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 Library, 251 South “A” Street and the City Clerk’s Office, 300 West Third Street 4th Floor during customary business hours. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting, at the end of this agenda. The agenda reports are on the City of Oxnard web site at www.oxnard.org.

CITY OF OXNARD CALIFORNIA

AMENDED AGENDA
(Attachments added to Items K-1 and K-3)

OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
April 10, 2018
Regular Meeting - 6:00 PM

A. ROLL CALL/POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council.

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of April, 2018 as "Donate Life Month."

2. SUBJECT: Presentation of a Proclamation Designating April 14, 2018 as "Earth Day."

D. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker cards will not be accepted after the beginning of the general public comment period. Based on the number of speaker cards submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to three minutes, but shorter time may be established as deemed necessary. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

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.
City of Oxnard internet address: www.oxnard.org.

E. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

F. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Ordinance No. 2937 Regarding Medical Cannabis Delivery.
   RECOMMENDATION: That the City Council adopt Ordinance No. 2937 (read by title only, waiving further reading) approving amendments to Article XVI of Chapter 7 of the Oxnard City Code regarding prohibited cannabis activities, repealing uncodified Ordinance No. 2756 regarding medical marijuana, and adding Article XV to Chapter 11 of the Oxnard City Code regarding medical cannabis deliveries.
   Legislative Body: CC Contact: Stephen M. Fischer Phone: 385-7483

2. SUBJECT: Adoption of Ordinance No. 2938 - Host Liability Fireworks Ordinance.
   RECOMMENDATION: That City Council adopt Ordinance No. 2938 (read by title only, waiving further reading) amending Section 7-147.1 of Article XIII of Chapter 7 of the Oxnard City Code, establishing host liability for fireworks violations.
   Legislative Body: CC Contact: Stephen M. Fischer Phone: 385-7483

3. SUBJECT: Tickets and Passes Distribution Policy.
   RECOMMENDATION: That the City Council adopt a resolution establishing a tickets and passes distribution policy consistent with FPPC regulation.
   Legislative Body: CC Contact: Stephen M. Fischer Phone: 385-7483

Information Technology Department

4. SUBJECT: Fifth Amendment to Tyler Technologies License Agreement.
RECOMMENDATION: That City Council adopt the Fifth Amendment to the Standard Software License and Services Agreement with Tyler Technologies for the Public Safety 911 system to expand the eCitation module and extend the expiration date of the Agreement by an additional three years.
Legislative Body: CC Contact: Keith Brooks Phone: 385-7597

J. PUBLIC HEARINGS

Public Works Department

1. SUBJECT: Request for Well Permit - Rio Manor Mutual Water Company. (5/5/5)
RECOMMENDATION: That the City Council:

1. Hold a public hearing to consider the application from the Rio Manor Mutual Water Company for a well permit;

2. Find that, in accordance with Section 15303, Class 3 of the State California Environmental Quality Act (CEQA) Guidelines, there is no substantial evidence that the drilling and operation of the new well will have a significant effect on the environment, and thus this new well is exempt from further CEQA review; and

3. If satisfied that the drilling of the well and the operation thereof will not deplete or contaminate the City's water supply, adopt the resolution granting Well Permit No. 16-4881 to the Rio Manor Mutual Water Company, including the reasonable conditions to prevent depletion and contamination of the City's water supply and to protect the public health, safety and general welfare.
Legislative Body: CC Contact: Rosemarie Gaglione Phone: 385-8055

Housing Department

2. SUBJECT: Public Hearing for Issuance of Multifamily Housing Revenue Bonds for Channel Island Park Apartments. (5/5/5)
RECOMMENDATION: That the City Council:

1. Hold a public hearing regarding the issuance of up to $45,000,000 of multifamily housing revenue bonds by the California Statewide Communities Development Authority to finance the acquisition, rehabilitation and development of a 152-unit multi-family rental housing projected located at 910-1030 East Channel Islands Boulevard; 910-1045 Bismark Way; 2911-2941 Concord Drive; and 2920-2940 Albany Drive, Oxnard, California (also known collectively as Channel Island Park Apartments); and

