervisor	\$82,940	\$29,029	111,969
Total Ongoing Cost	\$129,956	\$45,485	\$175,411
Equipment (camera, lighting, software, computers, etc.)	\$25,000 - \$50,000		\$25,000 - \$50,000

(Source: City salary schedules, mid-point salary; HR director for average benefits)

Under these assumptions, the **City's first year cost would be \$200,000 to \$250,000 with an ongoing cost of \$200,000 per year**, plus depreciation on equipment.

Contract Out. An alternative to hiring new City staff is to contract out this service to a local professional videographer. The cost of these services varies widely based on the experience of the company and structure of their costing. Costs may include:³

- Shooting and editing staff -- \$75 to \$150/hour
- Editing/graphics -- \$60 to \$150/hour
- Camera/equipment -- \$25 to \$400/hour
- Digitizing, transfers, rendering, and uploading – variable based on City need

Based on the above data and information from thumbtack.com for video production in the Oxnard area, contract production is estimated to cost \$250 to \$400 per hour.

Assuming 410 video presentations per year at 1.5 hours per video (production and post-production, editing, graphics, and web-posting), the total hours purchased would be 615 +- hours per year. Based on the cost range, this would be **\$150,000 to \$250,000 per year**. This cost range is similar to the City staffing cost alternative, but may be more efficient in the long run.

Note: The City currently provides Spanish language translators for English presentations. This may be required for videotaped presentations. This cost is not included in this analysis.

³ Based on data from onemarketmedia.com and thumbtack.com

SUMMARY OF IMPACTS FROM THE MEETING REQUIREMENTS INITIATIVE

Governance



- ☐ Inability to conduct regularly-scheduled meetings before 5:00PM on weekdays or before 9:00AM on weekends
- ☐ Will make Council Committee meetings untenable, resulting in potential return to weekly Council meetings.
- ☐ **All** legislative bodies will operate under Roberts Rules of Order, which may be difficult to maintain for meetings without dedicated, trained staff

Organization



- ☐ Required training and monitoring of all legislative body meetings on Roberts Rules of Order
- ☐ Inability to schedule legislative body meetings at times that best fit likely public (e.g., senior comm.)
- ☐ Addition of studio production staff—following the reduction of 35.6 FTEs in the General Fund in FY20
- ☐ Loss of staff productivity due to pre-recording legislative body presentations

Fiscal



- ☐ Cost to staff video production staff \$200,000 to \$250,000 per year plus equipment
- ☐ Cost to contract out video production \$150,000 to \$250,000 plus, depending on the number of presentations
- ☐ Cost to translate videos into Spanish (City currently provides translator at meetings) is not estimated

MEASURE O TERMINATION INITIATIVE

"Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five-Year Periods If Specific Pavement Standards Are Met"

The Measure O Termination initiative will create a streets and alleys funding requirement and the threat of a Measure O termination if specified pavement condition index (PCI) levels are not met. The City's PCI is a measure of the condition of streets and alleys (the higher the number, the better the street condition), and is performed by an outside consulting engineer.⁴ The purpose and intent of this initiative, as stated are:

- "Fulfill promise of better streets by focusing City Hall attention of repairs and maintenance of City streets and alleys"
- "To ensure local officials do not take for granted the additional sales and use tax money we pay."
- "To require the City of Oxnard to justify the extra half-cent sales tax by providing a corresponding level of service."
- "To authorize the City Council to extend the tax in five-year increments provided that the city streets and alley are maintained at an acceptable level."

In order to meet these objectives, the initiative sets timelines for meeting systemwide PCI levels for both streets and alleys. If not met in the timeframes provided, the Measure O sales tax will terminate six months later. The matrix below provides the PCI levels, target dates, and Measure O termination dates.

PCI Level	PCI Level Met By	End of Sales Tax By
At Least 65	September 30, 2022	March 31, 2023
At Least 70	September 30, 2024	March 31, 2025
At Least 75	September 30, 2026	March 31, 2027
At Least 80	September 30, 2028	March 31, 2029

MEASURE O

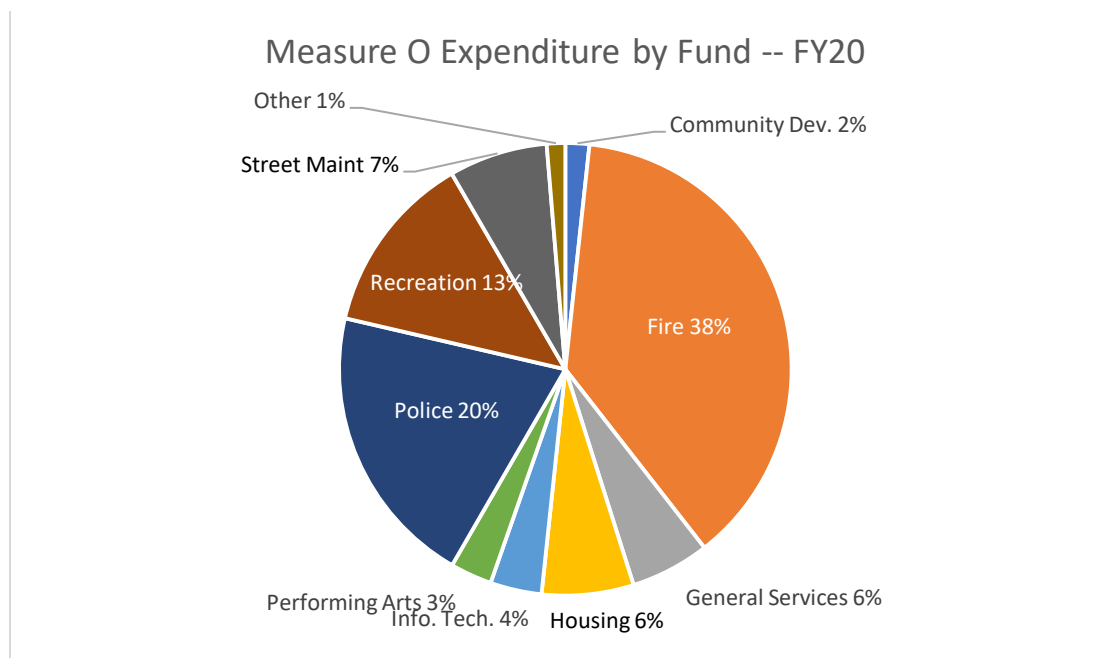
The Measure O sales tax will produce an average of \$17.1 million per year in voter-approved, local controlled revenue through FY28. The measure is slated to sunset in March of 2029 in any

⁴ The City's latest study by Pavement Engineering Inc. lists PCI levels of 0-30 as "Failed," 31-50 as "Poor," 51-70 as "Fair," 71-90 as "Good," and 91-100 as "Excellent." A good rule of thumb is 25 or below needs complete reconstruction, 50 or below needs heavy rehabilitation and 70 to 50 needs light rehabilitation (City CIP).

event without additional voter authorization. The promise of Measure O, when it was adopted, was to:

- “To protect, maintain, and enhance vital city services including police, fire, emergency response, increasing street paving/pothole repair to improve traffic flow, expanding youth recreation, after school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading stormwater drains, improving senior services, increasing code compliance, and other general services...” (Source: Measure O ballot question, BallotPedia.org)

In carrying out these purposes, the City is targeting a majority of spending on fire and police expenses, recreation services and streets maintenance. The chart below shows expected spending by fund in FY20.



(Source: FY20 City Budget, pp. 279 and 280)

In broad strokes, the City spends money across most levels of City government, including:

- **Public safety & gang prevention**—police and fire operations and capital
- **Traffic & road improvements**—Street bond debt service, alley reconstruction and repair, and intelligent transportation system
- **Parks & open space**—For example, the Townkeeping program, Park maintenance (e.g., College Park and East Village Park maintenance and utilities), tree trimming, and capital investments
- **Other community improvements**—homeless program and shelter acquisition, Safe Home Safe Family, etc.

As will be shown below, attempting to meet the requirements of this initiative will direct 100 percent of Measure O revenues to streets and alleys repairs, effectively ending Measure O as a Citywide improvement measure. This will turn Measure O into a *de facto* special tax for street and alley repair.

Current and future PCI Levels

The City categorizes its PCI levels by arterial, collector, residential streets, and alleys. The City's PCI levels, as of January 2020, are provided in the table below along with the average PCI levels obtained if the City funds the full \$329.7 Million needed to meet the initiative requirements.

Regardless of what happens with the Measure O Termination Initiative, the City will be required to increase funding for roads over the next 12 years. As shown in the table below, PCI levels with no treatment will drop precipitously by 2028. On the other hand, a PCI target of 80 swings the City in the other direction and will result in dramatic cuts in other City services (police, fire, parks, etc.) in order to obtain these levels.

Projected Network PCI Average

Year	Avg. PCI (Streets/Alleys)	
	No Treatment	PCI Targets
2020	64/31	65/36
2021	62/28	67/42
2022	60/26	69/47
2023	57/24	71/53
2024	55/23	73/58
2025	53/21	74/64
2026	50/20	76/69
2027	48/19	78/75
2028	46/18	80/80

Source: Pavement Engineering, Inc.

Regardless of what happens with the Measure O Termination initiative, the City will need to increase investment in streets and alleys to prevent significant downgrades in street condition levels.

Cost to Achieve Initiative PCI Levels

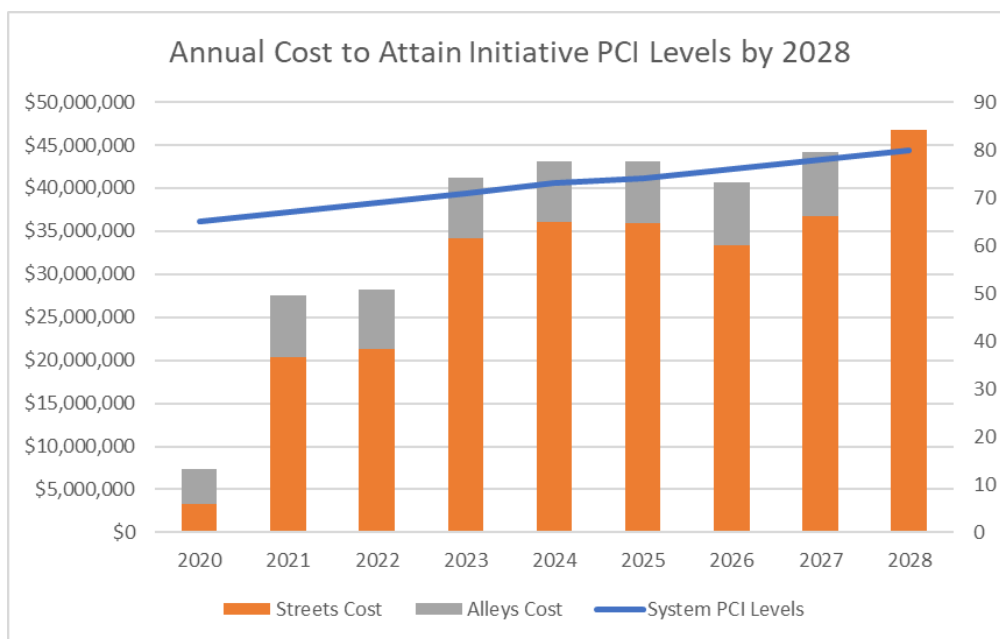
As noted above, the cost to fund the PCI levels required in the Measure O Termination Initiative will be significant—topping **\$329.7 Million by 2028, or \$36.6 Million per year** on average. The table below shows the costs by year for streets and alleys.

Year	Arterial/Collector/Res.		Alleys		Total Cost	Network Avg. PCI
	PCI Level Attained	Cost	PCI Level Attained	Cost		
2020	65	\$3,286,605	36	\$4,079,127	\$7,365,732	65
2021	67	\$20,395,821	42	\$7,102,495	\$27,498,316	67
2022	69	\$21,331,922	47	\$6,830,794	\$28,162,716	69
2023	71	\$34,141,136	53	\$7,099,495	\$41,240,631	71
2024	72	\$36,123,222	58	\$6,911,887	\$43,035,109	73
2025	74	\$35,833,989	64	\$7,253,374	\$43,087,363	74
2026	76	\$33,346,982	69	\$7,373,963	\$40,720,945	76
2027	78	\$36,774,874	75	\$7,431,812	\$44,206,686	78
2028	80	\$46,693,984	80	\$7,664,473	\$54,358,457	80
Total Cost		\$267,928,535	\$61,747,420		\$329,675,955	
Average Per Year		\$29,769,837	\$6,860,824		\$36,630,662	

Source: Pavement Engineering, Inc.; January 7, 2020

The chart below presents this same information graphically. The cost to achieve a PCI level 71 (“Satisfactory”), is \$104.2 Million by FY23, or one-third of the total cost to achieve a PCI of 80.

The policy question for the City is—what is the responsible amount of funding to balance street maintenance needs with the total City service needs? To answer this question, it is important to understand where the funding to meet the initiative PCI levels would come from.



In order to maintain streets and alleys at a PCI level of 80 post-March of 2029 would cost the City an average of \$22.1 million per year, or \$221.3 million in the 10-years following the original Measure O sunset date. If the City meets the requirements of the initiative, allowing for continuation of Measure O in five-year increments, these sales taxes would need to be fully dedicated to street maintenance and would not provide any general revenue to the City.

FUNDING OPTIONS

If the City fulfills the requirements of the Measure O Termination initiative, it will require 100 percent of future Measure O funding—\$152.6 million—plus an additional \$177.2 million in funding from other sources, as shown in the table below.

PCI Level (min)	Year Achieved	Street Cost	Alley Cost	Total Cost	Measure O Revenue*	Additional Revenue Needed**
65	2020	\$3.3 M	\$4.1 M	\$7.4 M	\$40.1 M	NA
70	2023	\$75.9 M	\$21.0 M	\$96.9 M	\$37.7 M	\$26.5 M
75	2027	\$105.4 M	\$21.5 M	\$126.8 M	\$36.5 M	\$90.4 M
80	2029	\$83.5 M	\$15.1 M	\$98.6 M	\$38.3 M	\$60.3 M
Total Cost		\$268.0 M	\$61.8 M	\$329.7 M	\$152.6 M	\$177.2 M

Measure O

The City has limited funding available from Measure O, generating an average \$17 million per year through its sunset in March 2029. In total, Measure O is expected to generate **\$152.6 million in revenue through March of 2029**. If redirected to street and alley repair, the staffing, programs, and capital repair funding will cease. This will lead to layoffs and a reduction in services to the community. Additionally, the debt service (\$27.4 million through March of 2029) funded by Measure O will still need to be paid and will add to costs from the General Fund and Gas Tax fund in order to meet the City's contractual obligations.

Gas Tax

The City will receive approximately \$5.2 million in Highway Users Tax Account (HUTA) and \$3.4 million per year from the Road Maintenance and Rehab Account (RMRA) in FY20. Most of the HUTA funding is used for traffic engineering and operations, construction and design, and street maintenance and repairs, and the 2007 Gas Tax COP. Assuming the a good portion of the RMRA funds could go toward street maintenance, this will generate somewhere in the range of \$30 million over the next 9 years. Depending on the total operations funds, the continuing level of State gas tax revenue, and payment of debt service, the Gas Tax Fund will only be able to fund a portion of the need street and alley maintenance needed to reach a systemwide PCI of 80 by 2028—most likely in the range of \$15 to \$20 million, for a very “ballpark” estimate.

General Fund

In order to fulfill the requirements of the Measure O initiatives, the City's General Fund will need to fill the funding gap left by the limited Measure O and Gas Tax funds. However, the

redirection of funding from other Measure O programs to streets and alley repairs alone, will result in the payment of Measure O debt service by the General Fund, estimated to be \$27.4 million through FY29. The expected General Fund contribution required to meet the initiative requirements could include the entire \$177.2 million of non-Measure O funding plus \$27.4 million in debt service, for a **total of up to \$204.6 million through FY29.**⁵

IMPLEMENTATION OPTIONS

If the Measure O Termination initiative passes, the City's options are banded by two extremes—fully implement the initiative or let Measure O terminate in March of 2023. **In either case, this initiative has the impact of terminating Measure O directly or on a *de facto* basis.** These options are described below.

Option #1—Fund Initiative PCI Targets by Required Dates

If the City attempts to meet the required PCI targets of the Measure O Termination initiative, it will have significant impacts on the City's budgets, as outlined above. These impacts include:

- Redirection of Measure O for current programs and staff funding (most likely as of January 1, 2021 if passed in a November 2020 election)
- Use of all available Gas Tax funds
- Redirection of approximately 11% of General Fund revenues per year
- Layoff of 53.5 Measure O funded positions
- Layoff of General Fund positions—depending on how GF funds are redirected
- Increase in GF and Gas Tax payments for debt service currently funded by Measure O.

The table below summarizes the fiscal impacts of this option from January 1, 2021 (following the November 2020 election) through March 31, 2029 (the current Measure O sunset date). These cost reductions and revenue redirections are cumulative over that time period.

⁵ This could be off-set by Gas Tax funding of between \$15 million and \$30 million over the next 9 years, reducing the total GF funding to \$174.6 million

Action	Impact	Revenue	Expenses
Dedication all Measure O revenue to streets & alleys	Funding Policy Change	(\$152.6 M)	
Fund Full PCI Needs	Redirection of City GF and Gas Tax revenue	(\$177.2 M)	
Eliminate Funding for Positions & Programs funded by Measure O	Eliminate 53.5 Positions & Program Funding (layoffs)		(\$111.2 M)
Redirect GF program and staffing costs	Cut 11% of GF Budget for nine years (layoffs)		(\$143.4 M)
Shift of Debt Service costs to GF & Gas Tax Funds	Funding by GF		(\$27.4 M)
Extension of Measure O	Five More Years Revenue March 2029-March 2034	\$106.5 M	(\$110.5M)

Option #2—Maintain Status Quo

If the City determines that it cannot reasonably meet the initiative requirements, and maintains the status quo funding by Measure O, the add-on sales tax will cease on March 31, 2023. The City can use the time prior to this date to either re-authorize the sales tax for services or begin the process of shutting down programs funded by Measure O, including elimination of 53.5 staff positions.

Because the loss of Measure O is delayed, the revenue and expense changes are reduced from Option #1.

Action	Impact	Revenue	Expenses
Elimination of Measure O	Reduced Revenue	(\$112.5 M)	
Loss of Measure O Funded Positions & Programs	Eliminate 53.5 Positions & Program Funding in FY23		(\$79.0 M)
Shift of Debt Service costs to General Fund	Funding by GF in FY23		(\$19.8 M)
Eliminate GF Transfer for Loan Repayment	Savings to GF from eliminating loan repayment		9.5 M

Note: These cost impacts assume that the costs in the Pavement Engineering, Inc. costing program include all costs related to the improvements. Cost of additional City staff needed to manage such an increase in work load is not included.

SUMMARY OF IMPACTS FROM THE MEASURE O TERMINATION INITIATIVE

Governance

Organization

Fiscal

☐ Measure O was approved as a General Tax (50% voter passage) that allows City Council to determine the use of Measure O funds

☐ Measure O becomes a *de facto* special tax (2/3rds voter approval requirement) as the only potential use of Measure O tax will be improvement of streets and alleys if Measure O is retained

☐ Reduces Council authority given in Measure O of directing Measure O funding

☐ Will result in the loss of 53.5 Measure O funded positions (primarily in public safety) being eliminated and lead to layoffs

☐ Will cause redirected funding from the General Fund of approximately 11% per year for nine years, likely to result in layoffs and reduced services

☐ Directs **\$152.6 Million** of Measure O sales tax to improvement of streets & alleys (starting if January of 2021)

☐ Will require additional funding of **\$177.2 Million** from the General Fund or Gas Tax Fund. May include need for more staffing

☐ Not meeting PCI levels will result in early termination of Measure O. A March 2023 termination would result in a **loss \$112.6 Million** in revenue

☐ Redirects **\$27.4 million** in debt service to General Fund

APPENDICES

Appendix A—Ballot Summary and Text of Initiatives

Appendix B—Laws Referenced in Report

Appendix C—Pavement Engineering, Inc. PCI Costing Sheets

Appendix D— Measure O Ballot

Appendix E—Measure O Costing/Revenue from FY20 Budget

Appendix F—CFO Job Description

Appendix A—Ballot Summary and Text of Initiatives

Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget

Under existing City regulations in accordance with state law, the Director of Finance (as head of the Finance Department) is responsible for City financial reporting, fiscal and accounting duties and assisting in budgeting. Finance Department programs include general accounting, budget management, financial resources, grants management, risk management and purchasing.

Existing City regulations provide that the elected City Treasurer is to perform statutory duties assigned to the City Treasurer under state law and confirmed by resolution plus specific administrative duties assigned by the City Manager. Currently, the City Treasurer serves as the administrative head of the City Treasurer's office.

Under the proposed initiative, the City Treasurer's existing duties would continue and be expanded to include:

- Designated as Director of Finance and would assume all statutory duties of the Director of Finance.
- Supervise Finance Department employees and have authority over the Finance Department.
- Design, implement and oversee an internal control system to safeguard assets, ensure financial statement reliability, promote operational efficiency and encourage compliance with applicable laws and City Council directives. Although the City Council could establish additional financial controls, the initiative prohibits imposition of such controls if they would undermine the authority of the City Treasurer (acting in the role of Finance Director).
- Select and oversee an internal auditor who would not be a City employee. The internal auditor would conduct internal control reviews, compliance audits and performance audits.

- Implement a program that would include monthly reports published online of City expenditures, including supporting invoices, purchase orders, submitted bids and solicitations for bids.
- Submit monthly financial reports itemizing: monthly and fiscal year-to-date revenues and expenses with comparisons to budgets and historical amounts for specific funds; estimated changes in fund balances for specific funds; and cash receipts and disbursements in excess of \$10,000.
- Establish performance measurements for each City department, with separate performance measurements based on cost, quality and timelessness. Reports on measurements would be prepared monthly and submitted to the City Clerk, with copies to the City Council.
- Submit a proposed operations and capital budget to the City Council for the next fiscal year. The City Manager is currently responsible for submitting annual budgets to the City Council.

The proposed initiative also requires the City Manager and the City Attorney to cooperate with and be responsive to requests for administrative services and information made by the City Treasurer. City Treasurer's reports to the City Council are to indicate if the City Manager and the City Attorney have hindered or supported the City Treasurer's fulfillment of the Treasurer's responsibilities under state law and the Oxnard City Code (as amended by the initiative).

Word Count: 496 [Maximum of 500 words]

SECTION 2. Findings and Declarations.

The people of the City of Oxnard ("City") find and declare all of the following:

- a) No one elected official is explicitly accountable to voters for overseeing the city's finances, including a system of internal controls required to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives;
- b) Much of the city's finances are opaque and infrequently reported to the public, creating an environment of doubt as to whether taxpayer funds are spent wisely and efficiently;
- c) Performance measurements for city departments are not compiled and presented to residents, leaving the public wondering whether city hall is delivering quality, economical and timely services;
- d) Lines of authority between some elected officials and top city staff are muddled, creating a potential conflict where the appointed city manager dictates tasks to be performed by the elected city treasurer.

SECTION 3. Purposes and Intent.

The people of the City of Oxnard hereby declare their purposes and intent in enacting this measure to be as follows:

- a) To declare the elected city treasurer as the city's chief financial officer and ensure a sufficient number of qualified professionals are in the finance department to carry out required duties;
- b) To charge the elected city treasurer with designing a system of internal controls and overseeing an internal auditor to discourage malfeasance and criminal conduct;
- c) To entrust the elected city treasurer with designing and implementing a robust program of transparency, including monthly financial reports and the online posting of documentation supporting city expenditures;
- d) To task the elected city treasurer with establishing relevant metrics and regularly reporting on the performance of each city department to better ensure that the public is receiving quality, economical and timely services; and
- e) To create clear lines of authority between elected officials and hired city staff, and require that the elected city treasurer publicly report on the level of support and cooperation provided by city staff in assisting the elected city treasurer with fulfilling required duties.

SECTION 4. Oxnard Fiscal Transparency and Accountability Act.

To implement the Oxnard Fiscal Transparency and Accountability Act, the Initiative amends or adds the following sections of the Oxnard City Code. Type formatted as underlined is added to the Municipal Code; type formatted as ~~struckthrough~~ is deleted from the Municipal Code; unformatted type is existing and not amended by this initiative.

A. SEC. 2-167 is amended to read as follows:**SEC. 2-167. BOND OF CITY TREASURER AND ASSISTANT CITY TREASURER.**

The bond of the city treasurer is set at \$100,000 and assistant city treasurer is set at \$50,000. The bonds shall conform to the provisions of Chapter 3, Division 4, Title 1 of the Cal. Gov't Code. The premium on the bonds shall be paid by the city.

B. SEC. 2-168 is amended to read as follows:**SEC. 2-168. DUTIES OF CITY TREASURER.**

(A) The city treasurer shall perform such statutory duties as are assigned to the city treasurer of a general law city by the laws of the State and confirmed by resolution.

~~(B) The city treasurer shall also perform such administrative duties as assigned by the city manager. The city treasurer shall be the director of finance, and shall perform such statutory duties as are assigned to the director of finance or chief financial officer of a general law city by the laws of the State and confirmed by resolution, or by this code.~~

(C) The city manager and the city attorney shall in good faith cooperate with and be responsive to requests for information or administrative services made by the city treasurer in connection with carrying out the duties imposed on the city treasurer in the general law and this code. The city treasurer's reports to the city council shall also convey the extent to which the city manager and the city attorney have supported or hindered the city treasurer's fulfillment of those duties.

C. SEC. 2-175 is amended to read as follows:**SEC. 2-175. CREATION.**

There shall be a finance department, headed by ~~a director of finance~~ the city treasurer who shall supervise such employees as are necessary to carry out the functions and duties of the department. At least one employee of the finance department must possess a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code, showing that person to be, and a permit authorizing that person to practice as, a certified public accountant.

D. SEC. 2-176 is amended to read as follows:**SEC. 2-176. FINANCIAL AND ACCOUNTING DUTIES.**

(A) Pursuant to Cal. Gov't Code Section 37209, the duties imposed on the city clerk by Chapter 4, Part 2, Division 3, Title 4 of the Cal. Gov't Code are transferred to the director of finance.

(B) Pursuant to Cal. Gov't Code Section 40805.5, the financial and accounting duties imposed on the city clerk by Cal. Gov't Code Sections 40802 through 40805 are transferred to the director of finance.

(C) Pursuant to Cal. Gov't Code Section 34004, the duties imposed on the city treasurer by Cal. Gov't Code Section 41004 are transferred to the director of finance.

(D) The powers and duties of the director of finance include centralizing fiscal and accounting duties; controlling inventory; financial reporting; and ~~assisting in~~ budgeting.

(E) The director of finance shall promote, secure and preserve the financial and property interests of the city.

~~(F) The city manager may assign to the director of finance additional powers and duties not set forth herein.~~

E. SEC. 2-176.1 is added to read as follows:**SEC. 2-176.1. INTERNAL CONTROLS.**

(A) The director of finance shall design, implement and oversee a system of internal controls to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives. The city council may establish additional controls by resolution provided they do not undermine the plenary authority of the director of finance.

(B) The director of finance shall select and oversee an internal auditor who shall not be an employee of the city. The internal auditor shall be responsible for the following:

(1) Conducting internal control reviews, compliance audits and performance audits requested by the director of finance or the city council.

(2) Administering the city's whistleblower program.

(C) In consultation with the city attorney, the director of finance shall report findings of malfeasance and criminal conduct to the city council and/or law enforcement officials.

F. SEC. 2-176.2 is added to read as follows:**SEC. 2-176.2. FINANCIAL TRANSPARENCY.**

(A) The director of finance shall oversee the design and implementation of a financial transparency program that includes, but shall not be limited to, enabling public online review of city expenditures, including supporting invoices, purchase orders, submitted bids, and solicitations for bids and quotes.

(B) Each month the director of finance shall submit to the city clerk a financial report and shall file a copy with the city council. The financial report shall include at least the following components:

(1) Itemized statements of estimated monthly and fiscal year-to-date revenues and expenses with comparisons to budgets and historical amounts for significant governmental, proprietary and fiduciary funds.