2. Adopt a resolution approving the issuance of bonds.
Legislative Body: CC Contact: Arturo Casillas Phone: 385-8094

K. REPORTS

City Manager Department

1. SUBJECT: City Council Positions on June and November 2018 Statewide Ballot Initiatives. (5/5/5) **(Attachments Added)**
RECOMMENDATION: That the City Council: 1) Receive the report; 2) adopt a resolution supporting State Propositions 68 and 69 in the June 2018 State General Election and Senate Bill 3 in the November 2018 General Election; and 3) take such additional, related action as may be desired.
Legislative Body: CC Contact: Jesus Nava Phone: 385-7497

2. SUBJECT: Ordinances Reauthorizing "PEG" Fees on State Video Service Franchises. (5/5/5)
RECOMMENDATION: That the City Council:
1. Introduce an Ordinance (read by title only, waiving further reading) of the City Council of the City Of Oxnard reauthorizing the City's Public, Educational, And Governmental ("PEG") access support fee; and
2. Adopt an Urgency Ordinance (read by title only, waiving further reading) of the City Council of the City of Oxnard reauthorizing the City's Public, Educational, and Governmental ("PEG") access support fee.
Legislative Body: CC Contact: Jesus Nava Phone: 385-7497

Police Department

3. SUBJECT: Keep California Safe Resolution. (5/10/15) **(Attachments Added)**
RECOMMENDATION: That City Council adopt a resolution supporting the statewide ballot initiative titled *Reducing Crime and Keeping California Safe Act of 2018.*
Legislative Body: CC Contact: Scott Whitney Phone: 385-7624

L. ADJOURNMENT

CITY OF OXNARD CALIFORNIA	CITY COUNCIL AGENDA REPORT	TYPE OF ITEM: Info/Consent AGENDA ITEM NO.: 1

DATE: April 10, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Adoption of Ordinance No. 2937 Regarding Medical Cannabis Delivery.

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, 385-7483

RECOMMENDATION:

That the City Council adopt Ordinance No. 2937 (read by title only, waiving further reading) approving amendments to Article XVI of Chapter 7 of the Oxnard City Code regarding prohibited cannabis activities, repealing uncodified Ordinance No. 2756 regarding medical marijuana, and adding Article XV to Chapter 11 of the Oxnard City Code regarding medical cannabis deliveries.

BACKGROUND

This ordinance was introduced at the April 3, 2018 City Council meeting. If the ordinance is adopted on April 10, 2018, then it will take effect 30 days later.

STRATEGIC PRIORITIES

Not applicable.

FINANCIAL IMPACT

The new ordinance would allow medical cannabis deliveries within the City after a licensed medical cannabis dispensary and the proposed delivery drivers have obtained permits from the City. While the fees for the permits have not been set at this time, it is recommended that the permit fees be set at a level that covers the City's costs to process and issue the permits.

ATTACHMENTS:

Attachment A: Ordinance No. 2937

ORDINANCE NO. 2937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING ARTICLE XVI OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING PROHIBITED CANNABIS ACTIVITIES, REPEALING UNCODIFIED ORDINANCE NO. 2756 REGARDING MEDICAL MARIJUANA, AND ADDING ARTICLE XV TO CHAPTER 11 OF THE OXNARD CITY CODE REGARDING MEDICAL CANNABIS DELIVERIES

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Article XVI of Chapter 7 of the Oxnard City Code is hereby amended to read as follows:

"ARTICLE XVI. CANNABIS AND MEDICAL CANNABIS ACTIVITIES

SEC. 7-280 DEFINITIONS.

(A) CANNABIS – All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, "cannabis" does not mean "industrial hemp" as defined by Health and Safety Code Section 11018.5.

(B) CANNABIS CULTIVATION - The planting, growing, harvesting, drying or processing of cannabis plants or any part thereof, and any and all associated business and/or operational activities.

(C) CANNABIS DISPENSARY – Any facility or location, whether fixed or mobile, where cannabis and/or cannabis products are made available to customers, patients or clients. A "cannabis dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Health and Safety Code, Chapter 1 of Division 2; a healthcare facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Health and Safety Code, Chapter 3.01 of Division 2; a residential care facility for the elderly licensed pursuant to Health and Safety Code, Chapter 3.2 of Division 2; a residential hospice; or a home health agency licensed pursuant to Health and Safety Code, Chapter 8 of Division 2, as long as such use complies strictly with applicable law, including but not limited to, Health and Safety Code Section 11362.5 et seq., and the City Code.

(D) CANNABIS PRODUCT – Cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.

(E) MEDICAL CANNABIS and MEDICAL CANNABIS PRODUCT – Cannabis or a cannabis product intended to be sold for use pursuant to applicable state regulations (including, but not limited, to the Compassionate Use Act of 1996 (Proposition 215), found at Health and Safety Code Section 11362.5) by a qualified patient.

(F) MEDICAL CANNABIS DELIVERY – The delivery, transfer or transport of medical cannabis, medical cannabis product, medical cannabis edibles, and/or any cannabis product from a medical cannabis dispensary to a medicinal cannabis patient who possesses a physician's recommendation that complies with the requirements of state law.

(G) MEDICAL CANNABIS DISPENSARY – Any facility or location where medical cannabis and/or medical cannabis product are made available to customers, patients or clients that is also duly licensed by the State of California and the local jurisdiction in which the medical cannabis dispensary is physically located. A "medical cannabis dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Health and Safety Code, Chapter 1 of Division 2; a healthcare facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Health and Safety Code, Chapter 3.01 of Division 2; a residential care facility for the elderly licensed pursuant to Health and Safety Code, Chapter 3.2 of Division 2; a residential hospice; or a home health agency licensed pursuant to Health and Safety Code, Chapter 8 of Division 2, as long as such use complies strictly with applicable law, including but not limited to, Health and Safety Code, Section 11362.5 et seq., and the City Code.

(H) QUALIFIED PATIENT – This term shall have the meaning set forth in California Health and Safety Code Section 11362.7 and also includes a person with an identification card as defined in that section as it now appears or may hereafter be amended or renumbered.

(I) RECREATIONAL CANNABIS DELIVERY – The delivery, transfer or transport, or arranging for the delivery, transfer or transport, or the use of any technology platform to arrange for or facilitate the commercial delivery, transfer or transport of cannabis, cannabis edibles, and/or any cannabis products to or from any location, and any and all associated business and/or operational activities.

SEC. 7-281. CANNABIS DISPENSARIES AND MEDICAL CANNABIS DISPENSARIES PROHIBITED.

(A) No cannabis dispensary shall be located within the City.

(B) No medicinal cannabis dispensary shall be located within the City.

SEC. 7-282. CANNABIS CULTIVATION PROHIBITED.

Cannabis cultivation by any person or entity, including clinics, collectives, cooperatives, cannabis dispensaries and medical cannabis dispensaries, is prohibited within the City, with the exception of indoor personal, non-commercial cannabis cultivation not to exceed six plants in compliance with Health and Safety Code Section 11362.2.

SEC. 7-283. RECREATIONAL CANNABIS DELIVERY PROHIBITED.

Recreational cannabis delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited within the City.

SEC. 7-284. MEDICAL CANNABIS DELIVERY.

Medical cannabis delivery is prohibited within the City unless the necessary permits are first obtained pursuant to the requirements of Article XV of Chapter 11 of the City Code.

SEC. 7-285. REMEDIES.
(A) A violation of any section of this article and any use or condition caused, or permitted to exist, in violation of any provision of this article shall be, and hereby is declared to be, a public nuisance and may be abated by the city.
(B) A violation of any section of this article may be also be enforced under sections 1-10(B)(2) and (3) of the city code. Sections 1-10(A) and (B)(1) of the city code shall not apply to violations of this article."

Section 2. Uncodified Ordinance No. 2756 entitled "An Uncodified Ordinance of the City of Oxnard Prohibiting the Sale, Supply or Provision of Medical Marijuana within the City" is hereby repealed.

Section 3. Article XV of Chapter 11 of the Oxnard City Code is hereby added to read as follows:

"ARTICLE XV. MEDICAL CANNABIS DELIVERY

SEC. 11-390. DEFINITIONS.
The following definitions apply to this article:
(A) CANNABIS - All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, "cannabis" does not mean "industrial hemp" as defined by Health and Safety Code Section 11018.5.
(B) COLLECTOR - The city manager or designee.
(C) DELIVERY DRIVER - Any person who drives or operates a delivery vehicle for a delivery service by which medical cannabis is delivered.
(D) DELIVERY SERVICE - A person engaged in the business, whether for profit or nonprofit, of owning, controlling and/or operating one or more delivery vehicles which transport, carry, distribute, and/or deliver medical cannabis anywhere in the city.
(E) DELIVERY VEHICLE - A motor vehicle, as that term is defined in the California Vehicle Code, used for the transportation of medical cannabis.
(F) MEDICAL CANNABIS and MEDICAL CANNABIS PRODUCT – Cannabis or a cannabis product intended to be sold for use pursuant to applicable state regulations (including, but not limited, to the Compassionate Use Act of 1996 (Proposition 215), found at Health and Safety Code Section 11362.5) by a qualified patient.
(G) MEDICAL CANNABIS DELIVERY PERMIT and PERMIT - A permit issued pursuant to this article authorizing a medical cannabis dispensary to deliver medical cannabis and/or medical cannabis product within the city to a qualified patient or primary caregiver.