(2) Itemized statements showing estimated changes in fund balances for significant governmental, proprietary and fiduciary funds.

(3) Itemized schedules presenting in descending order cash receipts and disbursements in excess of \$10,000.

(4) Additional schedules established by city council resolution.

G. SEC. 2-176.3 is added to read as follows:**SEC. 2-176.3. PERFORMANCE MEASUREMENTS.**

(A) For each department the director of finance shall establish performance measurements pertaining to the department's core functions, with no fewer than one performance measurement based on cost, one based on quality and one based on timeliness. The city council may establish additional performance measurements by resolution.

(B) The director of finance shall cause the city's current and historical performance measurements to be published on a centralized location on the city's website in the form of dynamic interactive online dashboards.

(C) Regularly, at least once each month, the director of finance shall submit to the city clerk a written report on the results of performance measurements, a copy of which shall be filed with the city council.

H. SEC. 2-177 is repealed:**SEC. 2-177. BOND.**

~~The director of finance shall file with the city clerk a bond covering the faithful performance of his/her duties, in the penal sum of not less than \$20,000. The bond shall conform to the provisions of Chapter 3, Division 4, Title 1 of the Cal. Gov't Code. The premium on the bond shall be paid by the city.~~

I. SEC. 2-179 is amended to read as follows:**SEC. 2-179. BUDGET.**

(A) Before the beginning of each fiscal year for which the city council has not adopted a budget, the ~~city manager~~ director of finance shall submit to the city council a proposed operations and capital budget for the following fiscal year or for more than one of the following fiscal years.

(B) At a minimum, the proposed budget shall include:

(1) An itemized statement of estimated revenues from all sources for the year.

(2) An itemized statement of proposed expenditures for each department and division.

(3) A statement of the amount required for the payment of interest, amortization and redemption charges on the debt of the city.

(4) Provision for contingent expense.

(5) A general budget summary.

(6) A budget statement outlining the proposed financial plan for the year.

(7) The appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Division 9 of Title 1 of the Cal. Gov't Code, commencing with Section 7900.

(C) The city council shall hold a public hearing on the proposed budget, at which all interested persons may be heard. At the conclusion of the public hearing, the city council may make changes to the proposed budget.

(D) The city council shall adopt a budget for the following fiscal year or for more than one of the following fiscal years. If the budget is not adopted on or before the beginning of such fiscal year, the proposed budget shall become effective without action by the city council.

(E) The city council may revise at any time an adopted budget or a proposed budget that became effective without action by the city council.

(F) Notwithstanding Section 9217 of the Election Code, the city council may amend this section without submission to the voters, so long as the amendment furthers the purposes and intent of this Act.

SECTION 5. Broad Construction.

a) The provisions of this act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of providing the elected city treasurer with plenary authority to improve accountability and transparency of the city's finances, and to publicly divulge the performance of city departments to enhance their performance.

b) Where the provisions of this measure conflict with any provision in the Oxnard Municipal Code with respect to the subject matter governed by this measure, this measure shall apply.

SECTION 6. Conflicting Ballot Measures.

a) In the event that this measure and another measure or measures relating to the transparency and accountability of city finances and operations shall appear on the same citywide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any chapter, article, division, section, subsection, phrase, or clause of this measure is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this measure. The People of the City of Oxnard hereby declare that they would have passed this measure and each chapter, article, division, section, subsection, paragraph, sentence, phrase, clause or word thereof irrespective of the fact that any one or more chapter, article,

New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run

Under existing regulations, City legislative bodies (which include the City Council and Council Committees) are subject to the Brown Act (California's Open Meeting Law), the Oxnard City Code and rules of procedure adopted by the City Council.

The proposed initiative would impose specific new local regulations regarding the way in which the meetings of City legislative bodies are run. The proposed new rules are as follows:

- *Robert's Rules of Order* – The proposed initiative would require that the latest version of Robert's Rules of Order Newly Revised govern subject to certain exceptions the way the City's legislative bodies (including the City Council and Council Committees) are run. The proposed initiative requires that each member of the City's legislative body receives a copy of the current edition of Robert's Rules of Order Newly Revised. In addition, the City is required to use the services of a Professional Registered Parliamentarian certified by the National Association of Parliamentarians or a Certified Parliamentarian credentialed by the American Institute of Parliamentarians to train the members of the legislative bodies regarding Robert's Rules of Order.
- *Allowed Start Time for Meetings* – The proposed initiative would require with certain exceptions that meetings of the City's legislative bodies could not start before 5 p.m. on weekdays and 9 a.m. on weekends.
- *Pre-Taping of Staff Presentations* – The proposed initiative would require that staff presentations for City legislative bodies must be videotaped in advance. Such videotape must be available for viewing at City Hall at the time of the posting of the agenda for the meeting. The initiative then states that: "[t]he primary role of the staff at meetings is to answer questions posed by the legislative body, not the reenactment of pre-recorded presentations."
- *Public Comments* – The proposed initiative adds the requirement that each person shall have no less than three minutes to comment on an agenda item at a meeting. This requirement will apply even if the matter has been considered at a

SECTION 2. Findings and Declarations.

The people of the City of Oxnard find and declare all of the following:

a) The Oxnard City Council adopted Oxnard Ordinance No. 2949, which created a number of committees charged with conducting important city business.

b) Those committees meet at times that conflict with many residents' work schedules, which effectively limits their opportunity to provide input on issues affecting their quality of life.

c) Inconvenient meetings make a mockery of the ideal that the proceedings of elected and appointed officials ought to be conducted openly and at times that reasonably allow members of the public to directly address legislative bodies while they are deliberating on matters of public policy.

d) Meetings are conducted largely without making full use of standard recognized parliamentary procedures, often resulting in prolonged disorderly meetings, and thus reducing the likelihood that residents will be able to remain in attendance long enough to participate.

e) The details of proposals are often better revealed in staff presentations than they are in written staff reports, but because such presentations are not presented until the actual meeting and considerable time is consumed making such presentations, the ability of the People to know the full impact of those proposals and adequately formulate their concerns are significantly diminished.

f) Residents wanting to speak to the Oxnard City Council on matters of public concern have been limited to one or two minutes to state a position, especially on controversial matters, thus creating an environment where public participation is discouraged.

SECTION 3. Purposes and Intent.

The People of the City of Oxnard hereby declare that their purposes and intent in enacting the "Oxnard Open Meetings Act" are to improve disclosure and public participation on matters that come before the Oxnard City Council and other local legislative bodies.

SECTION 4. Oxnard Open Meetings.

To implement the Oxnard Open Meetings Act, the Initiative amends or adds the following sections of the Oxnard City Code. Type formatted as underlined is added to the Municipal Code; type formatted as ~~striketrough~~ is deleted from the Municipal Code; unformatted type is existing and not amended by this initiative.

A. SEC. 2-1 of Division 1, of Article I of Chapter 2 of the Oxnard Municipal Code is hereby amended to read as follows:

SEC. 2-1. MEETINGS; RULES OF PROCEDURE.

(A) Regular city council meetings - Unless otherwise approved by city council action, city council shall conduct regular meetings on the first and third Tuesdays of every month in the city council chambers at 305 West Third Street at a time set by resolution of the city council.

(B) Rules of procedure and standing rules -

(1) ~~The rules for the conduct of proceedings of the city council shall be established by resolution. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the city's legislative bodies in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the city council may adopt by resolution. The city council may by resolution establish standing rules unrelated to parliamentary procedure.~~

(2) Any violation of such rules shall be deemed to be a violation of this code and shall be punishable as provided in section 1-10 of this code.

(C) Notwithstanding Section 9217 of the Election Code, the city council may amend subdivision (A) of this section without submission to the voters to change the days and location for regular meetings.

B. Sections 2-1.2 through 2-1.5 of Division 1, of Article I of Chapter 2 of the Oxnard Municipal Code are hereby adopted as follows:

SEC. 2-1.2. ALLOWABLE MEETING TIMES.

Meetings of the city's legislative bodies, as defined by and subject to the Ralph M. Brown Act (California Government Code Sections 54950 et seq.), shall commence no earlier than 5:00 pm on weekdays and 9:00 am on weekends. Notwithstanding, this requirement shall not apply to purely advisory bodies, emergency meetings, meetings held in closed session, or meetings conducted outside the city's geographical boundaries. Moreover, by a 4/5 vote this requirement may be waived by an advance reasonable determination that extenuating circumstances surrounding the starting time of a particular meeting prevent the legislative body from fulfilling its duties and that such circumstances cannot otherwise be obviated by alternative or additional meeting dates. Actions taken at meetings held in violation of this section shall be deemed invalid.

SEC. 2-1.3. PARLIAMENTARY TRAINING.

(A) The city shall provide each member of the city's legislative bodies with a copy of the current edition of Robert's Rules of Order Newly Revised.

(B) The city shall make use of the services of a Professional Registered Parliamentarian certified by the National Association of Parliamentarians or a Certified Parliamentarian credentialed by the American Institute of Parliamentarians to train members of the city's legislative bodies on Robert's Rules.

SEC. 2-1.4. STAFF PRESENTATIONS IN ADVANCE OF MEETINGS.

To provide the fullest opportunity for public input on all matters coming before the city's legislative bodies, staff presentations for each agenda item shall be videotaped in advance, and then posted on the city's website and made available for viewing on city premises at the time of the posting of the agenda for the meeting. The primary role of staff at meetings is to answer questions posed by the legislative body, not the reenactment of pre-recorded presentations.

SEC. 2-1.5. PUBLIC COMMENT.

(A) In addition to opportunities for public comment required by state law, the agenda shall provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee composed exclusively of members of the legislative body.

(B) Each person shall be allowed no less than three minutes to comment on an agenda item at a meeting.

(C) Reasonable accommodations shall be made to facilitate the presentation of videos, PowerPoint or similar presentations during public comments. Presenters shall be required to provide hard copies of presentations to members of the legislative body.

SECTION 5. Broad Construction.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purposes of requiring that meetings be scheduled during hours most convenient to the general public, that staff presentations be made available in advance so that the general public can meaningfully participate, that meetings be conducted in accordance with Robert's Rules so that they are run in an orderly manner, and that the time and manner in which public comments can be made are not unduly restricted.

b) If any provision of this Act conflicts directly or indirectly with any other provision of law, those other provisions shall be null and void to the extent that they are inconsistent with this act, and are hereby repealed.

SECTION 6. Conflicting Ballot Measures.

a) In the event that this measure and another measure or measures relating to the disclosure or conduct of meetings appear on the same citywide election ballot, the provisions of the other measures that would affect in whole or in part the field of meeting conduct shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.

Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met

In 2008, Oxnard voters approved Measure O – the “City of Oxnard Vital Services Transactions (Sales) and Use Tax Ordinance” – which increased the City’s sales tax by ½ percent for a period of 20 years.

The increased funding from Measure O is to be used “[t]o protect, maintain, and enhance vital city services[.]” Measure O (Ordinance No. 2779) also indicates that the purpose of the measure is “to provide enhanced levels of vital community services including police, fire and emergency response, increasing street paving and sidewalk/pothole repair to improve traffic flow, expanding youth recreation, after-school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading storm water drains, improving senior services, increasing building code compliance, and other general City services[.]”

Measure O is currently set to expire on March 31, 2029. The proposed initiative would change the expiration date of Measure O if the City-owned street and alley network did not meet specific Pavement Condition Index (PCI) requirements by specific deadlines. The PCI is a numerical index between 0 and 100 that is used to indicate the condition of a specific section of road pavement.

The specific new deadlines that the initiative would impose are as follows:

- PCI of at least 65 on or before September 30, 2022 or Measure O would expire on March 31, 2023.
- PCI of at least 70 on or before September 30, 2024 or Measure O would expire on March 31, 2025.
- PCI of at least 75 on or before September 30, 2026 or Measure O would expire on March 31, 2027.
- PCI of at least 80 on or before September 30, 2028 or Measure O would expire on March 31, 2029.

Under the initiative, the City Council would have the ability to extend the termination date of Measure O starting on April 1, 2028 for additional five-year periods if an outside civil engineering consultant finds that the PCI for the City-

The people of the City of Oxnard find and declare all of the following:

- a) In 2008, the City Council of the City of Oxnard adopted Ordinance No. 2779, also known as the "City of Oxnard Vital Services Transactions (Sales) and Use Tax Ordinance," requesting that voters adopt a one-half per cent increase in the local sales and use tax "to protect, maintain, and enhance vital city services," such as "increasing street paving and sidewalk/pothole repair to improve traffic flow." Voters approved Ordinance No. 2779 as Measure O at the November 4, 2008 election.
- b) Based on the language of the ordinance and the marketing campaign promoting it, voters were persuaded to adopt Measure O, making Oxnard's rate of sales tax the highest in the county at the time, and generating in excess of \$10 million each year in extra tax revenue at a great cost to poor and middle-class families.
- c) Since the adoption of this measure, however, many residents question whether there has been any significant enhancement in vital city services.
- d) In the case of maintaining streets and alleys, one of the more basic city services, the City of Oxnard's lack of performance is particularly evident, as measured by the city's Pavement Condition Index (PCI), a numerical index between 0 and 100 used to indicate the general condition of pavement. This standard is widely used in transportation civil engineering, and the surveying processes and calculation methods used have been standardized by ASTM International. Prior to the increase in the local sales and use tax, Oxnard had a PCI score of 61 for its network of streets and alleys. Unfortunately, Oxnard's PCI has not seen meaningful improvement since the tax increase, and residents continue to endure poorly maintained streets and alleys, some of which have been neglected for years.
- e) Because it is far less expensive to keep a road in good condition than to repair it once it has deteriorated, the City's inattention to routine maintenance of roads and alleys is poor stewardship of taxpayer funds, and the long-term impact of this neglect is to deprive residents of other important services, such as those promoting public safety.

SECTION 3. Purposes and Intent.

The people of the City of Oxnard hereby declare their purposes and intent in enacting the "Keeping the Promise for Oxnard Streets Act" to be as follows:

- a) To fulfill the promise of better streets by focusing City Hall attention on repairs and maintenance of city streets and alleys.
- b) To ensure local officials do not take for granted the additional sales and use tax money we pay.
- c) To require the City of Oxnard to justify the extra half-cent sales tax by providing a corresponding level of service.
- d) To deny the City the additional tax if they fail to deliver these services at an acceptable level.
- e) To authorize the City Council to extend the tax in five-year increments provided that the city streets and alleys are maintained at an acceptable level.

SECTION 4. Keeping the Promise for Oxnard Streets Act.

Part 4 of Measure O (Uncodified Ordinance 2779, adopted by voters on November 4, 2008) is hereby amended to read as follows (existing text not amended by this act is shown in regular type; text to be deleted by this act is shown in ~~strike through~~ type; text to be added by this act is shown in underline type):

Part 4.

~~A. TWENTY-YEAR-SUNSET. The authority to levy the tax imposed by this ordinance shall expire twenty years from the operative date of this ordinance on March 31, 2029, unless extended by the voters.~~

B. Notwithstanding subdivision A of this Part, unless an outside civil engineering consultant with expertise in developing and updating pavement management systems finds that the Pavement Condition Index of the city-owned street and alley network is:

- (1) at least 65 on or before September 30, 2022, this ordinance shall expire March 31, 2023;
- (2) at least 70 on or before September 30, 2024, this ordinance shall expire March 31, 2025;
- (3) at least 75 on or before September 30, 2026, this ordinance shall expire March 31, 2027; and
- (4) at least 80 on or before September 30, 2028, this ordinance shall expire March 31, 2029.

C. Notwithstanding subdivision A of this Part, commencing April 1, 2028 the City Council shall have the authority to extend the expiration date by twenty calendar quarters, provided that between 110 and 365 days before each expiration date an outside civil engineering consultant with expertise in developing and updating pavement management systems finds that the Pavement Condition Index of the city-owned street and alley network is at least 80.

SECTION 5. Broad Construction.

- a) The provisions of this act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of allowing the continuation of the additional one-half per cent sales and use tax for general City purposes, provided that the City improves and maintains to an acceptable level the condition of city-owned streets and alleys, without respect to the source of funding available or used by the City for such services.
- b) This act is not intended to convert the existing general sale and use tax to a special tax, and does not require that the City dedicate the funds from the additional one-half per cent sales and use tax specifically for maintenance and improvement of city-owned streets and alleys. Instead, this act authorizes the continuation of the additional one-half per cent sale and use tax in accordance with Section 4 of this measure.

SECTION 6. Conflicting Ballot Measures.

- a) In the event that this measure and another measure or measures relating to local sales and use tax shall appear on the same citywide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.
- b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.

Received
 Oxnard City Clerk
 2019 APR 18 PM 1:33

Appendix B—Laws Referenced in report



ELECTIONS CODE - ELEC

DIVISION 0.5. PRELIMINARY PROVISIONS [1 - 362] (*Division 0.5 heading added by Stats. 1996, Ch. 1143, Sec. 17.*)

CHAPTER 4. Definitions [300 - 362] (*Chapter 4 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

- 321.** (a) "Elector" means a person who is a United States citizen 18 years of age or older and, except as specified in subdivision (b), is a resident of an election precinct in this state on or before the day of an election.
- (b) "Elector" also means a person described in paragraph (2) of subdivision (b) of Section 300, who, except for the residence requirement specified in subdivision (a), is eligible to vote in this state and meets either of the following conditions:
- (1) He or she was a resident of this state when he or she was last living within the territorial limits of the United States or the District of Columbia.
- (2) He or she was born outside of the United States or the District of Columbia, his or her parent or legal guardian was a resident of this state when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia, and he or she has not previously registered to vote in any other state.
- (c) Each person qualifying as an elector under subdivision (b) shall be deemed to be a resident of this state for purposes of this code and Section 2 of Article II of the California Constitution.

(Amended by Stats. 2018, Ch. 113, Sec. 1. (SB 1171) Effective January 1, 2019.)

Cal Elec Code § 9212

Deering's California Codes are current through Chapters 1-70, 72-196, 198-213, 215, 217-260, 262-285, 293-303, 305-323, 325-364, 366-368, 372-384, 386-395, 397-413, 415-468, 470, 471-480, 482-496, 498-500, 502-509, 511-529, 532-537, 539-542, 544-551, 553-555, 559-563, 565-675, 679-692, 694-723, 725-729, 731-736, 738-749, 751-765, 767-770, 772-795, 797-805, 807-809, 811-821, 823-837, 841-858, and 860-870 of the 2019 Regular Session, including all legislation effective October 1, 2019 or earlier.

***Deering's California Codes Annotated > ELECTIONS CODE (§§ 1 — 23004) > Division 9
Measures Submitted to the Voters (Chs. 1 — 7) > Chapter 3 Municipal Elections (Arts. 1 — 6) >
Article 1 Initiative (§§ 9200 — 9226)***

§ 9212. Referral of proposed initiative measure to city agency for report

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9215, the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under *Section 65008 of the Government Code* and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of *Division 1 of Title 7 of the Government Code*.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

History

Added *Stats 1994 ch 920 § 2 (SB 1547)*. Amended *Stats 2000 ch 496 § 2 (SB 1966)*; *Stats 2017 ch 748 § 5 (AB 765)*, effective January 1, 2018.



ELECTIONS CODE - ELEC

DIVISION 9. MEASURES SUBMITTED TO THE VOTERS [9000 - 9610] (*Division 9 enacted by Stats. 1994, Ch. 920, Sec. 2.)*

CHAPTER 3. Municipal Elections [9200 - 9295] (*Chapter 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)*

ARTICLE 1. Initiative [9200 - 9226] (*Article 1 enacted by Stats. 1994, Ch. 920, Sec. 2.)*

9217. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

Appendix C—Pavement Engineering, Inc. PCI cost sheets

City of Oxnard
80 PCI by 2028 Then Maintain 80

ITEM #E-1

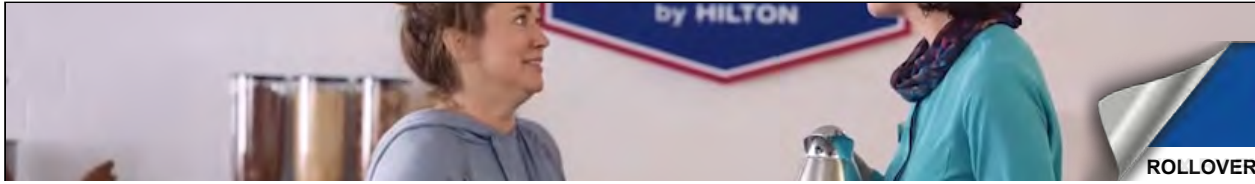
	A/C/R		ALLEYS		
YEAR	PCI	COST	PCI	COST	TOTAL
2020	65	\$ 3,286,605	36	\$ 4,079,127	\$ 7,365,732
2021	67	\$ 20,395,821	42	\$ 7,102,495	\$ 27,498,316
2022	69	\$ 21,331,922	47	\$ 6,830,794	\$ 28,162,716
2023	71	\$ 34,141,136	53	\$ 7,099,495	\$ 41,240,631
2024	72	\$ 36,123,222	58	\$ 6,911,887	\$ 43,035,109
2025	74	\$ 35,833,989	64	\$ 7,253,374	\$ 43,087,363
2026	76	\$ 33,346,982	69	\$ 7,373,963	\$ 40,720,945
2027	78	\$ 36,774,874	75	\$ 7,431,812	\$ 44,206,686
2028	80	\$ 46,693,984	80	\$ 7,664,473	\$ 54,358,457
2020-2028 COST		\$ 267,928,535		\$ 61,747,420	\$ 329,675,955
Average Per Year		\$ 29,769,837		\$ 6,860,824	\$ 36,630,662

YEAR	PCI	COST	PCI	COST	TOTAL
2029	80	\$ 21,722,315	80	\$ 1,795,789	\$ 23,518,104
2030	80	\$ 9,503,985	80	\$ 1,449,288	\$ 10,953,273
2031	80	\$ 22,820,277	80	\$ 2,389,916	\$ 25,210,193
2032	80	\$ 23,362,805	80	\$ 1,869,351	\$ 25,232,156
2033	80	\$ 18,866,036	80	\$ 621,347	\$ 19,487,383
2034	80	\$ 21,996,258	80	\$ 2,909,873	\$ 24,906,131
2035	80	\$ 19,048,966	80	\$ 617,160	\$ 19,666,126
2036	80	\$ 19,352,065	80	\$ 951,826	\$ 20,303,891
2037	80	\$ 25,276,849	80	\$ 1,026,569	\$ 26,303,418
2038	80	\$ 24,599,698	80	\$ 1,136,825	\$ 25,736,523
2029-2038 COST		\$ 206,549,254		\$ 14,767,944	\$ 221,317,198
Average Per Year		\$ 20,654,925		\$ 1,476,794	\$ 22,131,720

Total COST		\$ 474,477,789		\$ 76,515,364	\$ 550,993,153
Average Per Year		\$ 24,972,515		\$ 4,027,124	\$ 28,999,640



Appendix D—Measure O Ballot



City of Oxnard Sales Tax Increase, Measure O (November 2008)

A **City of Oxnard Sales Tax Increase, Measure O** ballot question was on the November 4, 2008 ballot for voters in the City of Oxnard in Ventura County, where it was **approved**.

Measure O increased the sales tax in Oxnard by 1/2 cents for twenty years. This moved the city's sales tax from 7.25 percent to 7.75 percent, making it the highest in the county.

The Measure O tax is expected to generate \$200 million in revenues for the city over its 20-year lifespan. According to a website maintained by the City of Oxnard about Measure O, revenues from the tax are used "to provide enhanced levels of vital city service including police, fire and emergency response, increasing street paving and sidewalk / pothole repair to improve traffic flow, expanding youth recreation, after – school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading storm water drains, improving senior services, increasing building code compliance and other general City services."

Election results

Measure O		
Result	Votes	Percentage
✔ Yes	29,162	65.1%
No	15,636	34.9%

These election results are from the Ventura County elections office.

Ballot question

The question on the ballot:

Measure O: "To protect, maintain, and enhance vital services including police, fire, emergency response, increasing street paving/pothole repair to improve traffic flow, expanding youth recreation, after school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading stormwater drains, improving senior services, increasing code compliance, and other general services – shall the sales tax be increased by one half cent for twenty years only, with citizen oversight and independent financial audits?"^[1]

See also

- California 2008 local ballot measures
- Fairbank, Maslin, Maullin, Metz & Associates

Appendix E—Measure O Costing/Revenue from FY20 Budget

FY 2019-20
Adopted Budget

Measure O



Measure O

Function:

Approved by voters in November 2008 to enhance services to the community, the half-cent sales tax--or Measure O--is a twenty-year general purpose sales tax. Measure O provides protection, maintenance and enhancement of vital City services, including police, fire and emergency response, increasing street paving/pothole repair to improve traffic flow, expanding youth recreation, after school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading stormwater drains, improving senior services, increasing code compliance, and other general services.

Ongoing programs for FY 2019-20 include:

An asterisk () indicates a project beginning in Fiscal Year 2019-20 that has been adopted as a part of the 2019-2024 City of Oxnard Five-Year Capital Improvement Program.*

Police, Fire & Emergency Response; Anti-Gang Prevention Programs

Police and Fire Department Enhanced CAD-911/Records Management System (RMS)/Mobile Data Computers (MDC) Systems: Measure O funds were approved in 2011 to purchase a new computer system that serves three critical public safety functions: computer assisted dispatching, records management, and mobile data communications to improve response times and public safety. We acquired the New World (now Tyler Technologies) product and have been operational with its system since September 2013.

City Corps Townkeeper Program: This program engages at-risk youth through programs that increase residents' services and neighborhood cleanliness through focused and sustained enhancement activities. Starting in FY 2018-19, full costs of City Corps and Recreations Grants internal charges were centralized or transferred to the General Fund with Measure O providing the subsidy. In FY 2019-20, funding for the City Corp program and a portion of the Recreation Grants Services internal charges will continue to be provided by Measure O.

Enhanced Community Policing: The addition of two beats, one each in Districts 1 and 2, would allow officers more time to proactively address problems in the beats and better distribute the workload. Smaller areas of responsibility would shorten response times and allow for more problem-solving and directed enforcement, including gang suppression and traffic enforcement. These smaller beats will allow officers to better practice their community policing philosophy.

Fire Advanced Life Support: Measure O funds were used for the Advanced Life Support (ALS) program, which enhances our emergency medical program by providing a paramedic service. We will be able to bill for cost recovery and fund any difference from the Fire Department's budget in the next fiscal budget year. Oxnard Fire now provides Basic Life Support as well as ALS.

Fire Handheld Radios Line of Credit 2018: Annual lease payment for the 2018 Bank of America Lease Purchase or Line of Credit for the purchase of eighty-five portable handheld radios for Fire.

Fire Station 8 Operations & Lease Debt at College Park: The City operates the College Park Headquarters Fire Station Number 8 located on 3.1 acres on the southeast corner of South Rose Avenue and the East Channel Islands Boulevard. The four-apparatus bay station contains 13,036 square feet with living quarters. The station has an engine company, a truck company and a battalion chief for a staff of eight firefighters per work shift with a total of 24 firefighter positions. This is a stand-alone station that has its own fueling and emergency power systems and is designed to be an essential public safety building. Measure O pays both for operations and the lease debt payment for this fire station.

Fire Apparatus Replacement: This is to continue the annual lease payment of a new fire ladder truck replacing an existing 1973 Seagrave Aerial Ladder truck. The new lease began in 2013.

Fire Trucks & Police Dispatch Consoles Line of Credit 2018: The City Council approved the purchase of two fire engines and Police dispatch consoles at the mid-year budget in February 2018. To conserve cash, the Council approved the use of a line of credit. This line of credit was beneficial to the City as the rates were below then-current market rates. This will allow the City to save its cash while taking advantage of very low borrowing rates.

Police Fleet Line of Credit 2018: The City Council approved the purchase of police vehicles in mid-2018. To conserve cash, the Council approved the use of a line of credit. This line of credit was beneficial to the City as the rates were below then-current market rates. This will allow the City to save its cash while taking advantage of very low borrowing rates.

Fire Station Alerting System Replacement*: The City Council approved the replacement of an aging and failing fire alerting system at six (6) fire stations. The current alerting systems are no longer manufactured; three (3) were borrowed from Ventura County Fire. Alerting systems announce over a loudspeaker that a 911 call has occurred and trigger the response.

Roof Replacement - Fire Station 5*: The roof at Fire Station 5 is leaking and needs to be replaced. The plans for the replacement are nearly complete. This building includes living quarters for firefighters.

Roof Replacement - Fire Station 6*: Replace roof and wood siding at Fire Station 6 in order to prevent damage to structure and equipment and to protect and preserve inventory.

Roof Replacement - Sturgis Annex*: Replace roof at the Sturgis Annex to preserve property, evidence, and equipment stored in the building. This building houses personnel as well as valuable Police Department assets. The roof currently leaks.

Police Academy: In response to reductions in the General Fund, Measure O funds will allow the Police Department to hire five (5) Public Safety Trainees. These trainees will attend the nearby regional academy in October of 2019. Measure O's contributions are for personnel costs (salary and benefits) of these trainees for the six (6) month period while they are in the academy.

Fire Academy: The Fire Department will host an academy to fill eleven vacancies in the rank of firefighter. Funding will cover hiring costs, personal protective equipment, salary for recruits while attending the sixteen week academy and station coverage for the cadre.

Fire Over-Time Subsidy: The City Council approved an augmentation for overtime that will allow all fire stations to remain fully staffed and apparatus to remain in service for the 2019/20 fiscal year.

Streets, Alleys & Roads Improvements

2014 Lease Revenue Street Bond: This is the debt payment for streets resurfacing improvements.

Alley and Roadway Repair: These moneys are used to reconstruct badly deteriorated alleys throughout the City and repair badly deteriorated sections of neighborhood and major City streets to avoid costlier reconstruction.

Intelligent Transportation System: The Intelligent Transportation System maintenance contract provides for troubleshooting, monitoring, and repair of: existing ITS software; hardware networking systems, including routers, switches, and fiber optic connections; video detection hardware and software; and Closed-Circuit Television (CCTV) cameras at intersections. The maintenance contract ensures the functionality and effectiveness of the system to monitor and respond to traffic incidents, hardware failures, and emergency vehicle preemption.

Parks/Open Space, Recreation, After School Programs, Senior Services

College Park Annual Maintenance: Measure O funds are utilized to support the operations and maintenance of College Park. College Park consists of five athletic sport fields with professional lighting; basketball courts, a skatepark, a complete kitchen-type concession stand; a group area; ADA-compliant restrooms; a parking lot; security lighting, landscaping and irrigation; a maintenance yard; maintenance equipment; and fencing to protect the investments in this park.

College Park Monitors: It is estimated that within the City of Oxnard there are over 15,000 youth as well as adult soccer players. To help secure their safety as well as a positive environment, the City monitors College Park. The monitoring of College Park includes soccer, flag football, skateboarding and any other recreational program that brings high attendance to the park. The monitors at College Park are also responsible for lining the athletic fields in addition to staffing the snack bar for high attendance events.

Day at the Park-Special Needs: This funding enhances the special populations program by offering additional program days in June through August and a special holiday event in December. Also, this funding supports our Challenger Football program and helps the Challenger Baseball program.

Homework Center Main Library: These funds provide the Homework Center for twenty hours per week year-round. The program consists of a part-time library aide and volunteers.

The Integrated Library System (ILS): The Library's Sirsi ILS was antiquated and inefficient, which necessitated intensive staff support, as the vendor would no longer maintain it. The implementation of the new Polaris system helped create a more efficient library operation by saving valuable staff time and bringing the Oxnard Public Library into the 21st century with its ease of use and modern technology. Polaris ILS is an automated solution with many versatile modules and features directly linked to the public. The system allows for more efficient check-in and check-out, billing and invoicing, cataloging and public access to the library's 400,000 volume collection.

Library Wi-Fi Operational: Measure O supports Wi-Fi availability at the Main Library, South Oxnard and Colonia Branch Libraries during all library open hours. Wi-Fi allows electronic device to exchange data wireless over a computer network. Wi-Fi expands computer access to Oxnard residents.

Mobile Activity Center (MAC): The MAC serves as a mobile recreation center. The Mobile Activity Center currently visits 16 parks (two per week) over an eight-week summer period. The staff engage the neighborhood youth in various activities such as crafts, board games, sports, other recreational games, a jolly jumper and the City Corps Wagon Train.

Police Activities League (PAL): Measure O helps provide a ten-week summer basketball program that serves over 200 children. The moneys also provide the Summer Lunch Program in conjunction with the United States Department of Agriculture (USDA) at three sites (Southwinds, PAL, and Colonia), which serves over 1,300 children daily for ten weeks. The funds are also used for the Movies in the Park program, which reaches over 4,000 residents, and for a year-round Youth Directors program that teaches youth leadership and life skills. Measure O funding pays for the PAL boxing tournament, which allows Oxnard boxers to compete in a National PAL competition, and for an increase in staff levels during the school year because of the high attendance of youth at the PAL facility.

Pre-School To You: This program operates during the regular school year (September through June). The staff conduct classes in a neighborhood park or recreation center at different locations throughout the City. This provides an opportunity for preschool-age children to participate in activities that prepare them for enrollment into kindergarten. Teachers work with the children on developing fine motor skills, recognizing letters and numbers, nutrition, physical fitness, social skills, and other relevant skills that will help with their successful transition into elementary schools. This program also offers a summer session that focuses on recreational themes and continuing to develop relevant social skills.

Senior Nutrition Program Enhancement: Senior Services provides a daily average of fifty to sixty congregate meals at two locations--the Wilson Senior Center and the Palm Vista Senior Center--five days a week. In addition to the congregate meals served daily, Senior Services administers a home delivery program for homebound seniors. Through a contract with Food Share, seniors receive ten frozen meals bi-weekly at their homes. The City currently serves between 90 to 105 homebound seniors. Food Share stores the meals and delivers them. This program is available for seniors who are at least 60 years of age and is in partnership with the County of Ventura's Area Agency on Aging.

Roof Replacement - PACC Ventura/Oxnard Rental Spaces*: Remove and replace the roofing material and metal flashing on the main rental spaces roof to prevent damage to structures and equipment and to protect and preserve inventory.

Roof Replacement - Colonia Park Basketball Gym and Youth Center*: Measure O funds the replacement of the roof for both the gym and youth center to prevent damage to structures and equipment and to protect and preserve inventory.

Roof Replacement - Wilson Senior Center Complex*: Measure O funds the replacement of roofs for the office, the arts building and the senior center to prevent damage to structures and equipment and to protect and preserve inventory.

Other Uses

Downtown Arts Hub: An arts administrator is needed to serve as an organization and community liaison and the City's in-house expert on arts administration. The incumbent will be responsible for supporting the development and oversight of the City's public art program and the Downtown Arts Hub. These assignments include seeking out permanent and temporary public art installations; creating or locating community art projects; monitoring ongoing conservation and maintenance work of public art; and planning, developing, coordinating, leading, implementing and evaluating arts programs. The administrator will also assist with the organization of special events, provide staff support to the Cultural Arts Commission, and collect and develop information related to various arts initiatives within the community. The immediate priority is to begin implementation of the Arts Hub Business Plan. This includes developing a call for artists, implementing marketing and communication strategies to coordinate branding and messaging, assisting with the launch of the creative placemaking mini grant program, implementing and overseeing the artist registry and assisting with the implementation and coordination of downtown programs and events.

Downtown Market Study: The City retained The Natelson Dale Group, Inc. (TNDG), a professional consulting firm specializing in market/financial analyses, which is preparing an assessment of potential development demand in Downtown Oxnard, identifying potential market niches within the larger competitive region, and attracting future downtown development. This will result in a baseline of market conditions relevant to the downtown's place in the larger City and Ventura County region. This report was completed in May 2019. Staff is now developing an action plan from this baseline document.

Economic Development Strategy: Funding will be used for an Economic Development Strategic Plan ("Plan"), which provides an assessment of the existing conditions that drive the economy in Oxnard. The Plan will help local stakeholders and decision-makers implement strategies that will contribute to the City's future economic health. The Plan includes strategic recommendations to enhance Oxnard's business climate, ensure the fiscal health of the City, and support economic growth in a manner consistent with the City's character.

Financial System: The City's current finance system is over twenty years old and is no longer capable of meeting today's financial reporting requirements. The City's external auditors reported 111 audit findings in FY2015, with approximately 25 findings related to deficiencies in the current system. This new system will allow the City to cure the audit findings, provide better reporting, offer more transparency for the public, and be more efficient in the use of staff time.

Homeless Program: Funding will provide support for start-up and operational costs for a year-round shelter facility for the homeless. This includes contracting with an operator agency to staff and manage the facility. The shelter will act as a navigation center with 24 hour security, sleeping, hygiene and nutrition services. Shelter participants will also receive medical referrals, social services, and mental health services, along with bridge and permanent housing opportunities. Other services will include street outreach, workforce training and educational programs in order to establish pathways out of homelessness. Annual operational costs are anticipated to be nearly twice this amount. However, matching funds will be provided by the County of Ventura and private donors.

Homeless Shelter Acquisition: This funding will be used to leverage and acquire a suitable building to operate a year-round shelter. This funding will also be used to match the County of Ventura's approval to assist Oxnard with funding for a homeless shelter acquisition. The Housing Department may also use a HUD Section 108 loan to further leverage resources for the acquisition of a building. The County match and Section 108 amounts are pending the cost of prospective real estate. Funding will also be needed to make renovations to a site, such as additional showers, bathrooms, and kitchen and storage facilities. There is also an assessment being made as to the possibility of using the Oxnard Armory as a homeless year-round shelter. Should this option end up being the direction taken by the City, funding will be used to carry out major renovations to the building both inside and outside.

Local Coastal Plan – CivicSpark Intern: Funding has provided the City with an opportunity to participate in the CivicSpark Fellowship Program. CivicSpark is a Governor's Initiative AmeriCorps program dedicated to building capacity for local governments in California to address community resilience issues such as climate change, water resource management, and access to opportunities through eleven-month internships. The City is seeking a CivicSpark fellow to assist the City in the Local Coastal Program update. The CivicSpark fellow will also provide technical assistance in analyzing the results of assessment reports and provide recommendations on which strategies, policies and regulations are best suited to the specific conditions, development patterns, and resources of the City's coastal zone. Additionally, the CivicSpark fellow will provide assistance in facilitating public workshops and prepare and revise the regulatory amendments based on decision-maker input. The CivicSpark fellow's knowledge of the emerging topics related to sea level rise will provide a valuable service to the City when preparing policies and regulations and interacting with the general public, outside agencies and decision-makers.

Ormond Beach Enhancement: Measure O funding provides for ongoing enhancement activities to the Ormond Beach wetlands area, which includes: maintenance of a City installed swing-arm gate at Arnold Road and the Navy Base perimeter road to prevent illegal activities in the parking spaces; the fabrication and installation of directional signage for the area; maintenance of the caretaker's mobile home and office (inclusive of electricity); and the cleaning and pumping of sewage from portable restrooms.

Safe Homes Safe Families: Funding provides for the salaries of one code compliance inspector, one administrative technician, one deputy city attorney, and one paralegal to operate the Safe Homes Safe Families program. The program focuses resources and efforts on existing code compliance cases and will include education, outreach, conducting research, meetings with affected parties, inspections, and enforcement of City codes.

Spanish Language Interpretation of Council Meetings: Measure O funds language interpreting and translating provided on-location, conference English-Spanish/Spanish-English interpretation services for City Council meetings and broadcasting over the City's government channel SAP system and for members of the public in attendance at the meetings. Interpretation services are provided at regular and special City Council meetings.

Tenant Relocation Assistance: This fund will provide immediate relocation assistance for tenants who are displaced from hazardous or dangerous dwellings that have been posted as unsafe by City inspectors due to neglect by the property owner. Any funds used for relocation assistance would be collected from the responsible property owner and/or placed as a lien or special assessment against the property for future collection.

Measure O Audit: The Measure O ordinance requires the revenues and expenditures related to Measure O be included in the City's annual financial audit. The City's external auditor, Eadie & Payne, will perform agreed-upon procedures on Measure O revenues and expenditures in both the FY 2018-19 and 2019-20.

PACC Subsidy: This is a six-month agreement extension between the City and the non-profit Oxnard Performing Arts Center Corporation for \$410,000 for the operation, maintenance, and management of the Performing Arts and Convention Center. The six-month extension allows the Corporation to host the 114 events it has scheduled through December 31, 2019.

Half Cent Sales Tax Measure O Summary by Program

Programs	Frequency	FY19-20 Adopted	Debt Maturity Date
CAD/RMS Operational	Ongoing	873,897	N/A
Enhance Community Police	Ongoing	3,250,543	N/A
Fire Academy	One-Time	711,998	N/A
Fire Advanced Life Support	Ongoing	136,000	N/A
Fire Handheld Radios Line of Credit 2018	Ongoing - Debt	54,968	30-Sep-24
Fire Station 8 Lease Debt	Ongoing - Debt	1,389,869	1-Dec-31
Fire Station 8 Operations	Ongoing	3,936,887	N/A
Fire Station Alerting System Replacement	CIP - One-Time	250,000	N/A
Fire Truck Lease 2013	Ongoing - Debt	169,182	1-Apr-20
Fire Truck Line of Credit 2018	Ongoing - Debt	229,932	30-Sep-24
FY19-20 Fire Overtime Subsidy	One-Time	1,000,000	N/A
Police Academy	One-Time	197,827	N/A
Police Dispatch Consoles Line of Credit 2018	Ongoing - Debt	319,677	30-Sep-24
Roof Replacement - Fire Station 5	CIP - One-Time	500,000	N/A
Roof Replacement - Fire Station 6	CIP - One-Time	541,149	N/A
Roof Replacement - Sturgis Annex	CIP - One-Time	1,025,000	N/A
Public Safety & Gang Prevention Intervention Total		14,586,929	
2014 Lease Revenue Street Bond	Ongoing - Debt	1,666,425	1-Jun-29
Alley Reconstruction and Roadway Repair	Ongoing	501,518	N/A
Intelligent Transportation System Annual Maintenance	Ongoing	100,000	N/A
Traffic & Road Improvements Total		2,267,943	
City Corps Town-keeper Program	Ongoing	1,321,263	N/A
College Park Annual Maintenance	Ongoing	704,870	N/A
College Park Program	Ongoing	115,000	N/A
Day at the Park - Special Needs	Ongoing	16,537	N/A
East Village Park Operational Maintenance	Ongoing	146,970	N/A
Homework Center Main Library	Ongoing	50,834	N/A
Integrated Library System	Ongoing	71,941	N/A
Library Wi-Fi Operational	Ongoing	2,000	N/A
Mobile Activity Center Services	Ongoing	44,000	N/A
Oxnard Afterschool ASES Program & Recreation Services	Ongoing	107,673	N/A
Police Activities League (PAL) Operational	Ongoing	179,166	N/A
Preschool To You	Ongoing	160,551	N/A
Recreation Services	Ongoing	85,735	N/A
Roof Replacement - Colonia Park Basketball Gym & Youth Center	CIP - One-Time	605,000	N/A
Roof Replacement - Wilson Senior Center Complex	CIP - One-Time	400,000	N/A
Senior Nutrition Program Enhancement	Ongoing	40,267	N/A
Parks & Open Space Total		4,051,807	
Downtown Arts Hub	Ongoing	97,000	N/A
Homeless Program	Ongoing	1,000,000	N/A
Homeless Shelter Acquisition	One-Time	550,000	N/A
Measure O Financial Audit	Ongoing	5,000	N/A
Ormond Beach Enhancement	Ongoing	50,161	N/A
PACC Subsidy - Six months	One-Time	410,000	N/A
Roof Replacement - PACC Ventura/Oxnard Rental Spaces	CIP - One-Time	295,000	N/A
Safe Home Safe Family	Ongoing	411,524	N/A
Spanish Language Interpretation of Council Meetings	Ongoing	57,536	N/A
Other Community Improvements Total		2,876,221	
		23,782,900	

FULL TIME EQUIVALENT STAFFING BY DEPARTMENT

	17-18 Actual	18-19 Adopted	18-19 Revised	19-20 Adopted
CITY ATTORNEY				
Deputy City Attorney I/II	1.00	1.00	1.00	1.00
Paralegal	1.00	1.00	1.00	1.00
Total FTE	2.00	2.00	2.00	2.00
COMMUNITY DEVELOPMENT				
Administrative Technician	1.00	1.00	1.00	1.00
Code Compliance Inspector I/II	1.00	1.00	1.00	1.00
Total FTE	2.00	2.00	2.00	2.00
INFORMATION TECHNOLOGY				
Computer Network Engineer I/II	3.00	3.00	3.00	3.00
Total FTE	3.00	3.00	3.00	3.00
LIBRARY				
Library Aide I/II	0.50	0.50	0.50	0.50
Total FTE	0.50	0.50	0.50	0.50
MAINTENANCE SERVICES				
Groundswoker I/II	5.00	5.00	5.00	5.00
Senior Groundswoker	2.00	2.00	2.00	2.00
Total FTE	7.00	7.00	7.00	7.00
RECREATION AND YOUTH				
Administrative Assistant	1.00	-	-	-
Management Analyst I/II	0.80	-	-	-
Recreation/Human Services Coordinator	2.00	-	-	-
Recreation/Human Services Leader I	1.00	1.00	1.00	1.00
Recreation/Human Services Leader II	1.00	1.00	1.00	1.00
Recreation/Human Services Leader III (Limited Term)	10.00	-	-	-
Total FTE	15.80	2.00	2.00	2.00

FULL TIME EQUIVALENT STAFFING BY DEPARTMENT

	17-18 Actual	18-19 Adopted	18-19 Revised	19-20 Adopted
PUBLIC SAFETY & GANG PREV.				
Fire Captain	6.00	6.00	6.00	6.00
Fire Engineer	6.00	6.00	6.00	6.00
Firefighter	9.00	8.00	9.00	9.00
Police Officer I/II	15.00	14.00	14.00	14.00
Police Officer III	1.00	1.00	1.00	1.00
Police Sergeant	1.00	1.00	1.00	1.00
Total FTE	38.00	36.00	37.00	37.00
MEASURE O TOTAL	68.30	52.50	53.50	53.50

EXPENDITURES BY PROGRAM BY FUND

	2017-18 Actual	2018-19 Adopted	2018-19 Revised	2019-20 Adopted
104-HALF CENT SALES TAX				
CITY MANAGER				
1405-PUBLIC INFORMATION	38,544	56,863	56,863	57,536
1410-CITY MANAGER	-	25,000	50,000	-
1415-DOWNTOWN IMPROVEMENT	-	122,000	122,000	97,000
CITY MANAGER Total	38,544	203,863	228,863	154,536
COMMUNITY DEVELOPMENT				
4101-PLANNING	-	25,000	25,000	-
4305-CODE COMPLIANCE	-	380,137	407,308	403,592
COMMUNITY DEVELOPMENT Total	-	405,137	432,308	403,592
ECONOMIC COMMUNITY DEVELOPMENT*				
8100-SPECIAL PROJECTS/CDC OPERATIONS	-	100,000	100,000	-
ECONOMIC COMMUNITY DEVELOPMENT Total	-	100,000	100,000	-
FIRE				
2201-FIRE SUPPRESSION & OTHER EMERGENCY SERVICES	-	-	-	1,000,000
2208-STATION 8	5,375,616	5,232,044	5,232,044	5,462,756
2209-FIRE TRAINING ACADEMY	-	-	-	711,998
2260-CAPITAL IMPROVEMENTS	169,182	507,951	507,951	399,114
2270-CAPITAL IMPROVEMENTS	-	80,987	80,987	54,968
2280-CAPITAL IMPROVEMENTS	14,875	-	110,125	1,291,149
FIRE Total	5,559,673	5,820,982	5,931,107	8,919,985
GENERAL SERVICES				
5701-PARKS AND PUBLIC GROUNDS	728,723	763,004	1,621,116	836,450
5704-STREET MAINTENANCE & REPAIR	448,058	500,117	500,117	501,518
5727-PARKS AND PUBLIC GROUNDS	51,076	-	48,924	-
5749-CAPITAL IMPROVEMENTS	35,144	-	-	-
5759-CAPITAL IMPROVEMENTS	7,177	-	317,823	-
5770-CAPITAL IMPROVEMENTS	51,574	-	323,540	-
GENERAL SERVICES Total	1,321,752	1,263,121	2,811,520	1,337,968
HOUSING				
5105-HOMELESS ASSISTANCE	-	1,500,000	1,500,000	1,550,000
HOUSING Total	-	1,500,000	1,500,000	1,550,000

EXPENDITURES BY PROGRAM BY FUND

	2017-18 Actual	2018-19 Adopted	2018-19 Revised	2019-20 Adopted
INFORMATION TECHNOLOGY				
7303-HELP DESK OPERATIONS	16,226	952,883	952,883	868,759
7306-TELECOMMUNICATIONS	30,745	-	69,255	-
INFORMATION TECHNOLOGY Total	46,971	952,883	1,022,138	868,759
LIBRARY				
5401-LIBRARY COMMUNITY OUTREACH	41,309	45,235	45,235	49,978
5412-CAPITAL IMPROVEMENTS	2,000	2,000	2,000	2,000
5420-CAPITAL IMPROVEMENTS	65,742	69,030	69,030	71,941
LIBRARY Total	109,051	116,265	116,265	123,919
NON-DEPARTMENTAL				
1002-RESERVES AND TRANSFERS	5,534	-	-	32,742
1003-DEBT SERVICE	-	325,000	325,000	-
1004-RESERVES AND TRANSFERS	5,690	50,110	299,454	55,161
NON-DEPARTMENTAL Total	11,224	375,110	624,454	87,903
PERFORMING ARTS AND CONVENTION CENTER				
5601-PERFORMING ARTS AND CONVENTION CENTER	255,176	-	94,824	410,000
5609-CAPITAL OUTLAY / CIP	-	-	-	295,000
PERFORMING ARTS AND CONVENTION CENTER Total	255,176	-	94,824	705,000
POLICE				
2101-COMMUNITY PATROL	2,668,084	2,928,875	2,988,875	3,250,543
2103-POLICE SUPPORT SERVICES / CIP	576,300	-	585,466	1,025,000
2106-CODE COMPLIANCE	16,100	-	-	-
2107-POLICE SUPPORT SERVICES	-	470,995	470,995	319,677
2111-POLICE TRAINING ACADEMY	-	-	-	197,827
POLICE Total	3,260,484	3,399,870	4,045,336	4,793,047
RECREATION				
5501-RECREATION COMMUNITY SERVICES	9,258	101,733	101,733	102,272
5502-YOUTH DEVELOPMENT	337,432	618,695	641,130	602,964
5503-SENIOR SERVICES	31,572	40,021	40,021	40,267
5511-CITICORP.	839,684	1,321,263	1,321,263	1,321,263
5550-CAPITAL IMPROVEMENTS	14,476	-	12,390	-
5595-CAPITAL IMPROVEMENTS	31,769	-	61,481	1,005,000
RECREATION Total	1,264,191	2,081,712	2,178,018	3,071,766

EXPENDITURES BY PROGRAM BY FUND

	2017-18 Actual	2018-19 Adopted	2018-19 Revised	2019-20 Adopted
SPECIAL DISTRICTS**				
1606-SPECIAL DISTRICTS	-	-	306,045	-
SPECIAL DISTRICTS Total	-	-	306,045	-
STREET MAINTENANCE & REPAIRS				
3155-CAPITAL IMPROVEMENTS	1,669,527	1,675,802	1,675,802	1,666,425
STREET MAINTENANCE & REPAIRS Total	1,669,527	1,675,802	1,675,802	1,666,425
TRAFFIC ENG. & OPERATIONS				
3102-TRAFFIC ENG. & OPERATIONS	6,639	100,000	100,000	100,000
TRAFFIC ENG. & OPERATIONS Total	6,639	100,000	100,000	100,000
104-HALF CENT SALES TAX Total	13,543,232	17,994,745	21,166,680	23,782,900

* Transferred to Community Development in FY19-20 Adopted

**Transferred to Public Works in FY18-19 Revised

EXPENDITURES BY TYPE BY FUND

	2017-18 Actual	2018-19 Adopted	2018-19 Revised	2019-20 Adopted
104-HALF CENT SALES TAX				
CITY MANAGER				
2-OTHER O&M EXPENSE	38,544	203,863	228,863	154,536
CITY MANAGER Total	38,544	203,863	228,863	154,536
COMMUNITY DEVELOPMENT				
1-PERSONNEL	-	355,137	324,408	390,163
2-OTHER O&M EXPENSE	-	50,000	82,900	13,429
4-CAPITAL OUTLAY	-	-	25,000	-
COMMUNITY DEVELOPMENT Total	-	405,137	432,308	403,592
ECONOMIC COMMUNITY DEVELOPMENT*				
2-OTHER O&M EXPENSE	-	100,000	100,000	-
ECONOMIC COMMUNITY DEVELOPMENT Total	-	100,000	100,000	-
FIRE				
1-PERSONNEL	3,428,463	3,072,377	3,140,042	3,833,836
2-OTHER O&M EXPENSE	610,253	645,673	720,133	830,049
3-DEBT SERVICE	1,323,242	1,352,994	1,352,994	1,349,869
4-CAPITAL OUTLAY / CIP	28,533	161,000	129,000	1,452,149
5-TRANSFERS OUT	169,182	588,938	588,938	1,454,082
FIRE Total	5,559,673	5,820,982	5,931,107	8,919,985
GENERAL SERVICES				
1-PERSONNEL	425,473	486,415	531,104	527,375
2-OTHER O&M EXPENSE	861,135	590,874	1,439,695	624,761
4-CAPITAL OUTLAY	35,144	185,832	840,721	185,832
GENERAL SERVICES Total	1,321,752	1,263,121	2,811,520	1,337,968
HOUSING				
1-PERSONNEL	-	-	105,500	105,500
2-OTHER O&M EXPENSE	-	500,000	394,500	894,500
4-CAPITAL OUTLAY	-	1,000,000	1,000,000	550,000
HOUSING Total	-	1,500,000	1,500,000	1,550,000

EXPENDITURES BY TYPE BY FUND

	2017-18 Actual	2018-19 Adopted	2018-19 Revised	2019-20 Adopted
INFORMATION TECHNOLOGY				
1-PERSONNEL	-	376,743	311,743	290,013
2-OTHER O&M EXPENSE	46,971	576,140	710,395	578,746
INFORMATION TECHNOLOGY Total	46,971	952,883	1,022,138	868,759
LIBRARY				
1-PERSONNEL	32,705	36,532	36,532	39,310
2-OTHER O&M EXPENSE	76,346	79,733	79,733	84,609
LIBRARY Total	109,051	116,265	116,265	123,919
NON-DEPARTMENTAL				
2-OTHER O&M EXPENSE	5,034	50,110	50,110	55,161
3-DEBT SERVICE	-	-	-	-
4-CAPITAL OUTLAY	656	-	249,344	-
5-TRANSFERS OUT	5,534	325,000	325,000	32,742
NON-DEPARTMENTAL Total	11,224	375,110	624,454	87,903
PERFORMING ARTS AND CONVENTION CENTER				
1-PERSONNEL	2,943	-	-	-
2-OTHER O&M EXPENSE	6,085	-	65,972	-
4-CAPITAL OUTLAY / CIP	246,148	-	28,852	295,000
5-TRANSFERS OUT	-	-	-	410,000
PERFORMING ARTS AND CONVENTION CENTER Total	255,176	-	94,824	705,000
POLICE				
1-PERSONNEL	2,344,019	2,258,795	2,258,795	2,786,759
2-OTHER O&M EXPENSE	875,931	525,080	525,080	661,611
4-CAPITAL OUTLAY / CIP	40,534	145,000	790,466	1,025,000
5-TRANSFERS OUT	-	470,995	470,995	319,677
POLICE Total	3,260,484	3,399,870	4,045,336	4,793,047

EXPENDITURES BY TYPE BY FUND

	2017-18 Actual	2018-19 Adopted	2018-19 Revised	2019-20 Adopted
RECREATION				
1-PERSONNEL	1,041,329	519,256	519,256	500,370
2-OTHER O&M EXPENSE	220,788	47,785	144,091	51,725
4-CAPITAL OUTLAY / CIP	2,074	-	-	1,005,000
5-TRANSFERS OUT	-	1,514,671	1,514,671	1,514,671
RECREATION Total	1,264,191	2,081,712	2,178,018	3,071,766
STREET MAINTENANCE & REPAIRS				
2-OTHER O&M EXPENSE	-	3,675	3,675	3,675
5-TRANSFERS OUT	1,669,527	1,672,127	1,672,127	1,662,750
STREET MAINTENANCE & REPAIRS Total	1,669,527	1,675,802	1,675,802	1,666,425
TRAFFIC ENG. & OPERATIONS				
2-OTHER O&M EXPENSE	6,639	100,000	100,000	100,000
TRAFFIC ENG. & OPERATIONS Total	6,639	100,000	100,000	100,000
SPECIAL DISTRICTS**				
2-OTHER O&M EXPENSE	-	-	306,045	-
SPECIAL DISTRICTS Total	-	-	306,045	-
104-HALF CENT SALES TAX Total	13,543,232	17,994,745	21,166,680	23,782,900

* Transferred to Community Development in FY19-20 Adopted

**Transferred to Public Works in FY18-19 Revised

Appendix F—CFO Job Description

Chief Financial Officer

Class Title

Chief Financial Officer

Class Code

7215

Salary

\$178,861.70 - \$245,935.03 Annually

- DEFINITION
- BENEFITS

Description

The [City of Oxnard, CA](#) is seeking a Chief Financial Officer. The Chief Financial Officer (CFO) is a key financial strategist for the City and reports to and serves at the pleasure of the City Manager. The CFO is the leader and manager bringing stability and credibility to the Finance Department by enforcing sound financial policies and procedures, implementing best practices and internal controls, and providing clear, concise, and readily understood financial reports and projections. The ideal candidate will be a bold and inspiring leader, have high energy, and be a collaborative problem solver and team player. Excellent communication and interpersonal skills are necessary to work well with staff, executive management, and City Council. The successful CFO will have the desire and confidence to work with new City leadership in a highly visible role to carry out the mission, vision, and needs of the City. The successful candidate will be committed to municipal transparency and accountability. This position will require flexibility, a willingness to exchange and encourage new ideas, and the ability to build consensus while helping to move the City in an exciting new and prosperous direction. The new Chief Financial Officer for the City of Oxnard may be seasoned, or an up and comer, in either a large or small organization. This individual may come from the private sector, but a CPA, Big 4 experience, and a background in the public sector are ideal.