(H) DELIVERY DRIVER PERMIT – A permit issued pursuant to this article to a delivery driver who delivers medical cannabis and/or medical cannabis product within the city from a licensed medical cannabis dispensary that has a valid medical cannabis delivery permit.
(I) PERSON - Any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
(J) PRIMARY CAREGIVER – This term shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as that section now appears or may hereafter be amended or renumbered.
(K) QUALIFIED PATIENT – This term shall have the meaning set forth in California Health and Safety Code Section 11362.7 and also includes a person with an identification card as defined in that section as it now appears or may hereafter be amended or renumbered.

SEC. 11-391. PERMITS REQUIRED, COMPLIANCE WITH OTHER LAWS
(A) Deliveries of medical cannabis or medical cannabis product may only occur within the city if all of the following conditions exist:
(1) The delivery originates from a licensed medical cannabis dispensary that has a valid medical cannabis delivery permit issued by the city; and
(2) The delivery is conducted by a delivery driver who has a valid delivery driver permit issued by the City.
(3) The delivery is to a primary caregiver or qualified patient
(B) A business tax certificate shall be obtained pursuant to Section 11-4 of this code prior to issuance of a medical cannabis delivery permit. The issuance of a permit shall not eliminate compliance with any other requirements, including the requirement for another permit, certificate or clearance, imposed by any other local, state, or federal rule, regulation, or law.
(C) A medical cannabis delivery permit or delivery driver permit issued under this article is non-transferrable.
(D) Nothing in this article shall be construed to allow a delivery service to have a physical base of operation within the city.

SEC. 11-392. PERMIT EXCEPTION
A qualified patient or primary caregiver engaged in the transportation of medical cannabis for his or her own personal use is exempt from the requirement of obtaining a medical cannabis delivery permit.

SEC. 11-393. TERM; FEES
(A) Every delivery service shall first apply to the collector for a medical cannabis delivery permit and pay a permit application fee, an annual renewal fee, and any associated incidental fees.
(B) Every proposed delivery driver shall first apply to the collector for a delivery driver permit and pay a permit application fee, an annual renewal fee, and any associated incidental fees.
(C) All permits issued to delivery services and delivery drivers shall be valid for a term of one year.
(D) None of the fees established pursuant to this article may be prorated or refunded by the city to an applicant.
(E) All fees applicable to this article shall be as established by resolution of the city council.

SEC. 11-394. APPLICATION FOR MEDICAL CANNABIS DELIVERY PERMIT AND RENEWAL.

(A) Every application for a medical cannabis delivery permit shall be signed by the applicant and shall contain:

(1) Name and address of the applicant. If the applicant is a legal entity, such as a corporation, the application shall have names and address for the business and shall have an "active" status with the California Secretary of State of California, if applicable. The application shall also identify each person that owns 10 percent or more of the entity. Any applicant and recipient of a medical cannabis delivery permit shall have an obligation to continuously provide updated contact information.

(2) Valid driver's license(s) and driving record for all delivery drivers, and current registration for any and all delivery vehicle(s).

(3) The applicant shall present proof of their permit to operate a medical cannabis dispensary from the city or county in which the dispensary is located and shall present proof of required state license(s) issued by the state licensing authority as defined in Business and Professions Code Section 26010 as that section now appears or may hereafter be amended or renumbered.

(4) Whether the applicant has been cited or fined by any other city or a county for a violation of that city's or county's municipal code regulations concerning cannabis related uses or cannabis activities.

(5) All information required of applicants for a city business tax certificate.

(6) Proof of liability insurance and approval of Risk Management.

(B) All applicants shall submit to a background check as determined by the police chief.

SEC. 11-395. APPLICATION FOR DELIVERY DRIVER PERMIT AND RENEWAL.