Qualifications

Bachelor's degree in finance, accounting, economics, public or business administration or a closely related field.

- A minimum of eight (8) years of progressively responsible experience in financial management and analysis, budget development, accounting, treasury, and debt and liability management.
- Three to five (3-5) years in management or supervisory capacity.
- Competent in managing, planning, organizing, directing and controlling a large financial/accounting organizational unit.
- A CPA license/designation is highly desirable.



City of Oxnard

Analysis of Three Proposed Ballot Initiatives
January 15, 2020

Presented By: Russ Branson

russ@russbransonconsulting.com
916-747-7834

Background

The presentation is the culmination of a series of actions over the last nine months:

1. In the spring of 2019, the City Clerk received a “Notice of Intent to Circulate Petition” for five City initiatives
2. The completed petitions were delivered to the City Clerk’s office on October 28, 2019
3. Petitions were forwarded to Ventura County elections officials for signature review, which finalized their review on December 10, 2019—four were found sufficient, one is undergoing a full review
4. On December 17th, the Council called for a report, under Election Code Section 9212, on the impacts of these initiatives—this presentation addresses impacts of three of the four initiatives

Initiative Impacts | Categories

- These initiatives will impact the City in three broad categories

Governance

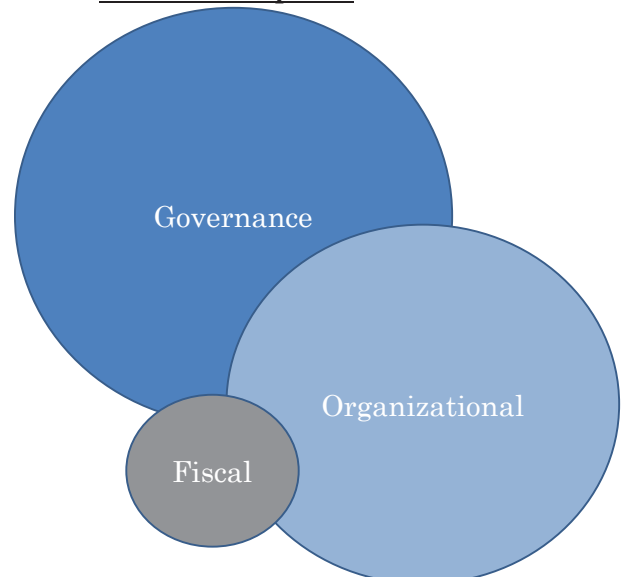
Organizational Structure

Fiscal Impact

“Treasurer Expansion Initiative”

"Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget"

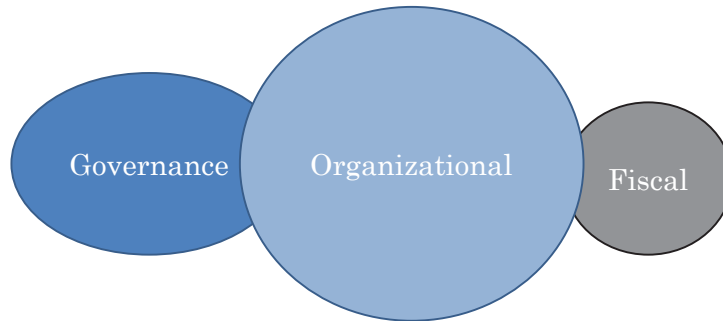
Relative Impacts



“Meeting Requirements Initiative”

**“New Requirements Regarding the Way in Which
City Council Meetings, Council Committees and Other
City Legislative Bodies Are Run”**

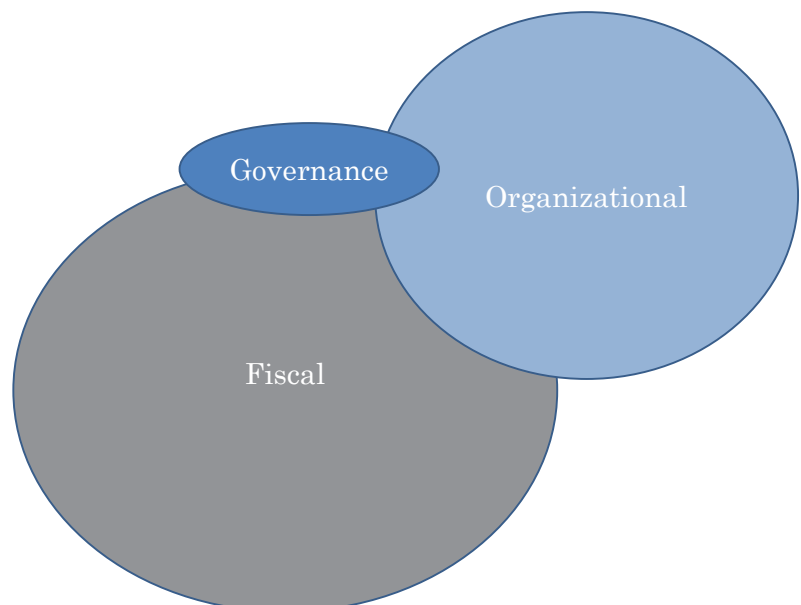
Relative Impacts



“Measure O Termination Initiative”

**"Early Termination of
Measure O Sales Tax If
Specific Pavement
Standards for City Streets
and Alleys Are Not Met;
Extension of Measure O
Sales Tax For Additional
Five-Year Periods If
Specific Pavement
Standards Are Met"**

Relative Impacts



Expansion of Duties of Elected City Treasurer

Treasurer Expansion Initiative | Summary

The Treasurer Expansion Initiative has the following key elements:

1. **Expands duties of the elected treasurer position** by:
 - Appointing the Treasurer as the Finance Director (*current appointee under City Manager*)
 - Granting authority over the City's Finance Department (*current City Manager duty*)
 - Selection and Oversight over the City's internal auditor (*currently a Council responsibility*)
 - Establishment, preparation, and submittal of monthly financial reports (*City Finance Director duty*)
 - Establishment, preparation, and submittal of monthly performance reports (*City Manager duty*)
 - Preparation and submittal of annual City budget (*City Manager responsibility*)
2. Under Current City Code Sections, **will result in significant increase to Treasurer's required compensation**, without regard to qualifications, performance, or suitability for the position*

*Requirement to run for Treasurer in the State of California is to be registered to vote. No experience or professional qualifications are required

Duties of the Finance Department

The following **finance department areas of responsibility** will be shifted to the elected **Treasurer** position if the initiative is passed:

- **General Accounting**—Basic financial accounting and reporting, completing the Comprehensive Annual Financial Report (CAFR), debt issuance and management, and grant accounting and administration
- **Budget Management**—Provides support to City Manager’s office and City departments in all aspects of budget development, preparation, and monitoring, maintains the budget in the financial system and implements approved budget changes
- **Purchasing**—Assists departments in purchasing, bidding, vendor sources, request for proposals, and reviews purchases for compliance with City policies
- **Mail and Courier Services**—Interoffice mail and postal services for City departments

Impacted Duties of the City Manager

- **Prepare and deliver annual budget to City Council**, based on Council budget priorities
- **Hire/Fire/Manage department heads** overseeing all aspects of City management and departmental performance
- **Report relevant and timely information to City Council** so that Council can provide adequate policy direction for the City

The proposed initiative redirects these duties—in whole or in part—to the elected Treasurer position

This effectively reduces City Council authority over these key areas of policy and oversight

Impacted City Council Oversight Duties

- **Provide policy direction on development of annual budget**
- **Hiring and managing the City's internal auditor and whistleblower programs**
- **Ensuring proper oversight of City operations and finances**—if not being done in accordance with City Council standards, Council may compel City Manager to make changes or replace City Manager

The proposed initiative reduces the City Council's authority and splits key policy oversight of City finances and budget

Required Qualifications

The qualification of an elected official to oversee all City finance and budget duties is:

REGISTERED TO VOTE IN OXNARD

Age 18

US Citizen

Not currently in state or federal prison or
on parole for a felony

Not currently found mentally incompetent

Does not require any previous treasury, accounting, or municipal finance experience

Evaluation of Initiative Text

Duties of the City Treasurer

Initiative Code Section	Action	Impact
Section 4, B. Sec. 2-168 (A) DUTIES OF THE TREASURER Section 4, D. Sec. 2-176 (F) DUTIES OF THE TREASURER	<u>"The city treasurer shall be the director of finance..."</u> "The city manager may assign to the director of finance additional powers and duties not set forth herein."	▪ Council loses policy oversight of budget development ▪ Consolidates electoral and administrative oversight into a single elected official ▪ Eliminates City Manager's oversight of finance function
Section 4, Sec. 2-175 (C) DUTIES OF THE TREASURER	"There shall be a finance department, headed by a director of finance the city treasurer who shall supervise such employees as are necessary..."	▪ Moves oversight of critical City department to a single elected official without professional qualifications requirements ▪ Unclear how this impacts normal hiring, firing, discipline of employees—which come under the purview of the City Manager
Section 4, B. Sec. 2-168 (C) DUTIES OF THE TREASURER	<u>"The City Manager and City Attorney shall in good faith cooperate with and be responsive to requests for information or administrative services made by the city treasurer...."</u>	▪ Anticipates resistance in reallocation of governance responsibilities ▪ Does not define "good faith" or "responsiveness" nor does this section require "good faith" from the Treasurer

Duties of City Treasurer

Initiative Code Section	Action	Impact
Section 4, Sec. 2-168 (B) DUTIES OF THE TREASURER	<u>“The city treasurer’s reports to the city council shall also convey the extent to which the city manager and the city attorney have supported or hindered the city treasurer’s fulfillment of those duties”</u>	▪ This creates potential conflict between the Treasurer, Council, City Attorney and City Manager based solely on the Treasurer’s perception of support by the City Manager and City Attorney (who reports to the Council directly)
Section 4, C. Sec. 2-176 FINANCIAL AND ACCOUNTING DUTIES	“The powers and duties of the director of finance include centralizing fiscal and accounting duties; controlling inventory; financial reporting; and assisting in budgeting.	▪ Reflects the shift in complete oversight of the budget preparation from the City Manager to the Treasurer ▪ Shifts decision-making power on what is funded and what is paid from City Manager to elected Treasurer

Treasurer Compensation

Initiative Code Section	Action	Impact
[Existing Code Section] Sec. 2-169 COMPENSATION OF THE TREASURER, (A) AND (B)	“(A) The city treasurer shall perform such statutory duties as are assigned to the city treasurer of a general law city by the laws of the State and confirmed by resolution. (B) The city treasurer shall receive compensation for the performance of administrative duties in accordance with the principles and guidelines of the management pay system applicable to top management employees.”	▪ This is an existing section of the Oxnard City Code ▪ In sections (B), administrative duties are assigned by the City Manager, and may be reassigned elsewhere—based on City need and Treasurer performance ▪ The impact of the proposed changes would be to increase the statutory compensation of the Treasurer from \$5,400/year up to \$336,992/year ▪ Because these duties will be for an elected position (not appointed) compensation would remain regardless of qualifications or performance of duties

Internal Controls

Initiative Code Section	Action	Impact
Section 4, C. Sec. 2-175 CREATION	<u>“At least one employee of the finance department must possess a valid certificate....authorizing that person to practice as, a certified public accountant”</u>	▪ The Finance Department currently has an employee who is a certified public accountant (CPA) ▪ Reduces flexibility in hiring future employees—there is no broad requirement for a finance department to have a CPA on staff
Section 4, Sec. 2-176.1. INTERNAL CONTROLS, (A)	<u>“The director of finance [elected City Treasurer] shall design, implement and oversee a system of internal controls to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives”</u>	▪ No impact ▪ This is the current function and responsibility of the Finance Director ▪ Design and implementation of internal controls would not require any professional qualifications or experience

Internal Controls

Initiative Code Section	Action	Impact
Section 4, Sec. 2-176.1. INTERNAL CONTROLS, (A)	<u>“The city council may establish controls by resolution provided they do not undermine the plenary authority of the director of finance”</u>	▪ Establishes that the Director of Finance has PLENARY AUTHORITY, of internal controls ▪ Underscores the independence and power given to the Treasurer in this initiative
Section 4, Sec. 2-176.1. INTERNAL CONTROLS, (B)	<u>“The director of finance [elected City Treasurer] shall select and oversee an internal auditor who shall not be an employee of the City.”</u>	▪ The City already contracts with Price Paige for internal audits and the whistleblower program ▪ Places the selection and oversight of the internal auditor in the sole discretion of the Treasurer/Finance Director. ▪ Makes this function subject to corrupt practices

PLENARY AUTHORITY is “Power that is wide-ranging, broadly construed, and often limitless for all practical purposes.”
– Legal Information Institute definition

Internal Controls

Initiative Code Section	Action	Impact
Section 4, Sec. 2-176.1. INTERNAL CONTROLS, (C)	<u>“In consultation with the City attorney, the director of finance shall report findings of malfeasance and criminal conduct to the city council and/or law enforcement officials.”</u>	▪ This is a current responsibility of all staff in the City, especially department heads and the City Attorney ▪ More likely to have financial malfeasance and criminal conduct in the Treasury and Finance Departments. With the internal auditor selected and overseen by the Treasurer, it is less likely that malfeasance and criminal conduct will be identified or reported by the Treasurer

Financial Transparency

Initiative Code Section	Action	Impact
Section 4, Sec. 2-176.2 FINANCIAL TRANSPARENCY, (A)	<u>“The director of finance [elected city treasurer] shall oversee the design and implementation of a financial transparency program that includes, but shall not be limited to, enabling public online review of city expenditures, including supporting invoices, purchase orders, submitted bids, and solicitations for bids and quotes.”</u>	▪ The City’s financial system does not have the capacity to allow putting this level of financial detail online. City will need to add staff to scan thousands of documents ▪ The new Tyler Technologies financial system will allow this level of transparency when fully implemented ▪ Disclosing “submitted bids” may create issues with vendors and could lead to less competition for City business ▪ Professional services are generally chosen on qualifications, rather than strictly prices. Posting submitted bids, without the understanding of qualifications, could lead to misunderstanding of selection process

Financial Transparency

Initiative Code Section	Action	Impact
Section 4, Sec. 2-176.2 FINANCIAL TRANSPARENCY, (B)	<u>“Each month the director of finance [elected City Treasurer] shall submit to the city clerk a financial report and shall file a copy with the city council. The financial report shall include at least the following components:</u> 1) <u>Itemized statements of monthly and year-to-date revenues and expenses....</u> 2) <u>Itemized statements showing estimate changes in fund balances...</u> 3) <u>Itemized schedules...cash receipts and disbursements...</u> 4) <u>Additional schedules by city council resolution</u>	▪ Most of this reporting can, and will, be done once the City’s financial accounting system is replaced by Tyler Technologies ▪ Providing these reports will require additional staff to prepare

Performance Measurements

Initiative Code Section	Action	Impact
Section 4, Sec. 2-176.3 PERFORMANCE MEASUREMENTS, (A)	<u>“For each department the director of finance [elected city treasurer] shall establish performance measurements pertaining to the department’s core functions, with no fewer than one performance measurement based on cost, one based on quality and one based on timeliness. The city council may establish additional measures by resolution.”</u>	▪ This requirement is out of sync for an elected position with no professional qualifications ▪ This is currently in purview of City Manager ▪ Performance measures must be set in consultation with departments ▪ Politicizes performance measure setting by putting it in the hands of a single elected position
Section 4, Sec. 2-176.3 PERFORMANCE MEASUREMENTS, (B)	<u>“The director of finance [elected city treasurer] shall cause the city’s current and historical performance measurements to be published on a centralized location on the city’s website in the form of dynamic interactive online dashboards.”</u>	▪ This is planned to occur in any event once the City’s financial software is replaced with a Tyler Technologies systems

Performance Measurements

Initiative Code Section	Action	Impact
Section 4, Sec. 2-176.3 PERFORMANCE MEASUREMENTS, (C)	<u>“Regularly, at least once each month, the director of finance selected city treasurer shall submit to the city clerk a written report on the results of performance measurements, a copy of which shall be filed with the city council.”</u>	▪ Will create additional work for staff ▪ For most departments, performance cannot be measured effectively on a monthly basis

Budget

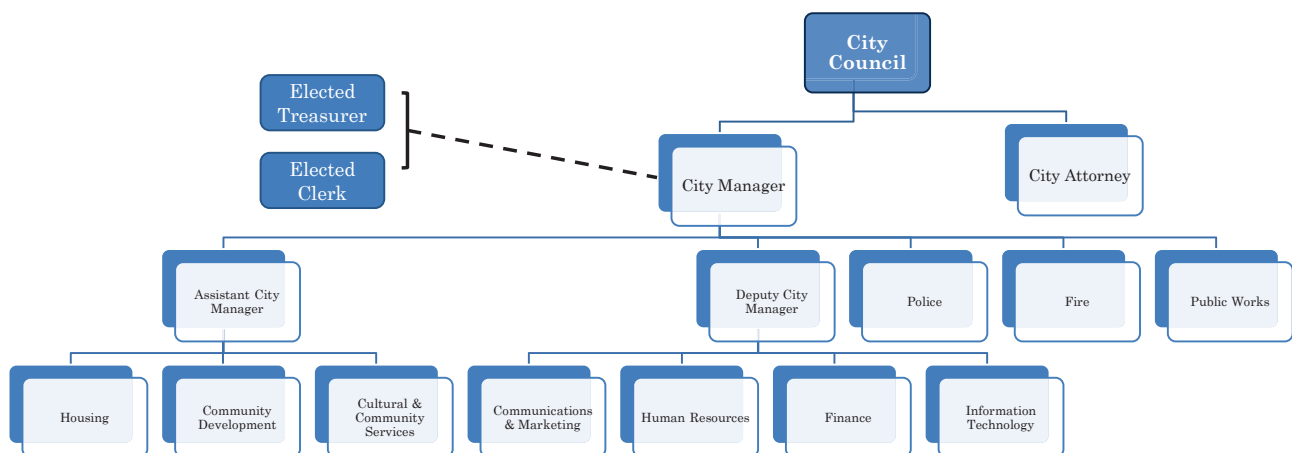
Initiative Code Section	Action	Impact
Section 4, Sec. 2-179, BUDGET, (A)	Before the beginning of each fiscal year for which the city council has not adopted a budget, the city manager <u>director of finance</u> shall submit to the city council a proposed operations and capital budget for the following fiscal year or for more than one of the following fiscal years....”	▪ Shifts responsibility for preparing and presenting the budget from the City Manager to the Treasurer ▪ Council cannot enforce budget development under Council policy ▪ Conflicts in policy would be resolved by Council changing budget, possibly line-by-line ▪ Council relies on the Treasurer to enforce Council budget actions ▪ If Council does not accept Treasurer’s budget, it takes effect July 1 until changed by Council

Budget

Initiative Code Section	Action	Impact
Section 4, Sec. 2-179. BUDGET, (F)	<u>“Notwithstanding Section 9217 of the Election Code, the city council may amend this section without submission to the voters, so long as the amendment furthers the purposes and intent of this Act.”</u>	If passed by the voters, the provisions of these City Code changes can only be changed by the voters

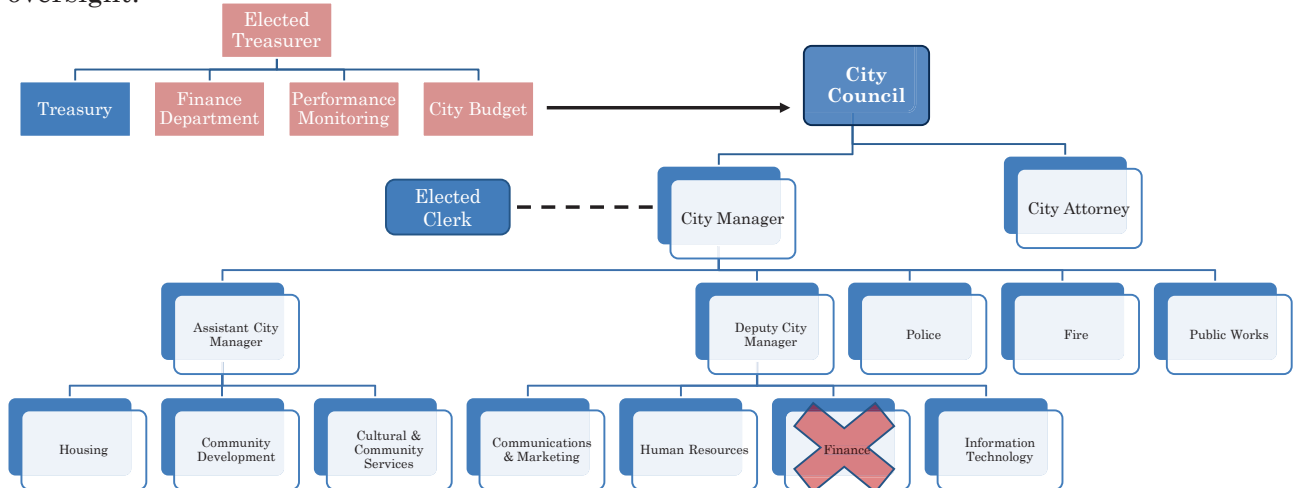
Current City Organization

- The City is organized in a typical Council-Manager form of governance
- The two non-Council elected positions have administrative duties assigned by the City Manager, and are compensated at Department Heads, in addition to the pay for statutory duties



Change in Organization

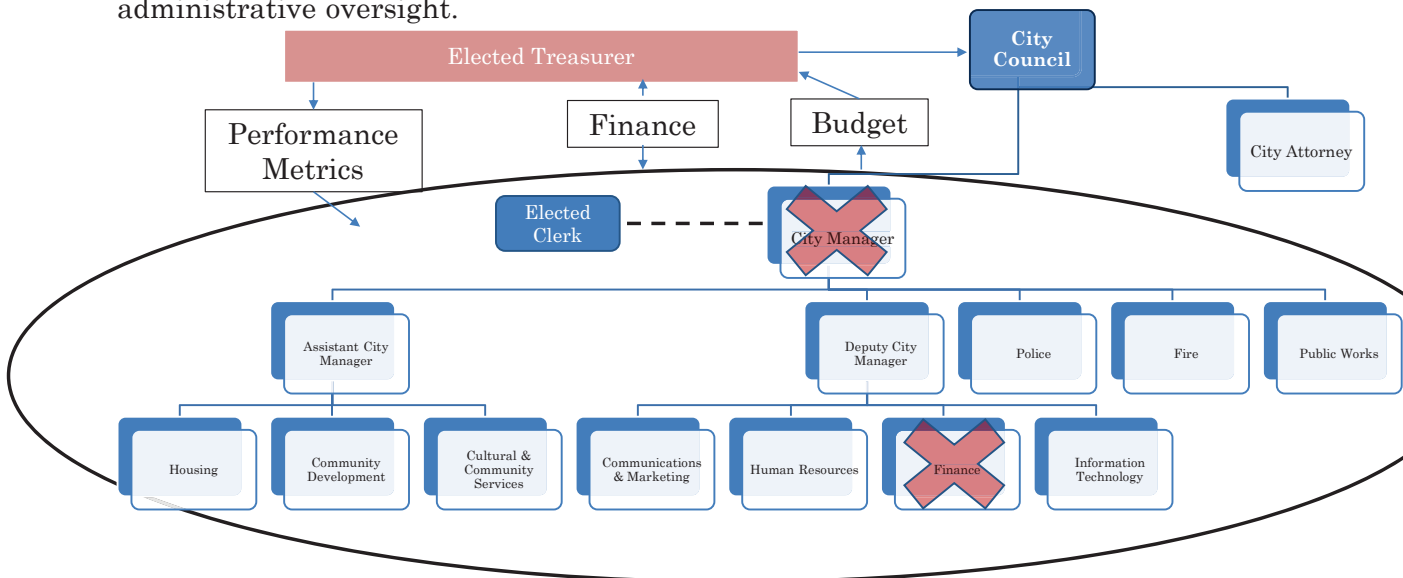
- The initiative proposes to shift a great deal of administrative oversight and power from the City Council to the Treasurer. Additionally, this will merge electoral and administrative oversight.



- The finance and budget functions impact all departments. The initiative fundamentally changes the relationship between the City Council, City Manager, and Treasurer

Change in Oversight | Key Areas

- The initiative proposes to shift a great deal of administrative oversight and power from the City Council and City Manager to the Treasurer. Additionally, this will merge electoral and administrative oversight.