(A) Every application for a delivery driver permit shall be signed by the applicant and shall contain:

(1) Name and address of the applicant.

(2) Copy of a valid driver's license and driving record.

(3) Whether the applicant has any of the following:

(i) A felony conviction, any other convictions involving theft, the manufacture, transportation, sale or possession of a controlled substance, or, within seven (7) years prior to the application (or renewal), any convictions involving driving under the influence of alcohol or drugs.

(ii) The requirement to register as a sex offender under the provisions of Penal Code Section 290 or has any convictions involving elder abuse.

(iii) Within three years immediately preceding the application submittal date (or renewal), whether the applicant has been under suspension, revocation or probation by the California Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving under the influence involving bodily injury or reckless driving involving bodily injury.

(iv) Within the past three years immediately preceding the application submittal date (or renewal), whether the applicant has been found responsible for a motor vehicle accident causing death or personal injury.

(v) Within the past one year immediately preceding the application submittal date (or renewal), whether the applicant has been involved in three or more motor vehicle accidents unless evidence shows that none of the accidents were caused by the applicant.

(B) All applicants shall submit to a background check as determined by the police chief.

SEC. 11-396. INVESTIGATION OF APPLICATION; DECISION AND NOTIFICATION.

(A) Each application shall be referred to the collector or designated department in the city for review.

(B) The collector shall notify the applicant in writing of a decision on an application. A decision on an application (or renewal) shall be to issue a valid medical cannabis delivery service permit (or renewal) or a valid delivery driver permit (or renewal) or deny the application and not issue a permit.

(C) A decision for denial of an application shall include the reasons therefor, and shall advise the applicant of the right to appeal. No permit shall be issued unless a successful appeal of the denial is made.

SEC. 11-397. SUSPENSION OR REVOCATION OF PERMIT.

(A) The collector shall give notice of its intention to revoke a medical cannabis delivery permit or a delivery driver permit. If there is an apparent risk to the general public's health, safety or welfare for the delivery service and/or the delivery driver(s) to continue operations pending a revocation hearing, the collector may immediately suspend the permit(s) and all rights and privileges thereunder until the hearing on revocation.

(B) The notice shall specify the reasons for the proposed revocation in sufficient detail so as to fully inform the delivery service and/or the delivery driver of the reasons which have caused the notice to be given, and if the permit has been suspended, the reasons for such suspension.

SEC. 11-398. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF MEDICAL CANNABIS DELIVERY PERMIT.

(A) A medical cannabis delivery permit (or renewal) may be denied, and an existing license may be revoked or suspended, if a delivery driver, permit holder, or applicant:

(1) Has knowingly made a false statement in a material matter either in his or her application (or renewal) or in any reports or other documents furnished by him or her to the city.

(2) Does not maintain and operate a delivery vehicle and other equipment in the manner and in the condition required by law and applicable state and city regulations.

(3) The applicant or any delivery driver has a felony conviction, any other convictions involving theft, the manufacture, transportation, sale or possession of a controlled substance, or, within seven (7) years prior to the application (or renewal), any convictions involving driving under the influence of alcohol or drugs.

(4) The applicant or any delivery driver is or has been required to register as a sex offender under the provisions of Penal Code Section 290 or has any convictions involving elder abuse.

(5) Within three years immediately preceding the application submittal date (or renewal), has been under suspension, revocation or probation by the California Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving under the influence involving bodily injury or reckless driving involving bodily injury.

(6) Within three years immediately preceding the application submittal date (or renewal), has been found responsible for a motor vehicle accident causing death or personal injury.

(7) Within one year immediately preceding the application submittal date (or renewal), has been involved in three or more motor vehicle accidents unless evidence shows that none of the accidents were caused by or the fault of the delivery driver, license holder, or applicant.

(8) Has failed to pay the required permit fees or remit city taxes.

(9) Has violated any provision of this article, any other provision of the city's code, or any state law concerning the regulation of cannabis.

(B) The grounds for denial identified above are based on the powers of the city under its general police power and obligation to protect and promote the public health, safety, and welfare. Nothing in this section shall preclude the police chief or other city or law enforcement official from providing grounds for the denial of an application, or a revocation or suspension of an existing permit, based on relevant facts and circumstances that affect the ability of a delivery driver or delivery service to comply with this article.

(C) The decision to permanently revoke or temporarily suspend a permit shall be at the discretion of the collector based on the underlying circumstances.

SEC. 11-399. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF DELIVERY DRIVER PERMIT.

(A) A delivery driver permit (or renewal) may be denied, and an existing license may be revoked or suspended, if the permit holder or applicant:

(1) Has knowingly made a false statement in a material matter either in his or her application (or renewal) or in any reports or other documents furnished by him or her to the city.

(2) The applicant or delivery driver has a felony conviction, any other convictions involving theft, the manufacture, transportation, sale or possession of a controlled substance, or within seven (7) years prior to the application, or any convictions involving driving under the influence of alcohol or drugs.

(3) The applicant or delivery driver is or has been required to register as a sex offender under the provisions of Penal Code Section 290 or has any convictions involving elder abuse.

(4) Within three years immediately preceding the application submittal date (or renewal), the applicant or delivery driver has been under suspension, revocation or probation by the California Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving under the influence involving bodily injury or reckless driving involving bodily injury.

(5) Within three years immediately preceding the application submittal date (or renewal), the applicant or delivery driver has been found responsible for a motor vehicle accident causing death or personal injury.

(6) Within one year immediately preceding the application submittal date (or renewal), the applicant or delivery driver has been involved in three or more motor vehicle accidents unless evidence shows that none of the accidents were caused by or the fault of the delivery driver, license holder, or applicant.

(7) The applicant or delivery driver has violated any provision of this article, any other provision of the city's code, or any state law concerning the regulation of cannabis.

(B) The grounds for denial identified above are based on the powers of the city under its general police power and obligation to protect and promote the public health, safety, and welfare. Nothing in this section shall preclude the police chief or other city or law enforcement official from providing grounds for the denial of an application, or a revocation or suspension of an existing permit, based on relevant facts and circumstances that affect the ability of a delivery driver to comply with this article.

(C) The decision to permanently revoke or temporarily suspend a permit shall be at the discretion of the collector based on the underlying circumstances.

SEC. 11-400. APPEAL OF DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF MEDICAL CANNABIS DELIVERY PERMIT OR DELIVERY DRIVER PERMIT.

(A) An appeal of the decision to deny an application or suspend or revoke a permit shall utilize the procedures and timelines set forth in Chapter 1, Article V of this code.

(B) Upon receiving a written appeal, a hearing shall be scheduled pursuant to the procedures set forth in Section 1-58. The purpose of the hearing is for the applicant to state any reasons why the permit should not be denied, suspended or revoked.

(C) The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative hearing and be deemed a failure to exhaust administrative remedies.

SEC. 11-401. DELIVERY SERVICE REGULATIONS

(A) Each delivery service shall comply with all local and state laws, including those specified in Business and Professions Code Section 26090 as that section now appears or may hereafter be amended or renumbered.

(B) No delivery service or delivery driver shall deliver or authorize the delivery of any cannabis other than medical cannabis to a qualified patient or primary caregiver.

(C) Each delivery service shall maintain a written record of every request for medical cannabis, including the name of the requestor, whether they are a qualified patient or primary caregiver, the address for the delivery, the quantity and type of cannabis requested, the date and time the delivery request is received, the delivery vehicle that is assigned to make the delivery, and the delivery driver who is assigned to make the delivery.

(D) All orders shall be securely packaged and labelled by name of the qualified patient. Each delivery service shall assure that every delivery driver shall have a copy of the record of the delivery request during the delivery of any medical cannabis in the city.

(E) Whenever a delivery vehicle is making a delivery pursuant to this article, no delivery service shall permit any person other than a delivery driver with a permit issued in accordance with this article, to operate its delivery vehicles in the city. All delivery drivers shall maintain a copy of the current permits within the delivery vehicle.

(F) A delivery driver may possess no more than 8 ounces of dried cannabis. These limits may be adjusted in accordance with paragraph Q of this section.

(G) Delivery drivers shall be at least 21 years of age and have a delivery driver permit from the city.

(H) A list of the names and contact information of each delivery driver shall be maintained by the delivery service and updates shall be provided to the collector on a continual basis. The delivery service shall immediately provide the names and contact information of delivery drivers to the city upon request.

(I) Each delivery vehicle shall display a city business tax certificate vehicle. A list of all delivery vehicles shall be maintained by the delivery service and updates shall be provided to the collector on a timely basis.