Comparable Cities | Elected Treasurer

- One-quarter of California cities have elected treasurers – none operate under this form of governance
- Combining the Finance Director and Treasurer positions is **common for appointed positions**
 - Can fully vet applicants for qualifications, work history, suitability
 - Able to terminate Finance Director for:
 - poor work performance
 - inappropriate treatment of employees
 - loss of confidence by City Manager in ability to adequately carry out duties of position
- Even the State of California has an elected Treasurer and an appointed Finance Director

* Oxnard Treasurer is assigned the revenue areas of utility billing and business taxes by the City Manager and is paid accordingly. These duties could also be re-assigned and are not a part of the Treasurer's statutory duties

City	Population	Charter/General Law	Finance Dept. Duties?
Fontana	209,895	General	No
Oxnard	206,997	General	No*
Glendale	201,668	General	No
Ontario	175,841	General	No
Rancho Cucamonga	175,251	General	No
Inglewood	116,648	Charter	No
El Monte	113,885	General	No
El Monte	113,885	General	No
Rialto	107,330	General	No
Burbank	105,110	Charter	No
Burbank	105,110	Charter	No
Santa Maria	104,404	Charter	No
Compton	101,226	Charter	No
Carson	93,993	General	No
Hawthorne	88,003	General	No
Baldwin Park	74,738	General	No
Redlands	68,368	General	No
Gardena	60,785	General	No
Cathedral City	54,261	Charter	No
Azusa	49,485	General	No
Covina	49,291	General	No
San Jacinto	47,656	General	No
Coachella	45,407	General	No
Beaumont	45,118	General	No
Beverly Hills	34,763	General	No
Santa Paula	30,752	General	No
Wasco	26,471	General	No

Fiscal Impacts

- The fiscal impact of this measure will depend on the staffing needs to implement reporting requirements and the impact of splitting governance of the City and the need for the Council to have control over the budget
- The estimated fiscal impact is \$634,611 +-.

Impact	Estimated Cost/(Savings)
Designate Treasurer as Finance Director/CFO	(\$212,830)
Performance Measure Staff Cost	\$121,530
Financial Management Staff Cost	\$271,777
Council Response to Shift in Powers to Treasurer	\$454,134
Total Estimated Fiscal Impact*	\$634,611

* These fiscal impacts do not account for impacts related to a Treasurer/Finance Director who may not be competent or experienced and who may cause additional cost through mismanagement without immediate recourse

Summary of Impacts | Treasurer Expansion Initiative

Governance

- ☐ Splits governance oversight between City Council and Treasurer
- ☐ Places the Treasurer as the most powerful position in the City
- ☐ Supplants City Manager's duties in carrying out Council policy in the areas of:
 - Budget development
 - Oversight of departmental performance
- ☐ Establishes Treasurer's Plenary Authority over internal controls

Organization

- ☐ Changes requirements for Finance Director from seasoned professional to—minimum age of 18, registered to vote, and able to get elected
- ☐ Merges electoral and administrative duties in finance and budget
- ☐ Changes direct line of oversight of City's financial health from Council members to a Treasurer
- ☐ Supplants City Manager's duty to prepare budget and oversee departmental performance
- ☐ Eliminates professional qualifications from choice of Finance Director or to perform key City Manager duties

Fiscal

- ☐ Treasurer mandated Statutory compensation—5,400/yr.—and administrative pay/benefits—up to \$212,830—increased to up to \$336,992/ year
- ☐ Elimination of current Finance Director savings of \$336,992/year
- ☐ Addition of 6 positions to maintain monthly reporting of fiscal and performance measures, estimated at \$847,441/yr.
- ☐ Net annual cost of \$634,611 plus costs related to potential inefficiencies across the organization or related to inexperienced or unfit person leading a key department for the City without immediate recourse for change

Meeting Requirements Initiative

Meeting Requirements | Summary

1. **Governance:** Meetings of all legislative bodies shall be governed by *Robert's Rules of Order*
2. **Meeting Times:** Meetings of legislative bodies shall commence no earlier than 5:00PM on weekdays and 9:00AM on weekends (may be waived by a 4/5ths vote under extenuating circumstances)
 - o "Actions taken at meeting held in violation of this section shall be deemed invalid"
3. **Staff presentations:** Each agenda item presentation shall be videotaped, posted on the City's website, and made available for viewing on City premises at the same time as posting of the agenda for the meeting
 - o Council agendas are posted twelve days in advance of Council meetings
 - o "The primary role staff at meetings is to answer questions posed by the legislative body, not reenactment of pre-recorded presentations"
4. **Public Comment:** Members of the public may address the Council on any item that has already been considered by a committee composed exclusively of the legislative body
 - o Reasonable accommodations shall be made to facilitate the presentation of videos, PowerPoint, or similar presentations during public comments
 - o Presenters shall be required to provide hard copies of presentations to member of the legislative body

Legislative Body | Definition

- Legislative bodies, for purposes of this initiative are defined in Government Code Sec. 54952

Legislative Body	Present in Oxnard	Meeting Frequency	Meeting Time
Governing Body	City Council	Twice a month	6:00PM
Standing Council Committees (5)	Finance & Governance, Public Works & Transportation, Public Safety, Housing and Ec. Dev., Community Services	Twice a month	Between 9:30 AM to 7:15PM
Citizen Commissions/Committees	Downtown Design Review, Planning	Twice Monthly	Design Review 9:00AM
Citizen Commissions/Committees	Community Relations, Homelessness, Cultural Arts, Inter-Neighborhood Council,, Senior Citizens, Youth, Park & Rec, Library	Generally Monthly	Three before 5:00PM
Boards	Mobile Home Park Rent Review, Measure O Oversight	Quarterly/Periodic	Varies

Legislative Body | Presentations Per Year

- Based on the definition provided in GC 54952, there are at least 20 “legislative bodies” in the City, with an estimated 398 meetings per year, about 33 per month
- The number of presentations by staff vary by legislative body, time of year, and issues before the legislative body

Committee/Commission	Frequency	Meeting Time	Avg. # of Staff Presentations/ Meeting	Annual Meetings	Presentations
City Council	Twice-Monthly	6:00	4.26	27	115
Council Committees (x5)	Twice-Monthly	AM	1.52	95	144
Homelessness	Monthly	4:00	1.00	12	12
Community Relations	Monthly	6:00	1.00	12	12
Parks & Rec	Monthly	5:30	1.00	12	12
Cultural Arts	Monthly	5:00	1.00	12	12
Planning	Twice-Monthly	6:00	1.63	24	39
Mobile Home Rental	As needed	5:30	1.00	4	4
Downtown Design Review	Twice-Monthly	9:00	1.00	24	24
Senior Citizens Committee	Monthly	9:00	1.00	12	12
Library	Monthly	5:00	1.00	12	12
Total				246	398

Source: City of Oxnard--actuals for 2019 for Council, Council Committees, and Planning Commission

Fiscal Impact of Pre-Meeting Videos

- There are two options to pre-record staff presentations: hire City video-production staff or contract out video production staff
- City staff will require at least two positions plus equipment--\$175,000 per year ongoing cost and \$25,000 - \$50,000 equipment cost plus annual depreciation expense

Cost Item	Base Cost	Benefits	Total
Video Production Technician	\$47,016	\$16,456	\$63,472
Video Production Supervisor	\$82,940	\$29,029	111,969
Total Ongoing Cost	\$129,956	\$45,485	\$175,411
Equipment (camera, lighting, software, computers, etc.)	\$25,000 - \$50,000		\$25,000 - \$50,000

- Contracting out video projection will cost \$250 to \$400 per hour and is estimated to cost \$150,000 to \$250,000 per year depending on the vendor and number of presentations
- Cost does not include translation into Spanish, as is now provided for presentations at meetings

Summary of Impacts | Meeting Requirements

Governance

- ☐ Inability to conduct regularly-scheduled meetings before 5:00PM on weekdays or before 9:00AM on weekends
- ☐ Will make Council Committee meetings untenable, resulting in potential return to weekly Council meetings.
- ☐ All legislative bodies will operate under Roberts Rules of Order, which may be difficult to maintain for meetings without dedicated, trained staff

Organization

- ☐ Required training and monitoring of all legislative body meetings on Roberts Rules of Order
- ☐ Inability to schedule legislative body meetings at times that best fit likely public (e.g., senior commission and design review)
- ☐ Addition of studio production staff—following the reduction of 35.6 FTEs in the General Fund in FY20
- ☐ Loss of staff productivity due to pre-recording legislative body presentations

Fiscal

- ☐ Cost to staff video production staff \$200,000 to \$250,000 per year plus equipment
- ☐ Cost to contract out video production \$150,000 to \$250,000 plus, depending on the number of presentations
- ☐ Cost to translate videos into Spanish (City currently provides translator at meetings) is not estimated

Measure O Termination Initiative

Measure O Termination | Summary

- **Purpose and Intent**

- “Fulfill promise of better streets by focusing City Hall attention of repairs and maintenance of City streets and alleys”
- “To ensure local officials do not take for granted the additional sales and use tax money we pay.”
- “To require the City of Oxnard to justify the extra half-cent sales tax by providing a corresponding level of service.”
- “To authorize the City Council to extend the tax in five-year increments provided that the city streets and alley are maintained at an acceptable level.”

- Institutes an early termination to the Measure O sales tax if street Pavement Condition Index (PCI) levels are not met by specified times

PCI Level	PCI Level Met By	End of Sales Tax By
At Least 65	September 30, 2022	March 31, 2023
At Least 70	September 30, 2024	March 31, 2025
At Least 75	September 30, 2026	March 31, 2027
At Least 80	September 30, 2028	March 31, 2029

Pavement Condition Index | Defined

The City’s PCI is a measure of the condition of streets and alleys (the higher the number, the better the street condition), and is performed by an outside consulting engineer

- Oxnard uses Pavement Engineering, Inc. (PEI)
- The City’s average PCI is **61 (down from 63 in 2018)**
- By street classification, the City is at the middle of a “fair” road condition (approximately 49% of total street area is classified in “good” to “excellent” condition)

Condition	PCI Range	% of Total System (2018)
Excellent	91-100	12.59%
Good	71-90	36.89%
Fair	51-70	27.86%
Poor	31-50	13.68%
Failed	0-30	8.97%

Source: “2018 PMS Update Rotation B & Arterials, Final Report” August 2018, Pavement Engineering, Inc.

Purpose of Measure O

- Measure O was **passed by 65.1% of the voters** as a general tax measure
- The language approved by voters was:

"To protect, maintain, and enhance vital services including police, fire, emergency response, increasing street paving/pothole repair to improve traffic flow, expanding youth recreation, after school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading stormwater drains, improving senior services, increasing code compliance, and other general services – shall the sales tax be increased by one half cent for twenty years only, with citizen oversight and independent financial audits?"

Measure O Termination Quandary

- If the Measure O Termination Initiative passes the City has two basic options:

Option #1 – Try and meet the initiative's PCI-level requirements

Outcome: Loss of Measure O for all programs except road maintenance (including police and fire) in January 2021 and diversion of up to **\$204.6 million** in General Fund revenue

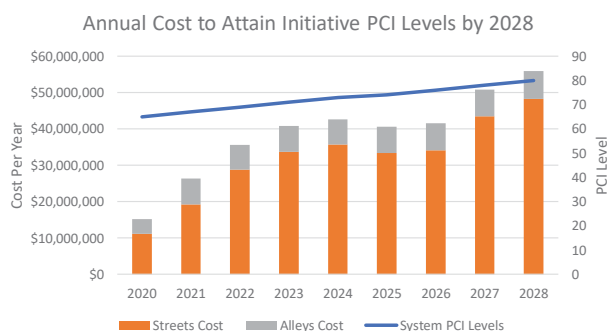
Option #2 – Don't attempt to meet PCI-level requirements

Outcome: Termination of Measure O in March 2023 with reduction in City services funding my Measure O

This initiative undermines the original intent of the voters and makes Measure O either a *de facto* special tax or eliminates Measure O six years early

Cost to Achieve Initiative PCI Goals

- It will cost the City **\$329.7 Million** to bring the City streets and alleys up to a PCI level of 80 by September of 2028
- A majority of that cost (\$225.4 Million) is to bring the system from a PCI of 71 to a PCI of 80



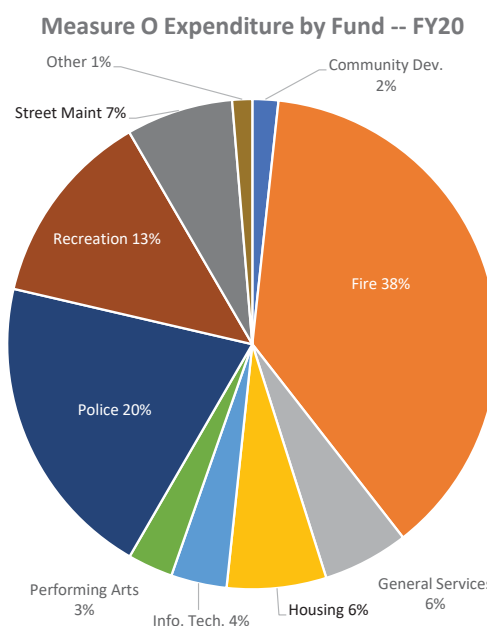
Year	Arterial/Collector/Res.		Alleys		Total Cost	Network Avg. PCI
	PCI Level Attained	Cost	PCI Level Attained	Cost		
2020	65	\$3,286,605	36	\$4,079,127	\$7,365,732	65
2021	67	\$20,395,821	42	\$7,102,495	\$27,498,316	67
2022	69	\$21,331,922	47	\$6,830,794	\$28,162,716	69
2023	71	\$34,141,136	53	\$7,099,495	\$41,240,631	71
2024	72	\$36,123,222	58	\$6,911,887	\$43,035,109	73
2025	74	\$35,883,989	64	\$7,253,374	\$43,137,363	74
2026	76	\$33,346,982	69	\$7,373,963	\$40,720,945	76
2027	78	\$36,774,874	75	\$7,431,812	\$44,206,686	78
2028	80	\$46,693,984	80	\$7,664,473	\$54,358,457	80
Total Cost		\$267,978,535	\$61,747,420		\$329,725,955	
Average Per Year		\$29,775,393	\$6,860,824		\$36,636,217	

Source: Pavement Engineering, Inc.; January 7, 2020

Source: MTC Streetsaver Cost Analysis, October 16, 2019

Measure O Uses

- Measure O is forecast to produce **\$152.6 Million +/-** from FY21 through FY29*
- Measure O is scheduled to sunset as of March 31, 2029, unless extended by a voter-approved Measure O extension or replacement
- Over the next five years, Measure O will be used for a variety of City programs and services
- Currently 53.5 City staff positions are funded through Measure O



* Assumes end of sales tax March 31, 2029

Source: City FY20 Budget, Measure O forecast

Cost and Funding by PCI Level

- The cost of meeting the Streets Initiatives' requirements will be **\$329.7 Million**
- If the City dedicates 100% of the Measure O funds to meet these costs, there will still be a need for an **additional \$177.2 Million** of other City funding

PCI Level (min)	Year Achieved	Street Cost	Alley Cost	Total Cost	Measure O Revenue*	Additional Revenue Needed**
65	2020	\$3.3 M	\$4.1 M	\$7.4 M	\$40.1 M	NA
70	2023	\$75.9 M	\$21.0 M	\$96.9 M	\$37.7 M	\$26.5 M
75	2027	\$105.4 M	\$21.5 M	\$126.8 M	\$36.5 M	\$90.4 M
80	2029	\$83.5 M	\$15.1 M	\$98.6 M	\$38.3 M	\$60.3 M
Total Cost		\$268.0 M	\$61.8 M	\$329.7 M	\$152.6 M	\$177.2 M

*Revenue through March of fiscal year achieved"

**Assumes all Measure O revenue used prior to using any General Fund or Gas Tax revenue

Sources: Pavement Engineering, Inc. analysis, January 7, 2020;
City Measure O revenue projection

Option #1: Meet Initiative PCI Targets

If the City chooses to meet the PCI levels demands placed by the Measure O Termination initiative, there would be serious funding consequences and many City services would be decimated

**Change in Measure O sales tax funding policy as of January 1, 2020
will have the following impacts on the City**

Action	Impact	Revenue	Expenses
Dedication all Measure O revenue to streets & alleys	Funding Policy Change	(\$152.6 M)	
Fund Full PCI Needs	Redirection of City GF and Gas Tax revenue	(\$177.2 M)	
Eliminate Funding for Positions & Programs funded by Measure O (37.0 FTE in Police and Fire)	Eliminate 53.5 Positions & Program Funding (layoffs)		(\$111.2 M)
Redirect GF program and staffing costs	Cut 11% of GF Budget for nine years (layoffs)		(\$143.4 M)
Shift of Debt Service costs to GF & Gas Tax Funds	Funding by GF		(\$27.4 M)
Extension of Measure O	Five More Years Revenue March 2029-March 2034	\$106.5 M	(\$110.5M)

Option #2: Maintain Status Quo

The City cannot reasonably afford the cost of bringing its streets and alleys up to a PCI of 80 by September 31, 2028; therefore, the option of making no effort in funding of streets, and giving up the Measure O sales tax immediately, is a rational choice that the City can make. This option has the following consequences:

Elimination of Measure O sales tax as of March 30, 2023 will have the following impacts on the City

Action	Impact	Revenue	Expenses
Elimination of Measure O	Reduced Revenue	(\$112.5 M)	
Loss of Measure O Funded Positions & Programs (37.0 in Police and Fire)	Eliminate 53.5 Positions & Program Funding in FY23		(\$79.0 M)
Shift of Debt Service costs to General Fund	Funding by GF in FY23		(\$19.8 M)
Eliminate GF Transfer for Loan Repayment	Savings to GF from eliminating loan repayment		9.5 M

Measure O Termination | Conclusion

If the Streets initiative is passed by the voters, the City would be left with two broad choices:

1. Make improvements to streets and alleys in order to meet PCI level deadlines—using a combination of Measure O, General Fund, and Gas Tax funds
 2. Do nothing and let Measure O expire on March 31, 2023
- **Option #1** effectively transforms the Measure O sales tax from a general tax to a special tax, as there will be no revenue left to fund any other community priority; and requires \$197 million in General Fund and Gas Tax Revenues. If the City is able to meet the PCI level deadlines, it will result in a 5-year extension of the Measure O tax. Because estimated cost of maintain a PCI of 80 will exceed expected Measure O revenues, City services will not benefit from an extension
 - **Option #2** keeps the Measure O tax as a general tax, but causes an early termination and loss of Measure O, resulting in a **loss of \$112.5 Million in revenue between March 31, 2023 and March 31, 2029**. This will drastically affect Oxnard's public safety services and quality of life improvements anticipated by the voters in approving Measure O

Summary of Impacts | Measure O Termination

Governance



- ☐ Measure O was approved as a General Tax (50% voter passage) that allows City Council to determine the use of Measure O funds
- ☐ Measure O becomes a *de facto* special tax (2/3rds voter approval requirement) due to the only potential use of Measure O tax will be improvement of streets and alleys if Measure O is to be retained at all
- ☐ Reduces Council authority given in Measure O of directing Measure O funding

Organization



- ☐ Will result in the loss of 53.5 Measure O funded positions (primarily in public safety) being eliminated
- ☐ Will cause redirected funding from the General Fund of between 10%-15% per year for nine years

Fiscal



- ☐ To meet PCI levels, will direct **\$152.6 Million** of Measure O sales tax to improvement of streets & alleys (starting if January of 2021)
- ☐ Will require additional funding of **\$177.2 Million** from the General Fund and Gas Tax Fund and **\$27.2 million** in debt service by GF
- ☐ Not meeting PCI levels will result in early termination of Measure O. For example, a March 2023 termination would result in a **loss \$112.6 Million** in revenue

Summary

Summary Impact Findings

- Each of these initiatives will have varying impacts on the City's governance, organizational functioning, and fiscal impacts
- **Disruption of Governance**—Especially in the Treasurer Expansion Initiative with:
 - Conflict between one group of elected officials (City Council) and a single elected officer (Treasurer)
- **Organizational Impacts**—Varying degrees in all three initiatives leading to:
 - Split in City oversight between elected Treasurer and City Manager
 - Loss of staff and City programs with redirection or elimination of Measure O funding for streets & alleys
 - Redirection of staff time to videotaping legislative body presentations prior to meetings
- **Fiscal Impacts** that the City cannot afford
 - Treasurer Expansion Initiative—**\$634,000 per year** +- (not including impacts from lack of efficiency)
 - Meeting Requirements Initiative—**\$250,000 per year** (not including translation services for videos)
 - Measure O Termination—up to **\$329.7 million** (from Measure O, Gas Tax, and General Fund) plus loss of staff/programs carrying out Measure O's intent
- **Vague language**—especially in the Treasurer Expansion and Meeting Requirements Initiatives—that will likely lead to legal challenges and inefficiencies in operations

Questions?



CITY COUNCIL AGENDA REPORT
REPORTS
AGENDA ITEM NO. E.2.

DATE: January 15, 2020

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: 9212 Report Regarding "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council." (10/15/15)

RECOMMENDATION

That the City Council receive an Election Code Section 9212 report prepared by Community Development Director Jeff Lambert regarding the following initiative certified by the City Clerk as sufficient: "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council."

BACKGROUND

On December 17, 2019, the City Clerk certified as sufficient the petitions for the four initiatives listed in the subject of this report. Pursuant to Elections Code ("EC") Section 9215, if an initiative petition is signed by a sufficient percentage of City voters, the governing body (the City Council) has the option to take one of the following actions for each of the four initiatives:

- A. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
 - B. Submit the ordinance, without alteration, to the voters pursuant to EC Section 1405; or
 - C. Order a report, pursuant to EC Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to EC Section 1405.
- The report the Council may order pursuant to EC Section 9212 ("9212 Report") is to address impacts or effects of the initiative on the City, including fiscal impacts and any other matters the legislative body (City Council) requests to be in the report. EC Section 9212(a)(8). The 9212 Report must be prepared within the time set by the City Council, "but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition." EC Section 9212(b).

On December 17, 2019, the City Council ordered the preparation of 9212 Reports for the four initiatives that are before the City Council this evening. One of the four reports was prepared by Community Development Director Jeff Lambert

and is included with this agenda item.

STRATEGIC PRIORITIES

This agenda item does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

The 9212 Report discusses the potential impacts of the initiative.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Kenneth Rozell, Chief Assistant City Attorney

ATTACHMENTS

1. Initiative - Elections Code Section 9212 Report
2. Presentation



Initiative - Elections Code Section 9212 Report

City Council Meeting
January 15, 2020

Contents

Background	3
Summary of Initiative	4
Comparison To Other Cities	6
Impacts Of The Proposed Initiative	7

BACKGROUND

On December 17, 2019, the City Clerk certified as sufficient petitions for four initiatives. Pursuant to Elections Code Section 9215, the City Council chose to order reports for the initiatives (9212 reports) to address impacts or effects of the initiatives on the City, including fiscal impacts. Under state law, these 9212 reports are required to be prepared within 30 days after the City certified to the City Council the sufficiency of the petition.

The purpose of this report is to address the Council's request for a review of impacts of one of the four initiatives, the "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council" (hereafter, the "Initiative"). This report will summarize the key provisions of the Initiative and describe its impacts on two areas of the City's operations: (1) Administration and (2) Fiscal.

SUMMARY OF INITIATIVE

The following is a summary of the key provisions of the proposed Initiative.

Eligible Projects

The Initiative includes no limits on eligible projects; therefore, any request for a building permit that satisfies the submittal and certified professional requirements of this Initiative would be eligible.

Professionals Eligible for Certification

Eligible professionals for certification are any one of the following: (1) professional architect or civil engineer, (2) professional landscape architect, (3) professional soils engineer, geotechnical engineer or geologist, (4) mechanical, fire protection or electrical engineer, or (5) licensed professional, such as a contractor or certified interior designer

Further, to be a certified professional, one must also be licensed and in good standing with the State of California at the time of application, and continuously for the five years prior to application and successfully complete a training program approved by the City.

“Permit Simplicity” Training

The City shall facilitate a training class as part of the “Permit Simplicity Certified Professionals” program. The class shall provide instructions about: (1) The “Permit Simplicity Certification” permit process; (2) Examining plans for compliance with the City's building codes, and other applicable laws pertaining to public health and safety; and (3) The administrative aspects of permit processing for which the “Permit Simplicity Certified Professional” is responsible when certifying plans.

Structural Peer Review

The Initiative creates a “Structural Peer Reviewer” requirement. This means a reviewer who is on an approved list expressly for the purpose of providing structural peer reviews for the Permit Simplicity Certification Program. The City shall have the sole discretion to determine who shall be included on the list, and all structural peer reviewers must: (1) be a licensed structural engineer in the state of California, and (2) have attended either the Permit Simplicity Certification training class or another class approved by the City.

Building Board of Appeals

A Building Board of Appeals shall be appointed. Adverse audit results, suspensions or revocations of Permit Simplicity Certified Professional status are subject to appeal to the Building Board of Appeals. If the Permit Simplicity Certified Professional has reason to believe that adverse audit results, or the suspension or revocation of Permit Simplicity Certification privileges is not warranted, the Permit Simplicity Certified Professional has the right to request in writing, within ten (10) business days of the date on which notice is mailed, a hearing before the Building Board of Appeals. If adopted, the process for appointment of the Board of Appeals will need to be approved separately by the City Council.

Certification Statement

A Certification statement, which shall be wet-inked in black or plotted shall be included on the plan cover sheet as follows: "I hereby certify that any and all included drawings are prepared by me, under my supervision, or reviewed by me and to the best of my professional knowledge conform to the City's building codes, and other applicable laws pertaining to public health and safety."

Field Revisions

There are different procedures that must be followed for making field revisions. The procedure that must be followed is dependent on whether it is a voluntary change due to a change in construction material, design, or in response to field conditions; or a mandatory change due to an inspector identifying a code violation or plans missing critical information.

Application Submittal System

The Community Development Department shall establish a system for receiving applications, plans, forms, letters and other documents in connection with the Initiative's program.

Audit and Suspension of Permits

The following describes the permits to be audited: (A) The first four projects submitted by the Permit Simplicity Certified Professional are automatically selected for audit. (B) Any project submitted where the Permit Simplicity Certified Professional has not been previously audited in the past twelve months shall be automatically selected for audit. (C) Any project submitted by a Permit Simplicity Certified Professional that failed an audit twice shall automatically be selected for audit during the following twelve months. (D) Any project submitted by a Permit Simplicity Certified Professional during the twelve months after having been reinstated following a suspension from the program shall automatically be selected for audit during the following twelve months. (E) Any project over 100,000 square feet or greater than three stories shall be automatically selected for audit. (F) A random sample of between 10% and 20% of remaining Permit Simplicity Certified Projects shall be selected for audit.

Permit Revocation

The Building Official, or his or her designee, may revoke any permit issued under the Permit Simplicity Certification Program at any time if the Building Official, or his or her designee, believes that the permitted project or any portion thereof poses a threat to public health or safety.

COMPARISON TO OTHER CITIES

Staff conducted a limited review of “comparable” regulations in other cities in California and Arizona. While it is common to provide for expedited reviews for certain permit types, which the City of Oxnard already does, it is uncommon to allow self-certification, and unheard of to allow self-certification for all permit types. No city found has self-certification regulations that apply to all permit types as is being proposed for the City of Oxnard.

Phoenix, Arizona is the flagship self-certification system in the country. However, the City of Phoenix includes the following permit type limitations: Interior alterations and tenant build-outs of business, mercantile, factory, assembly, and storage; New construction of residential or commercial buildings with occupied floor less than 75 feet above Fire Department access; Landscape inventory, salvage, and new landscape plans; Grading and drainage plans, stormwater management plans, and parking lot site plans. Further, in Phoenix, the following permits types are expressly not included: Planning, zoning, grading and drainage, off-site civil, fire, no hazardous materials, limited assembly occupancy; no flood plain. Finally, in reviewing the City of Phoenix’s actual experience implementing their self-certification audits, staff found the following results: of 252 self-certificate permits audited, 39 failed the audit (28%).

In California, the City of Elk Grove is often mentioned as an early adopter of the self-certification program. Elk Grove limited permit types for self-certification to tenant improvements for retail, office and warehouse buildings. In Elk Grove, food establishments and permits for a change of use were not eligible. Elk Grove had four permits total that were eligible for self-certification, but in each case the permit was reviewed by City plans examiners prior to issuance. **The City of Elk Grove is no longer implementing this program of self-certification.**

The County of Sacramento pursued a self-certification program. Their program was limited to tenant improvement projects that are 5,000 square feet or less. Sacramento County staff indicated that **they do not have a self-certification program at this time**; they conduct plan review for all plans. The Sacramento County website is down and staff indicated they haven’t provided training for professionals for many years.