(J) Delivery drivers shall not have more than $2,500 in cash on their person or in a delivery vehicle at any time.
(K) Cannabis shall be secured in a locked container in the delivery vehicle and shall not be accessible while the delivery vehicle is being driven.
(L) Each delivery service shall maintain accurate records of cannabis activity as required by Business & Professions Code Section 26160 as that section now appears or may hereafter be amended or renumbered.
(M) Each delivery service shall pay all applicable state and local taxes for the delivery of medical cannabis within the city.
(N) Delivery vehicles shall not advertise any commercial cannabis activity nor shall it advertise the name of the dispensary.
(O) Deliveries shall be directly to the residence or business address of the qualified patient or that person's primary caregiver, and shall not be delivered to any other location within the city. Deliveries made pursuant to this article shall not include the delivery of any non-medical cannabis product.
(P) Deliveries shall occur only between the hours of 8:00 a.m. and 8:00 p.m.
(Q) The city manager is delegated authority to enact administrative policies consistent with this ordinance.

SEC. 11-402. INSURANCE AND HOLD HARMLESS REQUIREMENTS.
(A) No medical cannabis delivery permit shall be issued until the applicant first files with the city a certificate of insurance, on a form acceptable by the city. The certificate shall provide evidence of insurance in amounts and with conditions acceptable to the city.
(B) Each delivery service shall, and by acceptance of the permit does agree to indemnify, defend, and hold harmless the city, its officers, agents and employees from any and all damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of the delivery service's operations.

SEC. 7-403. ENFORCEMENT.
(A) The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.
(B) A violation of any section of this article and any use or condition caused, or permitted to exist, in violation of any provision of this article shall be, and hereby is declared to be, a public nuisance and may be abated by the city."

Section 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Section 6. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary to be published with fifteen (15) calendar days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk in accordance with Government Code Section 36933(a). Ordinance No. 2938 was first read on April 3, 2018, and finally adopted on April 10, 2018, to become effective thirty days thereafter.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 10th day of April, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____
Tim Flynn, Mayor

ATTEST:

____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

____
Stephen M. Fischer, City Attorney

CITY OF OXNARD CALIFORNIA	CITY COUNCIL AGENDA REPORT	**TYPE OF ITEM: Info/Consent** **AGENDA ITEM NO.: 2**

DATE: April 10, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Adoption of Ordinance No. 2938 - Host Liability Fireworks Ordinance.

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, 385-7483

RECOMMENDATION:

That City Council adopt Ordinance No. 2938 (read by title only, waiving further reading) amending Section 7-147.1 of Article XIII of Chapter 7 of the Oxnard City Code, establishing host liability for fireworks violations.

BACKGROUND

This agenda item is for the adoption of the ordinance establishing host liability for fireworks violations that was introduced by the City Council at the meeting of April 3, 2018. At that meeting the City Council approved the introduction and first reading by title only of the ordinance.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

FINANCIAL IMPACT

None.

ATTACHMENTS:

Attachment A- Fireworks Ordinance 2938 - Adoption

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 7-147.1 OF THE CITY CODE CONCERNING FIREWORKS

WHEREAS, Article XI, Section 7 of the California Constitution provides that the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Health and Safety Code Section 12541 authorizes the City Council to establish local firework regulations; and

WHEREAS, the City Council wishes to amend its regulations to make homeowners and tenants responsible for fireworks violations that occur on their property.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-147.1 of Article XIII of Chapter 7 of the Oxnard City Code is hereby amended to read as follows:

“SEC. 7-147.1. FIREWORKS.

(A) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

(1) DANGEROUS FIREWORKS shall be defined as set forth in Cal. Health and Safety Code section 12505, as such definition may be amended from time to time by the California Legislature.

(2) FIREWORKS shall be defined as set forth in Cal. Health and Safety Code section 12511, as such definition may be amended from time to time by the California Legislature.

(B) Prohibition.

(1) Except as authorized by the fire chief in accordance with the currently adopted California Fire Code, no person shall sell, offer to sell, use or have in his or her possession within the city any fireworks or dangerous fireworks.

(2) Except as authorized by the fire chief in accordance with the currently adopted California Fire Code, no property owner or tenant shall allow or permit the sale, offer to sell, use or possession of fireworks on their property when the property owner or tenant knows or should know of the sale, offer to sell, use or possession of fireworks at the property.