The City of Riverside conducted visits to several cities in Arizona and California who had implemented or considered a self-certification program. After reviewing these examples and consulting with development stakeholders and design professionals locally, the City of Riverside implemented a very limited self-certification program. Only re-roof and water heater permits are issued through a self-certification program. The City of Riverside instead focused on how to improve and streamline the permit process through the Streamline Riverside program.

The Initiative proposed for the City of Oxnard is more expansive than other self-certification examples. Furthermore, even those with limited self-certification examples have limited actual effectiveness.

IMPACTS OF THE PROPOSED INITIATIVE

The Initiative will impact the City in two broad categories: (1) Administrative and (2) Fiscal. The Initiative would eliminate, or at least substantially reduce, the safeguards that the building code and permit review system was built around; there would no longer be oversight to verify mistakes are not made which could impact the life safety of the citizens, business, and visitors to the City of Oxnard. The Initiative would create uncertainty and unpredictability for applicants that could result in significant cost increases.

ADMINISTRATIVE IMPACTS

Role of the Building Official

The Building Official is responsible for public safety associated with construction. Specifically, the Building Official is authorized to enforce the provisions of the adopted Building Code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Further, the Building Official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code. In addition, the Building Official shall also make all of the required inspections, or shall have the authority to accept reports of inspection by approved agencies or individuals.

The Initiative shifts the safety compliance role of the Building Official to a private entity to such an extent to create a safety concern for those occupying buildings in the City of Oxnard. Further, the permit applicants will not likely fully understand the risk they are taking by working with a self-certified professional; risks such as earthquakes, fire, accessibility, and energy compliance. Risks also include financial implications from delays and redesign that could occur with post permit plan review audits and field inspection non-compliance determinations.

City's Plan Check Process / Implementation

The City's plan check process is intended to mitigate building risks; risk factors unique to California include seismic safety, flood hazards, accessibility, fire hazards and energy compliance. These standards are not present in the Building Codes of Arizona. The City regularly uncovers errors in design professional plans submitted to the City of Oxnard. It is estimated that 35% of plans filed for plan check review have errors; most notable error types are missing fire protections, missing emergency exits, and missing seismic connections. These are serious life safety standards that are missed by design professionals.

The City's current plan check procedure relies on the ability of multiple divisions/departments conducting concurrent plan checks. This is referred to as the "One-Stop-Shop." This provides a clear benefit to applicants as it saves time and ensures coordination among various City functions. The Initiative would require that all department reviews be completed prior to filing for a Self-Certification permit. This will prevent the City from conducting concurrent reviews and will cause delay and confusion for the applicant.

The concurrent review simplifies the process for applicants by conducting multi-agency review internally as the building plans are being reviewed. This concurrent review also allows and encourages conflicts across multiple departments to be worked out internally, not requiring the applicant to do this from the outside. When these internal conflicts are not resolved internally through a concurrent review, the applicant faces delays and cost implications. The Initiative creates a new layer of bureaucracy.

Building Inspections

Inspectors rely on the fact that the plan checkers have ensured the plans comply with code requirements. If this is no longer the case, inspections will likely result in compliance issues in the field, causing longer inspections and more problems identified in the field. Many such code compliance issues raised during construction will cause project construction to stop while the issue is resolved and plans are reviewed and modified. These delays will likely cause significant financial harm to applicants.

Program Audit Provisions

The program allows for a significant number of permits to be audited after they are issued. If issued permits are audited after they are issued, significant confusion, delay and cost increases will likely be experienced by the applicants. Projects will be under construction but subject to an audit and potential "stop work order" if compliance issues are determined. Audits in the City of Phoenix have resulted in a fail rate of 28% out of 252 audits conducted.

Also, the Initiative does not make sure the owner fully understands the risk involved in going this route that their new facility will be more prone to problems that could force the owner to redo all the work that has been completed until the time the mistake is discovered.

Training and Tracking

The Initiative requires the City to design and implement an ongoing “permit simplicity” training programs for design professionals. Although models of this program exist those cities in California that have in the past produced these trainings largely no longer do so. The training development and tracking of participating professionals will take significant staff administrative time up front and ongoing. It will be critical that certified professionals are tracked for compliance.

FISCAL IMPACTS

Staff Time & Training

The fiscal impacts of the initiative depends in large part on how the development community responds to this major shift in process and review responsibility. There is uncertainty and unpredictability in the staffing needs with the Initiative. The biggest factor affecting staffing and costs will be the number of individuals and scale of projects that chose to participate in the program. However, regardless of the level of participation, the up front work to develop the training and tracking systems as well as the self-certified permit submittal procedures will be required and take significant staff time.

The biggest impact will be to the Building Inspector staffing, but again the impact is unpredictable. The City's current Building Inspector staffing is based on the assumption that the inspectors can move quickly through a plan compliance field inspection. If inspectors are required to take more care in reviewing unreviewed plans, significant delays will be experienced. Delays during construction are generally much more expensive than those leading up to the start of construction. Should code compliance issues arise during construction, it is likely the project or that portion of the project will be stopped until a solution and / or revised plan is prepared, reviewed and revised permit issued. The cost of stopping a project under construction and putting contractors and their subcontractors on hold can be substantial and can cause qualified contractors to avoid work in the City of Oxnard

Staff will also have to develop a Structural Engineer Peer Review eligible list by conducting a Request for Qualifications and entering into a contract for the work and ongoing compliance of these professionals with standards. The cost of this effort and the costs to pay the Structural Engineer Peers cannot be determined at this time. Staff will also have to create and staff an Appeals Board.

Lastly additional on-going training will need to be provided to staff to implement the Initiative. The Initiative requires different positions/jobs than the city has today and shifts the needed skill set from engineers to trainers, monitors, and compliance auditors. The costs of this training will largely depend on the number of participants in the program.

Insurance Rates

The Insurance Services Office (ISO) reviews cities and gives scores based on the training, knowledge, experience and staffing of local building departments. If the department no longer reviews all plans then the score that they give the city will likely be reduced. Lower ratings mean higher insurance cost for the residents and property owners of the community.

City of Oxnard

Analysis of Proposed Ballot Initiative January 15, 2020

Presented By: Jeffrey Lambert, AICP, Community Development Director

Jeffrey.Lambert@Oxnard.org
(805) 385-7882

Background

On December 17, 2019, the Oxnard City Council considered whether to call an election for four initiatives that qualified for the ballot based upon a random sampling of 500 signatures submitted for each initiative. The four initiatives were:

- "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run"
- "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five-Year Periods If Specific Pavement Standards Are Met"
- "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget"
- "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council"

Background

Instead of calling the election at the December 17, 2019 meeting, the City Council ordered the preparation of a report pursuant to Elections Code Section 9212 for each of the four initiatives that qualified for the ballot.

The “9212 Report” is to address the impacts or effects of the initiatives on the City, including fiscal impacts. This report is to be presented to the City Council no later than 30 days after the City Clerk certified to the City Council the sufficiency of the petitions for each of the initiatives.

After the 9212 Report is presented to the City Council, the City Council then has the option of adopting the ordinance proposed by each of the initiatives within 10 days or order an election pursuant to Elections Code Section 1405.

3

Initiative Impacts | Categories

- The “**Expedited Processing of Certain City-Issued Development Permits**” Initiative will impact the City in two broad categories

Administrative Impacts

Fiscal Impacts

4

Expedited Processing Initiative

Initiative Code Section	Action
ELIGIBLE PROJECTS	SEC. 26-10. ELIGIBLE PROJECTS. Any Project, other than those set forth in Section 26-11, are eligible to seek approval through this chapter. “Project” means the work identified in a permit application and any accompanying plans SEC. 26-11. DISCRETIONARY PROJECTS. A Project undertaken in response to a code enforcement issue may be eligible to seek approval through this chapter, in the discretion of the Department. lilig

5

Expedited Processing Initiative

Initiative Code Section	Action
Section 2.26.20 PROFESSIONALS ELIGIBLE FOR CERTIFICATION	(A) Be any one of the following: (1) A professional architect or civil engineer; (2) A professional landscape architect, (3) A professional soils engineer, geotechnical engineer or geologist, (4) A mechanical, fire protection or electrical engineer, or (5) A licensed professional, such as a contractor or certified interior designer (B) Be licensed and in good standing with the State of California at the time of application, and continuously for the five years prior to application; (C) Successfully complete a training program approved by the City; be certified by an outside organization approved by the City in a discipline relevant to the projects to be submitted; or successfully complete the Economic Growth Institute's Permit Simplicity Training Program.

6

Expedited Processing Initiative

Initiative Code Section	Action
SEC. 3.26-21. PERMIT SIMPLICITY TRAINING	The city shall facilitate a training class as part of the Permit Simplicity Certified Professionals program. The class shall provide instructions about: (1) The Permit Simplicity Certification permit process; (2) Examining plans for compliance with the City's building codes, and other applicable laws pertaining to public health and safety; and (3) The administrative aspects of permit processing for which the Permit Simplicity Certified Professional is responsible when certifying plans.
STRUCTURAL PEER REVIEW	"Structural Peer Reviewer" means a reviewer who is on an approved list expressly for the purpose of providing structural peer reviews for the Permit Simplicity Certification Program. The City shall have the sole discretion to determine who shall be included on the list, and all structural peer reviewers must: (1) be a licensed structural engineer in the state of California, and (2) have attended either the Permit Simplicity Certification training class or another class approved by the City.

7

Expedited Processing Initiative

Initiative Code Section	Action
Sec 3.26.2 (D) BUILDING BOARD OF APPEALS	Adverse audit results, suspensions or revocations of Permit Simplicity Certified Professional status are subject to appeal to the Building Board of Appeals. If the Permit simplicity Certified Professional has reason to believe that adverse audit results, or the suspension or revocation of Permit simplicity Certification privileges is not warranted, the Permit simplicity Certified Professional has the right to request in writing, within ten (10) business days of the date on which notice is mailed, a hearing before the Building Board of Appeals.
Sec 26-36 (D) (1) CERTIFICATION STATEMENT	Certification statement, which shall be wet-inked in black or plotted to the cover sheet: "I hereby certify that any and all included drawings are prepared by me, under my supervision, or reviewed by me and to the best of my professional knowledge conform to the City's building codes, and other applicable laws pertaining to public health and safety."

8

Expedited Processing Initiative

Initiative Code Section	Action
PERMIT REVOCATION	Building Official, or his or her designee, may revoke any permit issued under the Permit Simplicity Certification Program at any time if the Building Official, or his or her designee, believes that the permitted project or any portion thereof poses a threat to public health or safety
SEC. 26-33. FIELD REVISIONS	There are different procedures that must be followed for making field revisions. The procedure that must be followed is dependent on whether it is a voluntary change due to a change in construction material, design or in response to field conditions; or a mandatory change due to an inspector identifying a code violation or plans missing critical information. (A) Voluntary field revisions. The Permit Simplicity Certified Professional shall submit a revised application in accordance with the procedures set forth in this chapter for an initial application. (B) Mandatory field revisions

9

Expedited Processing Initiative

Initiative Code Section	Action
SUBMITTAL SYSTEM TO BE DEVELOPED	The Department shall establish the system for receiving applications, plans, forms, letters and other documents in connection with the Permit Simplicity Program
AUDIT AND SUSPENSION OF CERTIFICATION	(A) The first four projects submitted by the Permit Simplicity Certified Professional are automatically selected for audit. (B) Any project submitted where the Permit Simplicity Certified Professional has not been previously audited in the past twelve months shall be automatically selected for audit. (C) Any project submitted by a Permit Simplicity Certified Professional that failed an audit twice shall automatically be selected for audit during the following twelve months. (D) Any project submitted by a Permit Simplicity Certified Professional during the twelve months after having been reinstated following a suspension from the program shall automatically be selected for audit during the following twelve months. (E) Any project over 100,000 square feet or greater than three stories shall be automatically selected for audit. (F) A random sample of between 10% and 20% of remaining Permit Simplicity Certified Projects shall be selected for audit

10

Comparable Cities | Expediting Processing

City	Eligible Permit Types	Permits not Eligible
Phoenix, AZ	Interior alterations and tenant build-outs of business, mercantile, factory, assembly, and storage; New construction of residential or commercial buildings with occupied floor less than 75 feet above Fire Department access; Landscape inventory, salvage, and new landscape plans; Grading and drainage plans (limited), storm water management plans, and parking lot site plans	Planning, zoning, off-site civil, fire; no hazardous materials, limited assembly occupancy; no flood plain;
Elk Grove, CA	Previous Program: Tenant improvements for retail, office and warehouse buildings	Food establishments or change in use; Planning, Fire, School Districts and Utilities
	Current: Program Terminated	
Sacramento County, CA	Previous Program: Tenant improvement projects that are 5,000 square feet or less	Must obtain sign-off or approval from all necessary departments and agencies prior to submittal
	Current: Program Terminated	
Rancho Cordova, CA	Considered but didn't pursue implementation	
Riverside, CA	Re-Roofs and Water Heaters (Self-certification program)	All other permit types

11

Comparable Cities | Permit Expediting

	Proposed Oxnard Program	Phoenix, AZ	Elk Grove, CA (Prior to ending program)	Sacramento County - CA (Prior to ending program)	Riverside, CA
Eligible Permits					
Tenant Improvement for retail, office and warehouse buildings	✓	(✓)	✓	(✓)	
New construction of residential and commercial	✓	(✓)			
Grading and drainage	✓	(✓)			
Storm water management plans	✓	✓			
Parking lot site plans	✓	✓			
Re-roofs	✓				✓
Water Heaters	✓				✓
Hazard Materials	✓				
Drainage	✓				
Assembly Occupancies - limited	✓				
(✓) - allowed with limits					

12

Administrative Impacts

- Building Official is responsible for public safety associated with construction
 - Authorized to enforce the provisions of adopted Building Code.
 - Authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions.
 - Shall receive applications, review [construction documents](#) and issue [permits](#) for the erection, and [alteration](#), demolition and moving of buildings and structures.
 - Shall inspect the premises or shall have the authority to accept reports of inspection by [approved agencies](#) or individuals for which such [permits](#) have been issued and enforce compliance with the provisions of this code.

The proposed Initiative removes these checks and balances and assigns much of this authority to a self-certified professional

13

Administrative Impacts

- High Risk Factors in California
 - Seismic
 - Flood
 - Fire
 - Accessibility/ Certified Accessibility Specialist (CAsp)
 - Energy Code

The proposed Initiative removes checks and balances necessary to ensure safety with risk factors unique to California

14

Administrative Impacts

- Building Official is responsible for public safety associated with construction
 - 35% of current City of Oxnard plan checks have significant code compliance issues in the first check
 - Error examples:
 - fire protections missing
 - emergency exits missing
 - seismic connections not included
 - No CASp peer-review
 - 50% have “serious” accessibility issues in first plan check.

The proposed Initiative removes these checks and balances and assigns much of this authority to a self-certified professional

15

Administrative Impacts

- Program Audit system could cover most permits issued
 - Effectively allowing the conducting of plan review after permits are issued
 - If plan corrections are discovered after permit is issued there maybe grave financial harm to the applicant
- Phoenix Audits - of 252 Audits, 39 failed (28%)
 - Random Audits (under 25,000 sq.ft.) - 17% failed
 - Automatic Audits (>25,000 sq.ft.) - 21% failed

Audit Systems provides uncertainty for staffing needs and developer timelines and have grave financial harm if a “stop-work order” is necessary

16

Administrative Impacts

- Building Inspectors' role is to ensure construction complies with approved plans
 - Without City Plan reviews conducted, more issues are likely to be raised in the field.
 - Initiative does not speak to "Mandatory Field Revision" procedures within Section 26-33 "Field Revisions".
 - When issues are found during inspections, often work is stopped while a solution is determined or a change in plans is reviewed
 - This high potential for stopped work in the field is disruptive and expensive to the applicant and delays and impacts workflow on other permits as these become urgent items to resolve.

There may be grave financial harm if a "stop-work order" is necessary

17

Administrative Impacts

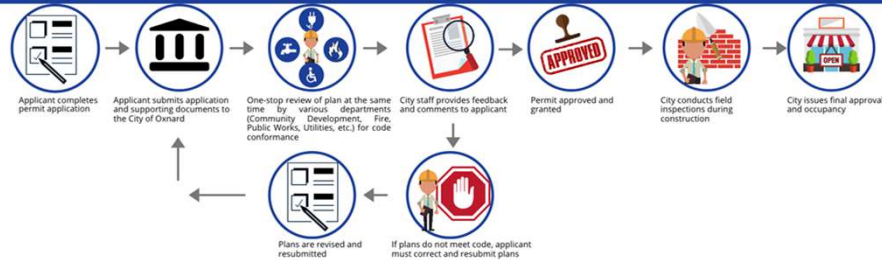
- Simplicity Application eliminates the "One Stop Shop"
 - Requires all other department pre-approvals (Fire, Public Works, Electrical, etc) prior to submittal for a "one day permit"
 - Current Oxnard process provides certainty with permit review timelines
- Program Requires plans to be stamped "reviewed by....." even though plans are not actually checked/reviewed for code compliance

The Initiative will prevent the City from conducting concurrent reviews and will cause delay and confusion for the applicant

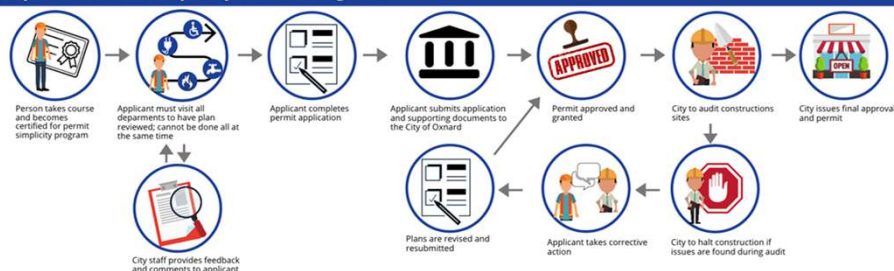
18

Administrative Impacts

Current City of Oxnard Permit Process



Proposed Permit Simplicity Permit Program



19

Administrative Impacts

- Creates a new layer of bureaucracy
 - Changes the plan check engineer to a program developer and regulator
- Staff will move from a facilitator to a regulator and trainer
 - Must develop and provide a Training Program
 - Must create a separate application system/tracking and implementation program
 - Must manage & track certified professionals eligibility

Eliminates City/Applicant partnership strategy to work toward permit issuance together

20

Fiscal Impacts

- Additional, or different, staff resources:
 - to conduct one-day review of Simplicity compliance, depending on the level of participation
 - to implement audit provisions
 - for additional inspection personnel given the changing role of inspections in the field
 - to development trainings, permit procedures/tracking, creation and staffing for an Appeals Board, and creation and monitoring for a Structural Peer Review lists
- Should the City not conduct plan checks, the City's Insurance Service Organization (ISO) rating will likely go down and impact resident/business insurance costs.

The fiscal impacts of the initiative depends in large part on how the development community responds to this major shift in process and review responsibility

21

Impacts | Summary

Administrative Impacts

ELIMINATES ONE-STOP SHOP

- Proposed initiative will disrupt conducting concurrent plan check
- Will require all other department pre-approvals (Fire, Public Works, Electrical, etc) prior to submittal for a "one day permit"

CREATES A NEW LAYER OF BUREAUCRACY

- City must develop training program and host ongoing training sessions
- Create a new tracking systems for ensuring the following: permit applications; building official approvals and paperwork
- Track the eligibility of certified professionals / building officials and ensure their compliance with program

ELIMINATES SAFEGUARDS

- Ignores key risk and compliance factors such as seismic, fire and flood, accessibility and energy

Financial Impacts

REQUIRES CITY TO HIRE MORE STAFF

- City would have to budget for new staff

CREATES POTENTIALLY ADVERSE BUDGET IMPACTS FOR APPLICANTS

- Due to the audit structure of the initiative, there is a risk that projects could be shut down during construction if code violations are discovered. Applicants will then have to revise and resubmit plans in order to receive approvals to re-start construction

INCREASES POTENTIAL LEGAL EXPOSURE

- It removes checks and balances and assigns much of this authority to a self-certified professional
- Structure of initiative and ambiguous wording could be subject to litigation from applicants

DECREASES CITY'S INSURANCE RATING

- City's ISO rating will likely go down and increase resident/business insurance costs

22



CITY COUNCIL AGENDA REPORT

 REPORTS
 AGENDA ITEM NO. H.1.

DATE: January 15, 2020

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: Consideration of Action on Initiative Measures Titled:

1. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run;"
2. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met;"
3. "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council;" and
4. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget." (5/10/15)

RECOMMENDATION

That the City Council:

1. For each of the four initiatives, either: a) adopt the ordinance, or b) call an election; and
2. If calling the election, adopt resolution(s) ordering consolidation with the November 3, 2020 statewide election and requesting the County Clerk to conduct the election and authorizing the Board of Supervisors to canvass the returns.

BACKGROUND

On December 17, 2019, the City Clerk certified as sufficient the petitions for the four initiatives listed in the subject of this report. Pursuant to Elections Code ("EC") §9215, if an initiative petition is signed by a sufficient percentage of City voters, the governing body (the City Council) has the option to take one of the following actions for each of the four initiatives:

1. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
 2. Submit the ordinance, without alteration, to the voters pursuant to EC §1405; or
 3. Order a report, pursuant to EC §9212 at the regular meeting at which the certification of the petition is presented.
- When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to EC §1405.

The report the Council may order pursuant to EC §9212 ("9212 Report") is to address impacts or effects of the initiative on the City, including fiscal impacts and any other matters the legislative body (City Council) requests to be in the report. EC §9212(a)(8). The 9212 Report must be prepared within the time set by the City Council, "but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition." EC §9212(b).

On December 17, 2019, the City Council ordered the preparation of 9212 Reports for each of the four initiatives that are before the City Council this evening. These four reports were presented earlier this evening for the City Council's consideration.

If Council chooses to place any ordinances on the ballot, the corresponding resolution(s) must be adopted to call the election and request the measure or measures be consolidated with the statewide general election to be held November 3, 2020.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

The cost for conducting this election or ordering a report is unknown at this time.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Stephen Fischer, City Attorney, Kenneth Rozell, Chief Assistant City Attorney

ATTACHMENTS

1. 2020.01.15 Resolution Calling Election - Meeting Procedures
2. 2020.01.15 Resolution Calling Election - Measure O Sunset
3. 2020.01.15 Resolution Calling Election - Expedited Permits
4. 2020.01.15 Resolution Calling Election - Treasurer Duties

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 TO CONSIDER THE ADOPTION OF A MEASURE TITLED "NEW REQUIREMENTS REGARDING THE WAY IN WHICH CITY COUNCIL MEETINGS, COUNCIL COMMITTEES AND OTHER CITY LEGISLATIVE BODIES ARE RUN," REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, on April 18, 2019, the City Clerk of the City of Oxnard received a Notice of Intent to Circulate Initiative Petition and a Proof of Publication of the Notice for a measure that would impose new requirements on how meetings of City legislative bodies are run regarding the use of and training in Robert's Rules of Order, permitted start times, rules for public comment, and prerecording of staff presentations; and

WHEREAS, on December 10, 2019, the Ventura County Registrar of Voters verified that the number of valid signatures on a statistical sampling of the initiative petition is 382, which is sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of the city at the regular election to be held on November 3, 2020.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of the city be consolidated with the statewide general election to be held on November 3, 2020, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of the city on November 3, 2020.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on **Exhibit A**,

which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 3, 2020.

SECTION 6. The City Manager is authorized to execute all documents and to perform all necessary acts to enter into one or more agreements for the provisions of election services consistent with this Resolution.

SECTION 7. The text of the proposed ordinance is attached to this Resolution as **Exhibit B**. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard.

SECTION 8. The ballot question shall be substantially as follows:

“Shall an ordinance be adopted to require meetings of City legislative bodies to use Robert’s Rules of Order, limit meeting start times, alter existing rules for public comment, and utilize prerecorded staff presentations?”

Yes (_____)

No (_____)

SECTION 9. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 10. The City Council directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

SECTION 11. The initiative measure shall only pass if a majority of votes cast on the measure are “yes” votes.

SECTION 12. In all particulars not recited in this Resolution, the election shall be held and conducted in the manner required by law.

SECTION 13. The City Council shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

SECTION 14. The city shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 16. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation once within fifteen (15) days after the adoption of this Resolution.

PASSED AND ADOPTED THIS 15th day of January, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
Elections Division

EXHIBIT A

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

TO: **MARK A. LUNN**, Clerk-Recorder, Registrar of Voters

FROM:

City, School District or Special District Name

Signature of Authorization

ELECTION: _____

DATE: _____

SERVICES REQUESTED: Place a mark next to the desired services.

ITEM #1 PUBLICATIONS

_____ A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Polling Places.

_____ B. City/District will publish.

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

_____ A. Print Full Measure Text.

_____ B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS

_____ A. Random sample of 500 signatures.

_____ B. Full check of all signatures submitted.

ITEM #4 ELECTION NIGHT RESULTS

_____ On-line results

_____ E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

ELECTIONS DIVISION SERVICES PROVIDED:

ITEM #H-1

SIGNATURE CHECKING – County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.

OFFICIAL FILING – County elections to serve as filing official for all measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL – Ventura County Elections Division to provide one master set for copying.

SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES – County elections official will arrange for all printing of arguments/analyses in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS – County elections official will handle all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

The undersigned requests the above election services to be performed by the County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of
School District: _____

Signature & Title: _____

Date: _____

Rev. 10/04/17

Received
Oxnard City Clerk
2019 APR 18 PM 1:30

Oxnard Open Meetings Act

The people of the City of Oxnard do ordain as follows:

SECTION 1. **Title.**
This initiative shall be known and may be cited as the “Oxnard Open Meetings Act.”

SECTION 2. Findings and Declarations.

The people of the City of Oxnard find and declare all of the following:

a) The Oxnard City Council adopted Oxnard Ordinance No. 2949, which created a number of committees charged with conducting important city business.

b) Those committees meet at times that conflict with many residents' work schedules, which effectively limits their opportunity to provide input on issues affecting their quality of life.

c) Inconvenient meetings make a mockery of the ideal that the proceedings of elected and appointed officials ought to be conducted openly and at times that reasonably allow members of the public to directly address legislative bodies while they are deliberating on matters of public policy.

d) Meetings are conducted largely without making full use of standard recognized parliamentary procedures, often resulting in prolonged disorderly meetings, and thus reducing the likelihood that residents will be able to remain in attendance long enough to participate.

e) The details of proposals are often better revealed in staff presentations than they are in written staff reports, but because such presentations are not presented until the actual meeting and considerable time is consumed making such presentations, the ability of the People to know the full impact of those proposals and adequately formulate their concerns are significantly diminished.

f) Residents wanting to speak to the Oxnard City Council on matters of public concern have been limited to one or two minutes to state a position, especially on controversial matters, thus creating an environment where public participation is discouraged.

SECTION 3. Purposes and Intent.

The People of the City of Oxnard hereby declare that their purposes and intent in enacting the "Oxnard Open Meetings Act" are to improve disclosure and public participation on matters that come before the Oxnard City Council and other local legislative bodies.

SECTION 4. Oxnard Open Meetings.

To implement the Oxnard Open Meetings Act, the Initiative amends or adds the following sections of the Oxnard City Code. Type formatted as underlined is added to the Municipal Code; type formatted as ~~strikethrough~~ is deleted from the Municipal Code; unformatted type is existing and not amended by this initiative.

A. SEC. 2-1 of Division 1, of Article I of Chapter 2 of the Oxnard Municipal Code is hereby amended to read as follows:

SEC. 2-1. MEETINGS; RULES OF PROCEDURE.

(A) Regular city council meetings - Unless otherwise approved by city council action, city council shall conduct regular meetings on the first and third Tuesdays of every month in the city council chambers at 305 West Third Street at a time set by resolution of the city council.

(B) Rules of procedure and standing rules -

(1) ~~The rules for the conduct of proceedings of the city council shall be established by resolution. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the city's legislative bodies in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the city council may adopt by resolution. The city council may by resolution establish standing rules unrelated to parliamentary procedure.~~

(2) Any violation of such rules shall be deemed to be a violation of this code and shall be punishable as provided in section 1-10 of this code.

(C) Notwithstanding Section 9217 of the Election Code, the city council may amend subdivision (A) of this section without submission to the voters to change the days and location for regular meetings.

B. Sections 2-1.2 through 2-1.5 of Division 1, of Article I of Chapter 2 of the Oxnard Municipal Code are hereby adopted as follows:

SEC. 2-1.2. ALLOWABLE MEETING TIMES.

Meetings of the city's legislative bodies, as defined by and subject to the Ralph M. Brown Act (California Government Code Sections 54950 et seq.), shall commence no earlier than 5:00 pm on weekdays and 9:00 am on weekends. Notwithstanding, this requirement shall not apply to purely advisory bodies, emergency meetings, meetings held in closed session, or meetings conducted outside the city's geographical boundaries. Moreover, by a 4/5 vote this requirement may be waived by an advance reasonable determination that extenuating circumstances surrounding the starting time of a particular meeting prevent the legislative body from fulfilling its duties and that such circumstances cannot otherwise be obviated by alternative or additional meeting dates. Actions taken at meetings held in violation of this section shall be deemed invalid.

SEC. 2-1.3. PARLIAMENTARY TRAINING.

(A) The city shall provide each member of the city's legislative bodies with a copy of the current edition of Robert's Rules of Order Newly Revised.

(B) The city shall make use of the services of a Professional Registered Parliamentarian certified by the National Association of Parliamentarians or a Certified Parliamentarian credentialed by the American Institute of Parliamentarians to train members of the city's legislative bodies on Robert's Rules.

SEC. 2-1.4. STAFF PRESENTATIONS IN ADVANCE OF MEETINGS.

To provide the fullest opportunity for public input on all matters coming before the city's legislative bodies, staff presentations for each agenda item shall be videotaped in advance, and then posted on the city's website and made available for viewing on city premises at the time of the posting of the agenda for the meeting. The primary role of staff at meetings is to answer questions posed by the legislative body, not the reenactment of pre-recorded presentations.

SEC. 2-1.5. PUBLIC COMMENT.

(A) In addition to opportunities for public comment required by state law, the agenda shall provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee composed exclusively of members of the legislative body.

(B) Each person shall be allowed no less than three minutes to comment on an agenda item at a meeting.

(C) Reasonable accommodations shall be made to facilitate the presentation of videos, PowerPoint or similar presentations during public comments. Presenters shall be required to provide hard copies of presentations to members of the legislative body.

SECTION 5. Broad Construction.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purposes of requiring that meetings be scheduled during hours most convenient to the general public, that staff presentations be made available in advance so that the general public can meaningfully participate, that meetings be conducted in accordance with Robert's Rules so that they are run in an orderly manner, and that the time and manner in which public comments can be made are not unduly restricted.

b) If any provision of this Act conflicts directly or indirectly with any other provision of law, those other provisions shall be null and void to the extent that they are inconsistent with this act, and are hereby repealed.

SECTION 6. Conflicting Ballot Measures.

a) In the event that this measure and another measure or measures relating to the disclosure or conduct of meetings appear on the same citywide election ballot, the provisions of the other measures that would affect in whole or in part the field of meeting conduct shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.

Received
 Oxnard City Clerk
 2019 APR 18 PM 1:30

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “EARLY TERMINATION OF MEASURE O SALES TAX IF SPECIFIC PAVEMENT STANDARDS FOR CITY STREETS AND ALLEYS ARE NOT MET; EXTENSION OF MEASURE O SALES TAX FOR ADDITIONAL FIVE YEAR PERIODS IF SPECIFIC PAVEMENT STANDARDS ARE MET,” REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, on April 18, 2019, a proponent submitted to the City Clerk of the City of Oxnard a Notice of Intent to Circulate Initiative Petition and a Proof of Publication of the Notice for a measure that would change the expiration date of the existing Measure O half cent sales tax approved by City voters in 2008 if the City-owned street and alley network did not meet specific Pavement Condition Index (PCI) requirements by specific deadlines, and would allow for extension of the Measure O half cent sales tax for additional five year periods if specific pavement standards are met; and

WHEREAS, on December 10, 2019, the Ventura County Registrar of Voters verified that the number of valid signatures on a statistical sampling of the initiative petition is 388, which is sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of the city at the regular election to be held on November 3, 2020.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of the city be consolidated with the statewide general election to be held on November 3, 2020, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of the city on November 3, 2020.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on **Exhibit A**, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 3, 2020.

SECTION 6. The City Manager is authorized to execute all documents and to perform all necessary acts to enter into one or more agreements for the provisions of election services consistent with this Resolution.

SECTION 7. The text of the proposed ordinance is attached to this Resolution as **Exhibit B**. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard.

SECTION 8. The ballot question shall be substantially as follows:

“Shall an ordinance be adopted to require early termination of the Measure O half cent sales tax if specific pavement standards for city streets and alleys are not met and allow for the extension of the Measure O half cent sales tax for additional five year periods if specific pavement standards are met?”

Yes (_____)

No (_____)”

SECTION 9. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 10. The City Council directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

SECTION 11. The initiative measure shall only pass if a majority of votes cast on the measure are “yes” votes.

SECTION 12. In all particulars not recited in this Resolution, the election shall be held and conducted in the manner required by law.

SECTION 13. The City Council shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

SECTION 14. The city shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 16. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation once within fifteen (15) days after the adoption of this Resolution.

PASSED AND ADOPTED THIS 15th day of January, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
Elections Division

EXHIBIT A

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

TO: **MARK A. LUNN**, Clerk-Recorder, Registrar of Voters

FROM:

City, School District or Special District Name

Signature of Authorization

ELECTION: _____

DATE: _____

SERVICES REQUESTED: Place a mark next to the desired services.

ITEM #1 PUBLICATIONS

_____ A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Polling Places.

_____ B. City/District will publish.

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

_____ A. Print Full Measure Text.

_____ B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS

_____ A. Random sample of 500 signatures.

_____ B. Full check of all signatures submitted.

ITEM #4 ELECTION NIGHT RESULTS

_____ On-line results

_____ E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

ELECTIONS DIVISION SERVICES PROVIDED:

ITEM #H-1

SIGNATURE CHECKING – County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.

OFFICIAL FILING – County elections to serve as filing official for all measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL – Ventura County Elections Division to provide one master set for copying.

SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES – County elections official will arrange for all printing of arguments/analyses in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS – County elections official will handle all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

The undersigned requests the above election services to be performed by the County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of
School District: _____

Signature & Title: _____

Date: _____

Rev. 10/04/17

Received
Oxnard City Clerk
2019 APR 18 PM 1:33

Keeping the Promise for Oxnard Streets Act

SECTION 1. **Title.**
This measure shall be known and may be cited as the "Keeping the Promise for Oxnard Streets Act."

SECTION 2. **Findings and Declarations.**

The people of the City of Oxnard find and declare all of the following:

- a) In 2008, the City Council of the City of Oxnard adopted Ordinance No. 2779, also known as the "City of Oxnard Vital Services Transactions (Sales) and Use Tax Ordinance," requesting that voters adopt a one-half per cent increase in the local sales and use tax "to protect, maintain, and enhance vital city services," such as "increasing street paving and sidewalk/pothole repair to improve traffic flow." Voters approved Ordinance No. 2779 as Measure O at the November 4, 2008 election.
- b) Based on the language of the ordinance and the marketing campaign promoting it, voters were persuaded to adopt Measure O, making Oxnard's rate of sales tax the highest in the county at the time, and generating in excess of \$10 million each year in extra tax revenue at a great cost to poor and middle-class families.
- c) Since the adoption of this measure, however, many residents question whether there has been any significant enhancement in vital city services.
- d) In the case of maintaining streets and alleys, one of the more basic city services, the City of Oxnard's lack of performance is particularly evident, as measured by the city's Pavement Condition Index (PCI), a numerical index between 0 and 100 used to indicate the general condition of pavement. This standard is widely used in transportation civil engineering, and the surveying processes and calculation methods used have been standardized by ASTM International. Prior to the increase in the local sales and use tax, Oxnard had a PCI score of 61 for its network of streets and alleys. Unfortunately, Oxnard's PCI has not seen meaningful improvement since the tax increase, and residents continue to endure poorly maintained streets and alleys, some of which have been neglected for years.
- e) Because it is far less expensive to keep a road in good condition than to repair it once it has deteriorated, the City's inattention to routine maintenance of roads and alleys is poor stewardship of taxpayer funds, and the long-term impact of this neglect is to deprive residents of other important services, such as those promoting public safety.

SECTION 3. Purposes and Intent.

The people of the City of Oxnard hereby declare their purposes and intent in enacting the "Keeping the Promise for Oxnard Streets Act" to be as follows:

- a) To fulfill the promise of better streets by focusing City Hall attention on repairs and maintenance of city streets and alleys.
- b) To ensure local officials do not take for granted the additional sales and use tax money we pay.
- c) To require the City of Oxnard to justify the extra half-cent sales tax by providing a corresponding level of service.
- d) To deny the City the additional tax if they fail to deliver these services at an acceptable level.
- e) To authorize the City Council to extend the tax in five-year increments provided that the city streets and alleys are maintained at an acceptable level.

SECTION 4. Keeping the Promise for Oxnard Streets Act.

Part 4 of Measure O (Uncodified Ordinance 2779, adopted by voters on November 4, 2008) is hereby amended to read as follows (existing text not amended by this act is shown in regular type; text to be deleted by this act is shown in ~~strike through~~ type; text to be added by this act is shown in underline type):

Part 4.

A. TWENTY-YEAR-SUNSET. The authority to levy the tax imposed by this ordinance shall expire twenty years from the operative date of this ordinance on March 31, 2029, unless extended by the voters.

B. Notwithstanding subdivision A of this Part, unless an outside civil engineering consultant with expertise in developing and updating pavement management systems finds that the Pavement Condition Index of the city-owned street and alley network is:

- (1) at least 65 on or before September 30, 2022, this ordinance shall expire March 31, 2023;
- (2) at least 70 on or before September 30, 2024, this ordinance shall expire March 31, 2025;
- (3) at least 75 on or before September 30, 2026, this ordinance shall expire March 31, 2027; and
- (4) at least 80 on or before September 30, 2028, this ordinance shall expire March 31, 2029.

C. Notwithstanding subdivision A of this Part, commencing April 1, 2028 the City Council shall have the authority to extend the expiration date by twenty calendar quarters, provided that between 110 and 365 days before each expiration date an outside civil engineering consultant with expertise in developing and updating pavement management systems finds that the Pavement Condition Index of the city-owned street and alley network is at least 80.

SECTION 5. Broad Construction.

- a) The provisions of this act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of allowing the continuation of the additional one-half per cent sales and use tax for general City purposes, provided that the City improves and maintains to an acceptable level the condition of city-owned streets and alleys, without respect to the source of funding available or used by the City for such services.
- b) This act is not intended to convert the existing general sale and use tax to a special tax, and does not require that the City dedicate the funds from the additional one-half per cent sales and use tax specifically for maintenance and improvement of city-owned streets and alleys. Instead, this act authorizes the continuation of the additional one-half per cent sale and use tax in accordance with Section 4 of this measure.

SECTION 6. Conflicting Ballot Measures.

- a) In the event that this measure and another measure or measures relating to local sales and use tax shall appear on the same citywide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.
- b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.

Received
Oxnard City Clerk
2019 APR 18 PM 1:33

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “EXPEDITED PROCESSING OF CERTAIN CITY-ISSUED DEVELOPMENT PERMITS IF PROJECTS MEET SPECIFIC REQUIREMENTS AND PROJECT APPLICATIONS ARE FILED BY SPECIFIED PROFESSIONALS WHO HAVE RECEIVED REQUIRED TRAINING PURSUANT TO THE NEW PROGRAM; PROGRAM INCLUDES AUDITS OF APPROVED PERMITS AND APPEALS OF CERTAIN DENIED PERMITS AND ADVERSE CERTIFICATION ACTIONS OF THE SPECIFIED PROFESSIONALS TO NEWLY CREATED APPEALS BOARD AND TO THE CITY COUNCIL,” REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, on April 18, 2019, the City Clerk of the City of Oxnard received a Notice of Intent to Circulate Initiative Petition and a Proof of Publication of the Notice for a measure that would require expedited processing of certain city-issued development permits if projects meet specific requirements and project applications are filed by specified professionals who have received required training pursuant to a new program that would include audits of approved permits and appeals of certain denied permits and adverse certification actions of the specified professionals to a newly created appeals board and to the city council; and

WHEREAS, on December 10, 2019, the Ventura County Registrar of Voters verified that the number of valid signatures on a statistical sampling of the initiative petition is 378, which is sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of the city at the regular election to be held on November 3, 2020.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of the city be consolidated with the statewide general election to be held on November 3, 2020, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of the city on November 3, 2020.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on **Exhibit A**, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 3, 2020.

SECTION 6. The City Manager is authorized to execute all documents and to perform all necessary acts to enter into one or more agreements for the provisions of election services consistent with this Resolution.

SECTION 7. The text of the proposed ordinance is attached to this Resolution as **Exhibit B**. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard.

SECTION 8. The ballot question shall be substantially as follows:

“Shall an ordinance be adopted to require expedited processing of certain city-issued development permits if projects meet specific requirements and project applications are filed by specified professionals who receive required training pursuant to a new program that includes audits of approved permits and appeals of adverse audit results, certain denied permits, and adverse certification actions against specified professionals to a designated appeals board, the decision of which may be appealed to the city council?”

Yes (_____)

No (_____)

SECTION 9. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 10. The City Council directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

SECTION 11. The initiative measure shall only pass if a majority of votes cast on the measure are “yes” votes.

SECTION 12. In all particulars not recited in this Resolution, the election shall be held and conducted in the manner required by law.

SECTION 13. The City Council shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

SECTION 14. The city shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 16. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation once within fifteen (15) days after the adoption of this Resolution.

PASSED AND ADOPTED THIS 15th day of January, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
Elections Division

EXHIBIT A

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

TO: **MARK A. LUNN**, Clerk-Recorder, Registrar of Voters

FROM:

City, School District or Special District Name

Signature of Authorization

ELECTION: _____

DATE: _____

SERVICES REQUESTED: Place a mark next to the desired services.

ITEM #1 PUBLICATIONS

_____ A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Polling Places.

_____ B. City/District will publish.

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

_____ A. Print Full Measure Text.

_____ B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS

_____ A. Random sample of 500 signatures.

_____ B. Full check of all signatures submitted.

ITEM #4 ELECTION NIGHT RESULTS

_____ On-line results

_____ E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

ELECTIONS DIVISION SERVICES PROVIDED:

ITEM #H-1

SIGNATURE CHECKING – County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.

OFFICIAL FILING – County elections to serve as filing official for all measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL – Ventura County Elections Division to provide one master set for copying.

SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES – County elections official will arrange for all printing of arguments/analyses in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS – County elections official will handle all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

The undersigned requests the above election services to be performed by the County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of
School District: _____

Signature & Title: _____

Date: _____

Rev. 10/04/17

Received
Oxnard City Clerk
2019 APR 18 PM 1:34

The People of the City of Oxnard do ordain as follows:
SECTION 1. Findings and Declarations.
The people of the City of Oxnard ("City") find and declare all of the following:

Oxnard Permit Simplicity Act
(A) Any permit system people find too frustrating to navigate only encourages unlawful circumvention, and ultimately becomes an invitation to construction that is both unsafe and noncompliant with existing building codes;

(B) The delays caused by the City’s outdated permitting process discourage existing employers from expanding business here and prospective employers from locating here and bringing higher paying jobs to our community;
(C) Residents seeking to remodel or upgrade their homes frequently experience bureaucratic, time consuming and costly delays in acquiring necessary permits from the City;
(D) The City’s permit system has become a roadblock to economic success for local and prospective businesses and families;
(E) Other cities and counties, such as Phoenix, Arizona and Elk Grove, Rancho Cordova, Sacramento County and Yolo County, California have adopted streamlined permitting systems worth emulating.

SECTION 2. Purposes and Intent.

The people of the City of Oxnard hereby declare their purposes and intent in enacting this measure to be as follows:

- (A) To remove arbitrary and subjective standards in the issuance of permits;
- (B) To reduce permitting costs and delays;
- (C) To ensure fair and reasonable permit standards;
- (D) To provide an expedited and streamlined permitting process, for projects big or small, whether for the replacement of a water heater or the construction of a multi-story structure;
- (E) To implement peer review and audits to further ensure public health and safety;
- (F) To reform the City’s permitting process so it becomes a positive financial incentive for local job creation, job retention and economic prosperity; and,
- (G) To brand Oxnard as an economic hub by adopting and improving upon successful, simplified permitting systems enacted elsewhere.

SECTION 3. Oxnard Permit Simplicity Act.

Chapter 26 is hereby added to the Oxnard City Code to read as follows:

CHAPTER 26. OXNARD PERMIT SIMPLICITY ACT

ARTICLE I. GENERAL PROVISIONS

SEC. 26-1. TITLE.

This chapter shall be known and may be cited as the “Oxnard Permit Simplicity Act.”

SEC. 26-2. DEFINITIONS.

For the purposes of this chapter, the following words shall have the following meanings:

- (A) “Auditor” means any person designated by the Building Official to perform an audit.
- (B) “Building Official” means the official designated to enforce and interpret the City’s building codes, and other applicable laws pertaining to public health and safety.
- (C) “Department” refers to the department responsible for conducting plan review, inspections, and permit services.
- (D) “Building Board of Appeals” refers to the board designated to hear appeals of decisions made by the Building Official in Administration of the Permit Simplicity Program.
- (E) “Electronic submittal” means the utilization of one or more of the following: e-mail; the Internet; facsimile.
- (F) “Owner/Tenant” means either the owner of the building or property, or a tenant who has an interest in the building or property via a lease, sublease or some other legally binding agreement.
- (G) “Prepared” or “prepared by or under the direct supervision of” means: (1) personally prepared by the Permit Simplicity Certified Professional submitting the project, or (2) prepared under the direct supervision and control of such Permit Simplicity Certified Professional.
- (H) “Project” means the work identified in a permit application and any accompanying plans.
- (I) “Registration number” or “permit simplicity registration number” means the registration number issued upon successful completion of the permit simplicity certification training class. A registration number is separate and distinct from the professional license issued by the State of California.
- (J) “Reviewed by” or “Reviewed and sealed by” means: (1) the sealed plans were reviewed by the Permit Simplicity Certified Professional for compliance, or (2) the plans were drawn by others and were personally and directly reviewed for compliance and sealed by the Permit Simplicity Certified Professional.
- (K) “Permit Simplicity certified” means a signed, personal verification that is submitted to the Department by a Permit Simplicity Certified Professional that accompanies plans filed with the Department whereby the Permit Simplicity Certified Professional certifies that: (1) he or she is the Permit Simplicity Certified Professional identified in the permit application; and (2) the plans do not contain any false information; and (3) the plans are in compliance with the requirements of the City’s building codes, and other applicable laws pertaining to public health and safety; and (4) attests that such plans were prepared by, prepared under the direct supervision of, or were reviewed and stamped by the Permit Simplicity Certified Professional identified in the permit application.
- (L) “Permit Simplicity Certified Professional” means a licensed professional who has met the requirements necessary to participate in the Permit Simplicity Program.
- (M) “Permit Simplicity Program” shall mean the program set forth in this chapter.
- (N) “Structural Peer Reviewer” means a reviewer who is on an approved list expressly for the purpose of providing structural peer reviews for the Permit Simplicity Certification Program. The City shall have the sole discretion to determine who shall be included on the list, and all structural peer reviewers must: (1) be a licensed structural engineer in the state of California, and (2) have attended either the Permit Simplicity Certification training class or another class approved by the City. Individuals who meet these criteria are eligible to be placed on the approved list.

SEC. 26-3. INTERPRETATION.

With respect to eligible projects, where the provisions of this chapter impose different requirements than are imposed or required by other chapters of this code, or other pertinent rules and regulations, the provisions of this chapter shall control.

With respect to projects that fail to comply with this chapter, the requirements imposed or required by the other chapters of this code, or other pertinent rules and regulations, shall control.

Article II. PERMIT SIMPLICITY ELIGIBILITY

SEC. 26-10. ELIGIBLE PROJECTS.

Any Project, other than those set forth in Section 26-11, are eligible to seek approval through this chapter.

SEC. 26-11. DISCRETIONARY PROJECTS.

A Project undertaken in response to a code enforcement issue may be eligible to seek approval through this chapter, in the discretion of the Department.

ARTICLE III. PERMIT SIMPLICITY CERTIFIED PROFESSIONALS

SEC. 26-20. PROFESSIONALS ELIGIBLE FOR CERTIFICATION.

To be eligible for certification as a Permit Simplicity Certified Professional, an individual shall:

- (A) Be any one of the following:
 - (1) A professional architect or civil engineer;
 - (2) A professional landscape architect, who may submit projects related to or intensive in the individual’s discipline;
 - (3) A professional soils engineer, geotechnical engineer or geologist, who may submit projects related to or intensive in the individual’s discipline;
 - (4) A mechanical, fire protection or electrical engineer, who may submit projects related to or intensive in the individual’s discipline; or
 - (5) A licensed professional, such as a contractor or certified interior designer, who may submit projects related to or intensive in the individual’s discipline, as defined by the City.
- (B) Be licensed and in good standing with the State of California at the time of application, and continuously for the five years prior to application; and
- (C) Successfully complete a training program approved by the City; be certified by an outside organization approved by the City in a discipline relevant to the projects to be submitted; be certified by the International Codes Council in a discipline relevant to the projects to be submitted, such as a Commercial Building Inspector, Residential Building Inspector, Building Plans Examiner, Commercial Electrical Inspector, Commercial Plumbing Inspector, Commercial Mechanical Inspector, Residential Electrical Inspector, Residential Plumbing Inspector or Residential Mechanical Inspector, Soils Special Inspector; or successfully complete the Economic Growth Institute’s Permit Simplicity Training Program.

SEC. 26-21. PERMIT SIMPLICITY TRAINING.

(A) The city shall facilitate a training class as part of the Permit Simplicity Certified Professionals program. The class shall provide instructions about:

- (1) The Permit Simplicity Certification permit process;
- (2) Examining plans for compliance with the City’s building codes, and other applicable laws pertaining to public health and safety; and
- (3) The administrative aspects of permit processing for which the Permit Simplicity Certified Professional is responsible when certifying plans.

(B) Training shall be offered at times and in locations selected by the city, but at least twice per year. Information about registering for the training class shall be posted on the City’s website.

(C) The city may charge a fee not to exceed the city’s administrative costs for facilitating the training.

(D) Upon successful completion of the training, an applicant shall receive a certificate and registration number, which enable the applicant to certify projects and to otherwise participate in the Permit Simplicity Certified Program.

(E) A Permit Simplicity Certified Professional shall be required to participate in a training once every building code cycle to maintain eligibility. The City may require additional training for any updates to the building and development code in the interim.

ARTICLE IV. PERMIT SIMPLICITY PROJECT APPLICATION AND SUBMITTAL

SEC. 26-30. PERMIT SIMPLICITY PROJECT APPLICATION.

Every application for a Permit Simplicity Project shall be submitted on a form prepared by the Department containing all of the following:

- (A) The name, address and license number of the general contractor and any other contractors for the Project;
- (B) The Project address;
- (C) Project scope of work;
- (D) Project Plans.

(1) A cover sheet shall be attached to each set of plans. Each cover sheet shall:

- (a) be signed and stamped by the Permit Simplicity Certified Professional responsible for preparing the plans;
- (b) contain an Index of Drawings, where applicable; and
- (c) contain the following certification statement, which shall be wet-inked in black or plotted to the cover sheet: “I hereby certify that any and all included drawings are prepared by me, under my supervision, or reviewed by me and to the best of my professional knowledge conform to the City’s building codes, and other applicable laws pertaining to public health and safety.”

Such certification statement shall be signed by the Permit Simplicity Certified Professional who prepared or reviewed the plans.

(2) Each set of plans must be:

- (a) sealed by the Permit Simplicity Certified Professional certifying the plans;
- (b) prepared by, under the direct supervision of, or reviewed by the Permit Simplicity Certified Professional certifying the plans; and
- (c) attached to a cover sheet conforming to subsection (1) of section (D) of this section.

(3) Each page of each set of plans shall contain the following:

- (a) the text “Permit Simplicity Certified by (name of Permit Simplicity Certified Professional)” and the date; and
- (b) the date the Building Official or his or her designee reviewed the plans and the name of the reviewer.

(E) The Owner/Builder who is responsible for the work identified in the permit application must sign the permit application. If the project identified in the permit application is a build-out in an existing building, the work covered by the permit application must be limited to work for a single tenant only. Both the permit application and accompanying plans must be stamped by the Permit Simplicity Certified Professional who prepared or reviewed the plans and is submitting the plans for Permit Simplicity Certification under the Permit Simplicity Certified Program.

SEC. 26-31. PERMIT SIMPLICITY PROJECT APPLICATION ATTACHMENTS.

Every application for a Permit Simplicity Project shall include all of the following attachments:

- (A) Evidence of all necessary approvals that are a condition precedent to issuance of a permit;
- (B) Proof of Insurance. The Permit Simplicity Certified Professional shall submit proof of insurance which satisfies all of the following:

(1) The Permit Simplicity Certified Professional shall furnish to the Department a certificate of professional liability insurance and necessary endorsements, issued by an insurer authorized to do business in California, with a

Bests' rating of no less than A:VIII. The insurance required by this section shall have a limit of not less than one million dollars (\$1,000,000) per claim and one million dollars (\$1,000,000) in the aggregate for all claims made during the policy period covering the Permit Simplicity Certified Professional's errors and omissions.

(2) The endorsement shall state that coverage shall not be suspended, voided or cancelled by the Permit Simplicity Certified Professional, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by hand delivery or certified mail, return receipt requested, to the Department.

(3) The Permit Simplicity Certified Professional shall maintain insurance, at his or her own cost, for at least five (5) years after the Project is complete. If the Permit Simplicity Certified Professional fails to maintain this required insurance coverage, the Department reserves the right to revoke the Permit Simplicity Certified Professional's eligibility to participate in the Permit Simplicity Program and to revoke the permit for any Project pending at the time of the non-compliant insurance.

(C) Professional of Record Certification Statement. The Permit Simplicity Certified Professional shall submit, on a form prepared by the Department, a Professional of Record Certification Statement certifying as to all of the following:

(1) The Permit Simplicity Certified Professional satisfies the requirements of section 26-20 of this chapter.

(2) Within the previous five years, the Permit Simplicity Certified Professional has not been convicted, found liable of, or determined by the Building Official to have committed any of the following:

(a) knowingly making a false statement of material fact on or in connection with any permit application;

(b) knowingly submitting in support of a permit application any document containing false or fraudulent information;

(c) knowingly affixing a false signature to any permit application.

(3) The application and every page of the accompanying plan(s) stamped by the Permit Simplicity Certified Professional:

(a) were prepared by, under the direct supervision of, or reviewed by the Permit Simplicity Certified Professional;

(b) are complete; and

(c) are, as of the date of submission, in accordance with the requirements of the Department's building construction code and all other applicable laws pertaining to public health and safety.

(4) The application and all technical submissions made by the Permit Simplicity Certified Professional in connection with the Permit Simplicity Certified Project were prepared in accordance with and meet the standard of care required of the Permit Simplicity Certified Professional's profession.

(5) All information and assertions made by the Permit Simplicity Certified Professional in the permit application and documents submitted in support of such permit application are true and correct to the best of the individual's knowledge.

(6) If the Permit Simplicity Certified Professional becomes aware of any false or inaccurate statement in the permit application, accompanying plans or any document submitted in support of such permit application, regardless of whether such false or inaccurate statement was made by such Permit Simplicity Certified Professional or by his or her agent, employee, or other person, the Permit Simplicity Certified Professional shall immediately take all measures necessary to correct the false or inaccurate statement and notify the Department.

(7) The Permit Simplicity Certified Professional understands that the Building Official will rely upon the truth and accuracy of the certifications contained in the Professional of Record Permit Simplicity Certification Statement as the basis for issuing a permit under the Permit Simplicity Certification Permit Program.

(8) The Permit Simplicity Certified Professional understands that the Permit Simplicity Certified project identified in the permit application is being approved for a permit subject to audit and/or field inspection by the Department and the permit is subject to revocation by the Building Official if necessary or appropriate to protect public health or safety.

(9) If the Department determines that the submitted plans do not conform to the requirements of the City's building codes, or other applicable laws pertaining to public health and safety, the Permit Simplicity Certified Professional agrees to submit revised plans to the Department in a timely manner and to take all remedial measures within the Permit Simplicity Certified Professional's control to bring the submitted plans, and any construction which has occurred in reliance on those plans, into conformity with those requirements.

(10) The Permit Simplicity Certified Professional understands that the failure to submit any required plan revisions to the Department in a timely manner will result in automatic suspension of the Permit Simplicity Certified Professional's eligibility to participate in the Permit Simplicity Certification Program, until such time that a plan revision is submitted to the Department and/or the matter is resolved to the satisfaction of the Department.

(11) The Permit Simplicity Certified Professional understands that failure to take all remedial measures within his or her control to bring the submitted plans and any construction thereunder into compliance with the City's building construction codes, or other applicable laws pertaining to public health and safety shall result in revocation of the Permit Simplicity Certified Professional's eligibility to participate in the Permit Simplicity Certification Program and may result in notification of such fact to the appropriate state agencies.

(12) The Permit Simplicity Certified Professional understands that the City retains all authority over the enforcement and administration of the City's building codes, and other applicable laws pertaining to public health and safety, and the City does not delegate this authority to the Permit Simplicity Certified Professional by his or her participation in the Permit Simplicity Program. The City retains the right to refuse to issue a permit under the Permit Simplicity Program for any Project that does not meet the requirements of the Program.

(D) Owner/Tenant Certification Statement. The Permit Simplicity Certified Professional shall submit, on a form prepared by the Department, an Owner/Tenant Certification Statement. The Owner, and Tenant if applicable, shall each sign and date the Owner/Tenant Certification Statement, certifying that the Owner, and Tenant if applicable:

(1) Authorizes the work of all professionals and consultants named in the permit application and accompanying plans;

(2) Agrees to take all measures necessary to correct any misrepresentation or falsification of facts made knowingly or negligently in the permit application or in any document submitted in support of such application by the owner or tenant, as applicable, or by such owner's or tenant's agents, contractors or employees;

(3) Understands that submitting a permit application as part of the Permit Simplicity Program means that City Officials are relying on certification by the Permit Simplicity Certified Professional that the project conforms with the City's building codes, and other applicable laws pertaining to public health and safety;

(4) Understands that the Permit Simplicity Certified project is being approved for a permit subject to audit and field inspection by the Department;

(5) Agrees to take all remedial measures necessary to bring the plans and all construction completed under the permit for the project into conformity with requirements of the City's building codes, and other applicable laws pertaining to public health and safety;

(6) Understands that the City retains the right to refuse to issue a permit under the Permit Simplicity Program for any Project that does not meet the requirements of the Program; and

(7) Understands that the Building Official, or his or her designee, may revoke any permit issued under the Permit Simplicity Certification Program at any time if the Building Official, or his or her designee, believes that the permitted project or any portion thereof poses a threat to public health or safety.

(E) Hold Harmless Letters. The Permit Simplicity Certified Professional is required to submit to the Department, on a form provided by the Department, two Hold Harmless Letters. One letter shall be signed and dated by the Owner/Tenant, and the second letter shall be signed and dated by the Permit Simplicity Certified Professional. By signing the letter the signatory certifies that:

(1) The signatory agrees to protect, defend, with counsel acceptable to the City, indemnify and hold harmless the City and its officers, representatives, managers and employees against any and all claims, liabilities, judgments, costs, expenses, delays, demands or injuries arising out of or in any way connected with the design, construction, code compliance review or issuance of a permit for the project identified in the permit application;

(2) If construction is contrary to the City's building codes, other applicable laws pertaining to public health and safety, or to any permit issued under the Permit Simplicity Certified Program, the signatory shall, without undue delay, remove or modify, at the signatory's own cost and expense, any component of such construction that does not conform to those requirements;

(3) Nothing in this letter should be construed to negate, waive or otherwise reduce any other right or obligation of indemnity that may exist in the favor of the City; and

(4) The signatory acknowledges that the Project may be subject to enforcement citations even if construction is in accordance with the plans approved as part of a Project submitted under the Permit Simplicity Program.

(F) Reasonable Hardship Plan for Americans with Disabilities Act compliance and the accessibility requirements of the California Building Code.

SEC. 26-32. PERMIT SIMPLICITY PROJECT SUBMISSION.

(A) A checklist and required permitting documentation for a Project shall be made available on a publicly accessible city website.

(B) Assistance with pre-submittal requirements may be obtained from the Department. Staff will determine if any variances, code modifications, use permits, or other approvals are required.

(C) The Department shall establish the system for receiving applications, plans, forms, letters and other documents in connection with the Permit Simplicity Program. Electronic submittal of the required permit application and documents may be made available. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature. This requirement notwithstanding, wet signatures shall be required for engineering calculations and plans in accordance with state law.

(D) No application shall be processed until all required documents are received and complete.

(E) Applicants shall be permitted to request project intake meetings through the Permit Simplicity program database.

SEC. 26-33. FIELD REVISIONS.

There are different procedures that must be followed for making field revisions. The procedure that must be followed is dependent on whether it is a voluntary change due to a change in construction material, design or in response to field conditions; or a mandatory change due to an inspector identifying a code violation or plans missing critical information.

(A) Voluntary field revisions. The Permit Simplicity Certified Professional shall submit a revised application in accordance with the procedures set forth in this chapter for an initial application.

(B) Mandatory field revisions.

(1) When a Department inspector determines that the Permit Simplicity Certified plans contain code violations or are missing critical information, the inspector shall get a second opinion from his or her supervisor prior to requiring changes to the Project.

(2) If the item is confirmed to be a code violation or the Department requires more information critical to ensuring that the project meets the building codes, or other applicable laws pertaining to public health and safety, the inspector will inform the contractor and the Permit Simplicity Certified Professional in writing (e-mail is sufficient). Corrections and/or additional information will be required to reach a resolution.

(3) If plan revisions are required, the Permit Simplicity Certified Professional will be directed to submit the revisions within a reasonable time period. Failure to submit plan revisions as directed will result in revocation of the Permit Simplicity Certified Professional's certification.

(4) Regardless of the method used to resolve the violation, all violations will be tracked by the Inspection Supervisor. The violations will be scored in accordance with the Department's Permit Simplicity Certified Audit Procedures, and any project that accumulates a cumulative score of five (5) or greater will be subject to a mandatory Audit.

SEC. 26-34. BUILDING OFFICIAL DUTIES.

(A) Upon receipt of a Permit Simplicity Project application, the Building Official or his or her designee shall do all of the following:

(1) Verify that all applicable agency approvals, applications, forms, letters and other documents listed on the Building Department's relevant Permit Simplicity Certification Checklists and required by this Chapter have been submitted and completed in full by the appropriate parties;

(2) Verify that the Project meets the Permit Simplicity Certification Program criteria;

(3) Verify that all necessary pre-approvals have been obtained;

(4) Verify all plan sheets and files are in accordance with this Chapter;

(5) Verify Certificate of Approval from a Structural Peer Reviewer for projects requiring a civil engineer;

(6) Screen plans for apparent compliance with the requirements of the City's building codes, and other applicable laws pertaining to public health and safety.

(B) If the Building Official, or his or her designee, determines that all Permit Simplicity Certification Program requirements have been met, he or she shall accept the Project for admission to the Permit Simplicity Certified Program and shall notify the Permit Simplicity Certified Professional and the applicant within 1 business day.

(C) If the Building Official, or his or her designee, determines that the plans submitted by the Permit Simplicity Certified Professional require minor corrections to bring the plans into compliance with the City's building codes, and other applicable laws pertaining to public health and safety, he or she shall notify the Permit Simplicity Certified Professional and the applicant within 1 business day.

(D) If the Building Official, or his or her designee, determines that any of the Permit Simplicity Certification Program requirements have not been met, he or she shall reject the Project for submittal to the Permit Simplicity Certified Program and shall notify the Permit Simplicity Certified Professional and the applicant within 1 business day. A Project that is rejected from the Permit Simplicity Program may be submitted through the City's normal permit application process. Rejection from the Permit Simplicity Certification Program may be appealed to the Building Board of Appeals.

(E) Upon a determination that all requirements have been met, the Building Official, or his or her designee, shall issue a permit for the Project. The permit shall be stamped by the Department with an indication that it is a "Permit Simplicity Certified Project."

ARTICLE V. PERMIT SIMPLICITY PROGRAM AUDIT AND SUSPENSION OF CERTIFICATION

SEC. 26-40. SELECTION FOR AUDIT.

All Permit Simplicity Certified plans are subject to audit by the Department to determine whether the plans and/or projects are in compliance with the requirements of the City's building codes, and other applicable laws pertaining to public health and safety. The selection criteria are as follows:

(A) The first four projects submitted by the Permit Simplicity Certified Professional are automatically selected for audit.

(B) Any project submitted where the Permit Simplicity Certified Professional has not been previously audited in the past twelve months shall be automatically selected for audit.

(C) Any project submitted by a Permit Simplicity Certified Professional that failed an audit twice shall automatically be selected for audit during the following twelve months.

(D) Any project submitted by a Permit Simplicity Certified Professional during the twelve months after having been reinstated following a suspension from the program shall automatically be selected for audit during the following twelve months.

(E) Any project over 100,000 square feet or greater than three stories shall be automatically selected for audit.

(F) A random sample of between 10% and 20% of remaining Permit Simplicity Certified Projects shall be selected for audit.

SEC. 26-41. AUDIT CRITERIA.

Each Permit Simplicity Certified project selected for audit will be audited for compliance during construction with the City's building codes, and other applicable laws pertaining to public health and safety. The Auditor for each discipline will complete the review in accordance with the scoring system described in the "Permit Simplicity Certification Program Auditing and Appeal Procedures" developed by the Department and available on the Department's website.

SEC. 26-42. AUDIT RESULTS.

The Department shall notify the Permit Simplicity Certified Professional and the Owner of Record in writing of the results of any audit conducted. The notification shall provide a summary of the audit results and shall direct the Permit Simplicity Certified Professional to address all violations found in the audit. Failure to submit required corrections by the date identified in the notification will result in suspension or revocation of the Permit Simplicity Certified Professional's privileges.

SEC. 26-43. SUSPENSION AND REVOCATION OF PERMIT SIMPLICITY CERTIFICATION

(A) A Permit Simplicity Certified Professional shall be subject to the following suspensions and revocations:

(1) Upon first audit failure, the Department shall issue a written warning, and possible temporary suspension of status based on the severity of the audit result.

(2) Upon second audit failure, the Permit Simplicity Certified Professional shall be subject to mandatory audit for subsequent Projects for following 12 months.

(3) Upon third audit failure, the Permit Simplicity Certified Professional shall be suspended from the program for 12 months, and upon reinstatement shall be subject to mandatory audit for subsequent Projects for following 12 months.

(4) Upon fourth audit failure, the Permit Simplicity Certified Professional shall have certification revoked and shall not be eligible to reapply for a period of 36 months.

(5) A Permit Simplicity Certified Professional's certification shall be permanently revoked if the Professional is convicted or found liable of any of the following:

(a) knowingly making a false statement of material fact on or in connection with any permit application;

(b) knowingly submitting in support of a permit application any document containing false or fraudulent information; or

(c) knowingly affixing a false signature to any permit application.

(B) A dated notice of suspension or revocation shall be sent by certified mail, return receipt requested, to the Permit Simplicity Certified Professional's address of record with the Department. The dated notice shall inform the Permit Simplicity Certified Professional of all of the following:

(1) The reason for the suspension or revocation;

(2) The effective date of the suspension or revocation, which shall be 10 days after the date on the notice;

(3) The duration of the suspension or revocation;

(4) Steps which may be taken, if any, to mitigate or reduce the suspension or revocation.

SEC. 26-44. APPEAL.

Adverse audit results, suspensions or revocations of Permit Simplicity Certified Professional status are subject to appeal to the Building Board of Appeals. If the Permit simplicity Certified Professional has reason to believe that adverse audit results, or the suspension or revocation of Permit simplicity Certification privileges is not warranted, the Permit simplicity Certified Professional has the right to request in writing, within ten (10) business days of the date on which notice is mailed, a hearing before the Building Board of Appeals. A hearing before the Building Board of Appeals is solely to determine whether adverse audit results, or the suspension or revocation of Permit Simplicity Certification privileges is warranted. If a hearing under this rule is requested in a timely manner, such hearing shall be commenced within forty-five (45) business days of receipt of such request. If no hearing under this rule is requested in a timely manner, or if a hearing is requested in a timely manner but the Permit Simplicity Certified Professional fails to appear at such hearing, the Permit Simplicity Certified Professional shall be deemed to have waived the right to such hearing and such privileges shall be deemed, by operation of law, to have been revoked by the Building Official on the date stated on the notice of revocation required by this rule. Conversely, if the Permit Simplicity Certified Professional submits a written request for a hearing, but fails to appear at such hearing, the Building Official may, upon a showing of good cause, reschedule the hearing. The Permit Simplicity Certified Professional may appeal, within fifteen (15) business days of the date on which the decision is mailed, an adverse ruling by the Building Board of Appeals to the City Council.

SECTION 4. Broad Construction.

(A) The provisions of this act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of allowing an applicant to obtain a permit in one business day.

(B) Where the provisions of this measure conflict with any provision in the Oxnard Municipal Code with respect to the subject matter governed by this measure, this measure shall apply.

(C) Notwithstanding Section 9217 of the Election Code, the city council may amend this initiative without submission to the voters, so long as the amendment furthers the purposes and intent of this Act.

SECTION 5. Conflicting Ballot Measures.

(A) In the event that this measure and another measure or measures relating to permits shall appear on the same citywide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

(B) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 6. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 7. Severability.

If any chapter, article, division, section, subsection, phrase, or clause of this measure is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this measure. The People of the City of Oxnard hereby declare that they would have passed this measure and each chapter, article, division, section, subsection, paragraph, sentence, phrase, clause or word thereof irrespective of the fact that any one or more chapter, article, division, sections, subsections, paragraphs, sentences, phrases, clauses or words be declared unconstitutional. To this end, the provisions of this measure are severable.

Received
 Oxnard City Clerk
 2019 APR 18 PM 1:34

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 TO CONSIDER THE ADOPTION OF A MEASURE TITLED “EXPANSION OF DUTIES OF ELECTED CITY TREASURER BY APPOINTING THE CITY TREASURER AS DIRECTOR OF FINANCE AND GIVING THE CITY TREASURER ADDITIONAL DUTIES PURSUANT TO THAT NEW ROLE: AUTHORITY OVER CITY’S FINANCE DEPARTMENT; SELECTION AND OVERSIGHT OF INTERNAL AUDITOR; ESTABLISHMENT, PREPARATION AND SUBMITTAL OF MONTHLY FINANCIAL REPORTS; ESTABLISHMENT, PREPARATION AND SUBMITTAL OF MONTHLY PERFORMANCE MEASUREMENTS FOR CITY DEPARTMENTS; AND PREPARATION AND SUBMITTAL OF ANNUAL CITY BUDGET,” REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, on April 18, 2019, the City Clerk of the City of Oxnard received a Notice of Intent to Circulate Initiative Petition and a Proof of Publication of the Notice for a measure that would expand the duties of the elected City Treasurer by appointing that elected official as Director of Finance and giving the City Treasurer the following additional duties in that new role: authority over the City’s Finance Department; selection and oversight of the City’s Internal Auditor; establishment, preparation and submittal of monthly financial reports and monthly performance measurements for City Departments; and preparation and submittal of the annual City budget; and

WHEREAS, on December 10, 2019, the Ventura County Registrar of Voters verified that the number of valid signatures on a statistical sampling of the initiative petition is 406, which is sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of the city at the regular election to be held on November 3, 2020.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of the city be consolidated with the statewide general election to

be held on November 3, 2020, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of the city on November 3, 2020.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on **Exhibit A**, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 3, 2020.

SECTION 6. The City Manager is authorized to execute all documents and to perform all necessary acts to enter into one or more agreements for the provisions of election services consistent with this Resolution.

SECTION 7. The text of the proposed ordinance is attached to this Resolution as **Exhibit B**. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard.

SECTION 8. The ballot question shall be substantially as follows:

“Shall an ordinance be adopted to designate the elected City Treasurer the City’s Director of Finance and give the City Treasurer authority over the City’s Finance Department; selection and oversight of Internal Auditor; establishment, preparation and submittal of monthly financial reports and monthly performance measurements for City Departments; and preparation and submittal of the annual City budget?”

Yes (_____)

No (_____)”

SECTION 9. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 10. The City Council directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

SECTION 11. The initiative measure shall only pass if a majority of votes cast on the measure are “yes” votes.

SECTION 12. In all particulars not recited in this Resolution, the election shall be held and conducted in the manner required by law.

SECTION 13. The City Council shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

SECTION 14. The city shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 16. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation once within fifteen (15) days after the adoption of this Resolution.

PASSED AND ADOPTED THIS 15th day of January, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
Elections Division

EXHIBIT A

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

TO: **MARK A. LUNN**, Clerk-Recorder, Registrar of Voters

FROM:

City, School District or Special District Name

Signature of Authorization

ELECTION: _____

DATE: _____

SERVICES REQUESTED: Place a mark next to the desired services.

ITEM #1 PUBLICATIONS

_____ A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Polling Places.

_____ B. City/District will publish.

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

_____ A. Print Full Measure Text.

_____ B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS

_____ A. Random sample of 500 signatures.

_____ B. Full check of all signatures submitted.

ITEM #4 ELECTION NIGHT RESULTS

_____ On-line results

_____ E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

ELECTIONS DIVISION SERVICES PROVIDED:

ITEM #H-1

SIGNATURE CHECKING – County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.

OFFICIAL FILING – County elections to serve as filing official for all measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL – Ventura County Elections Division to provide one master set for copying.

SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES – County elections official will arrange for all printing of arguments/analyses in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS – County elections official will handle all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

The undersigned requests the above election services to be performed by the County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of
School District: _____

Signature & Title: _____

Date: _____

Rev. 10/04/17

Received
Oxnard City Clerk
2019 APR 18 PM 1:31

Oxnard Fiscal Transparency and Accountability Act

The people of the City of Oxnard do ordain as follows:

SECTION 1. Title.

This initiative shall be known and may be cited as the “Oxnard Fiscal Transparency and Accountability Act.”

SECTION 2. Findings and Declarations.

The people of the City of Oxnard ("City") find and declare all of the following:

- a) No one elected official is explicitly accountable to voters for overseeing the city's finances, including a system of internal controls required to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives;
- b) Much of the city's finances are opaque and infrequently reported to the public, creating an environment of doubt as to whether taxpayer funds are spent wisely and efficiently;
- c) Performance measurements for city departments are not compiled and presented to residents, leaving the public wondering whether city hall is delivering quality, economical and timely services;
- d) Lines of authority between some elected officials and top city staff are muddled, creating a potential conflict where the appointed city manager dictates tasks to be performed by the elected city treasurer.

SECTION 3. Purposes and Intent.

The people of the City of Oxnard hereby declare their purposes and intent in enacting this measure to be as follows:

- a) To declare the elected city treasurer as the city's chief financial officer and ensure a sufficient number of qualified professionals are in the finance department to carry out required duties;
- b) To charge the elected city treasurer with designing a system of internal controls and overseeing an internal auditor to discourage malfeasance and criminal conduct;
- c) To entrust the elected city treasurer with designing and implementing a robust program of transparency, including monthly financial reports and the online posting of documentation supporting city expenditures;
- d) To task the elected city treasurer with establishing relevant metrics and regularly reporting on the performance of each city department to better ensure that the public is receiving quality, economical and timely services; and
- e) To create clear lines of authority between elected officials and hired city staff, and require that the elected city treasurer publicly report on the level of support and cooperation provided by city staff in assisting the elected city treasurer with fulfilling required duties.

SECTION 4. Oxnard Fiscal Transparency and Accountability Act.

To implement the Oxnard Fiscal Transparency and Accountability Act, the Initiative amends or adds the following sections of the Oxnard City Code. Type formatted as underlined is added to the Municipal Code; type formatted as ~~struckthrough~~ is deleted from the Municipal Code; unformatted type is existing and not amended by this initiative.

A. SEC. 2-167 is amended to read as follows:**SEC. 2-167. BOND OF CITY TREASURER AND ASSISTANT CITY TREASURER.**

The bond of the city treasurer is set at \$100,000 and assistant city treasurer is set at \$50,000. The bonds shall conform to the provisions of Chapter 3, Division 4, Title 1 of the Cal. Gov't Code. The premium on the bonds shall be paid by the city.

B. SEC. 2-168 is amended to read as follows:**SEC. 2-168. DUTIES OF CITY TREASURER.**

(A) The city treasurer shall perform such statutory duties as are assigned to the city treasurer of a general law city by the laws of the State and confirmed by resolution.

~~(B) The city treasurer shall also perform such administrative duties as assigned by the city manager. The city treasurer shall be the director of finance, and shall perform such statutory duties as are assigned to the director of finance or chief financial officer of a general law city by the laws of the State and confirmed by resolution, or by this code.~~

(C) The city manager and the city attorney shall in good faith cooperate with and be responsive to requests for information or administrative services made by the city treasurer in connection with carrying out the duties imposed on the city treasurer in the general law and this code. The city treasurer's reports to the city council shall also convey the extent to which the city manager and the city attorney have supported or hindered the city treasurer's fulfillment of those duties.

C. SEC. 2-175 is amended to read as follows:**SEC. 2-175. CREATION.**

There shall be a finance department, headed by ~~a director of finance~~ the city treasurer who shall supervise such employees as are necessary to carry out the functions and duties of the department. At least one employee of the finance department must possess a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code, showing that person to be, and a permit authorizing that person to practice as, a certified public accountant.

D. SEC. 2-176 is amended to read as follows:**SEC. 2-176. FINANCIAL AND ACCOUNTING DUTIES.**

(A) Pursuant to Cal. Gov't Code Section 37209, the duties imposed on the city clerk by Chapter 4, Part 2, Division 3, Title 4 of the Cal. Gov't Code are transferred to the director of finance.

(B) Pursuant to Cal. Gov't Code Section 40805.5, the financial and accounting duties imposed on the city clerk by Cal. Gov't Code Sections 40802 through 40805 are transferred to the director of finance.

(C) Pursuant to Cal. Gov't Code Section 34004, the duties imposed on the city treasurer by Cal. Gov't Code Section 41004 are transferred to the director of finance.

(D) The powers and duties of the director of finance include centralizing fiscal and accounting duties; controlling inventory; financial reporting; and ~~assisting in~~ budgeting.

(E) The director of finance shall promote, secure and preserve the financial and property interests of the city.

~~(F) The city manager may assign to the director of finance additional powers and duties not set forth herein.~~

E. SEC. 2-176.1 is added to read as follows:**SEC. 2-176.1. INTERNAL CONTROLS.**

(A) The director of finance shall design, implement and oversee a system of internal controls to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives. The city council may establish additional controls by resolution provided they do not undermine the plenary authority of the director of finance.

(B) The director of finance shall select and oversee an internal auditor who shall not be an employee of the city. The internal auditor shall be responsible for the following:

(1) Conducting internal control reviews, compliance audits and performance audits requested by the director of finance or the city council.

(2) Administering the city's whistleblower program.

(C) In consultation with the city attorney, the director of finance shall report findings of malfeasance and criminal conduct to the city council and/or law enforcement officials.

F. SEC. 2-176.2 is added to read as follows:**SEC. 2-176.2. FINANCIAL TRANSPARENCY.**

(A) The director of finance shall oversee the design and implementation of a financial transparency program that includes, but shall not be limited to, enabling public online review of city expenditures, including supporting invoices, purchase orders, submitted bids, and solicitations for bids and quotes.

(B) Each month the director of finance shall submit to the city clerk a financial report and shall file a copy with the city council. The financial report shall include at least the following components:

(1) Itemized statements of estimated monthly and fiscal year-to-date revenues and expenses with comparisons to budgets and historical amounts for significant governmental, proprietary and fiduciary funds.

(2) Itemized statements showing estimated changes in fund balances for significant governmental, proprietary and fiduciary funds.

(3) Itemized schedules presenting in descending order cash receipts and disbursements in excess of \$10,000.

(4) Additional schedules established by city council resolution.

G. SEC. 2-176.3 is added to read as follows:**SEC. 2-176.3. PERFORMANCE MEASUREMENTS.**

(A) For each department the director of finance shall establish performance measurements pertaining to the department's core functions, with no fewer than one performance measurement based on cost, one based on quality and one based on timeliness. The city council may establish additional performance measurements by resolution.

(B) The director of finance shall cause the city's current and historical performance measurements to be published on a centralized location on the city's website in the form of dynamic interactive online dashboards.

(C) Regularly, at least once each month, the director of finance shall submit to the city clerk a written report on the results of performance measurements, a copy of which shall be filed with the city council.

H. SEC. 2-177 is repealed:**SEC. 2-177. BOND.**

~~The director of finance shall file with the city clerk a bond covering the faithful performance of his/her duties, in the penal sum of not less than \$20,000. The bond shall conform to the provisions of Chapter 3, Division 4, Title 1 of the Cal. Gov't Code. The premium on the bond shall be paid by the city.~~

I. SEC. 2-179 is amended to read as follows:**SEC. 2-179. BUDGET.**

(A) Before the beginning of each fiscal year for which the city council has not adopted a budget, the ~~city manager~~ director of finance shall submit to the city council a proposed operations and capital budget for the following fiscal year or for more than one of the following fiscal years.

(B) At a minimum, the proposed budget shall include:

(1) An itemized statement of estimated revenues from all sources for the year.

(2) An itemized statement of proposed expenditures for each department and division.

(3) A statement of the amount required for the payment of interest, amortization and redemption charges on the debt of the city.

(4) Provision for contingent expense.

(5) A general budget summary.

(6) A budget statement outlining the proposed financial plan for the year.

(7) The appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Division 9 of Title 1 of the Cal. Gov't Code, commencing with Section 7900.

(C) The city council shall hold a public hearing on the proposed budget, at which all interested persons may be heard. At the conclusion of the public hearing, the city council may make changes to the proposed budget.

(D) The city council shall adopt a budget for the following fiscal year or for more than one of the following fiscal years. If the budget is not adopted on or before the beginning of such fiscal year, the proposed budget shall become effective without action by the city council.

(E) The city council may revise at any time an adopted budget or a proposed budget that became effective without action by the city council.

(F) Notwithstanding Section 9217 of the Election Code, the city council may amend this section without submission to the voters, so long as the amendment furthers the purposes and intent of this Act.

SECTION 5. Broad Construction.

a) The provisions of this act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of providing the elected city treasurer with plenary authority to improve accountability and transparency of the city's finances, and to publicly divulge the performance of city departments to enhance their performance.

b) Where the provisions of this measure conflict with any provision in the Oxnard Municipal Code with respect to the subject matter governed by this measure, this measure shall apply.

SECTION 6. Conflicting Ballot Measures.

a) In the event that this measure and another measure or measures relating to the transparency and accountability of city finances and operations shall appear on the same citywide election ballot, the provisions of the other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any chapter, article, division, section, subsection, phrase, or clause of this measure is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this measure. The People of the City of Oxnard hereby declare that they would have passed this measure and each chapter, article, division, section, subsection, paragraph, sentence, phrase, clause or word thereof irrespective of the fact that any one or more chapter, article,

division, sections, subsections, paragraphs, sentences, phrases, clauses or words be declared unconstitutional. To this end, the provisions of this measure are severable.

Received
Oxnard City Clerk
2019 APR 18 PM 1:31