(C) Violation. Any person violating a provision of division (B) of this section shall be subject to a fine in accordance with article III of chapter 7 of this code or is guilty of a misdemeanor."

Part 2. The foregoing recitals are true and correct.

Part 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 4. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary to be published with fifteen (15) calendar days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk in accordance with Government Code Section 36933(a). Ordinance No. 2938 was first read on April 3, 2018, and finally adopted on April 10, 2018, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

____
Tim Flynn, Mayor

ATTEST:

____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

____
Stephen M. Fischer, City Attorney

CITY OF OXNARD CALIFORNIA	**CITY COUNCIL** **AGENDA REPORT**	**TYPE OF ITEM: Info/Consent** **AGENDA ITEM NO.: 3**

DATE: April 10, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Tickets and Passes Distribution Policy.

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, 385-7483

RECOMMENDATION:

That the City Council adopt a resolution establishing a tickets and passes distribution policy consistent with FPPC regulation.

BACKGROUND

The California Fair Political Practices Commission ("FPPC") section 18944.1 of the California Code of Regulations ("Regulations") establishes regulations regarding the distribution of tickets or passes by a public agency to its officials. Agency officials include any member, officer, employee or consultant of the City, as defined in Government Code Section 82048.

Section 18944.1 sets forth the conditions under which a ticket or pass provided to an agency official will not be treated as a "gift" under the California Political Reform Act of 1974 and FPPC regulations. It also requires the agency to adopt a policy governing ticket and pass distribution and to post information on its website for each ticket that it distributes to any agency official on the FPPC's Form 802 (the "Form").

The Form is used by state and local government agencies to disclose detailed information about the distribution of tickets and passes, including the identity of persons who receive the tickets and passes and the public purpose of each ticket distribution.

The enumerated public purposes proposed under the Policy are consistent with those adopted by nearly 50 other public agencies whose policies are posted on the FPPC website. Those public purposes include:

1. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.

2. Promotion of City resources available to City residents.

3. Promotion of City-operated, sponsored or supported community programs.

4. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.

5. Promotion of City facilities available for City residents' use.

6. Promotion of City tourism on a local, state, national or worldwide scale.

7. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.

8. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.

9. Promotion of the improvement of inter-governmental relations.

10. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.

11. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.

12. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.

13. Recognizing contributions made to the City by former or current City Council members or other City employees.

The following tickets and passes are exempt from this Policy: those received by a City Official directly from a third party that the City Official uses to perform a ceremonial role or function on behalf of the City; those received by a City Official from the City where the City Official treats and reports the value of the ticket or pass as income consistent with applicable state and federal income tax laws and the ticket is reported as income to the City Official on the FPPC Form 802;

and those that the City Official purchases or reimburses the City for the face value of the ticket or pass.

The Policy prohibits earmarking, reimbursement, sale, and transferring of tickets or passes.

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

None.

ATTACHMENTS:

Attachment A: Tickets and Passes Distribution Policy Resolution

Attachment B: Form 802

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING A TICKETS AND PASSES DISTRIBUTION POLICY

WHEREAS, under section 18944.1 of Title 2 of the California Code of Regulations (“Regulations”), tickets and passes are those that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the City of Oxnard (the “City”) desires to ensure that any ticket or pass provided to the City by any third party or obtained directly by the City shall be distributed to City Officials in a manner that serves or promotes a public purpose of the City; and

WHEREAS, under section 18944.1 of the Regulations, tickets and passes are not considered gifts to public officials if the City distributes said tickets and passes in accordance with a duly adopted written policy consistent with section 18944.1.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

Part 1. The City Council hereby adopts the following “Tickets and Passes Distribution Policy” attached hereto as Exhibit A.

PASSED AND ADOPTED THIS 10th day of April, 2018, 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

Exhibit A

PURPOSE

The purpose of this Policy is to ensure that any ticket or pass provided to the City by any third party or obtained directly by the City shall be distributed to City Officials by the City Manager or his or her designee in a manner that serves or promotes a public purpose of the City of Oxnard (the "City").

DEFINITIONS

For purposes of this Policy, the following words, terms and phrases shall have the following meanings:

1. "City Official" shall mean any member, officer, employee or consultant of the City, as defined in Government Code Section 82048.

2. "City Venue" shall mean any facility owned, controlled or operated by the City.

3. "Gift" shall mean anything that is received by a City Official that the City Official did not provide consideration of equal or greater value for or that represents a rebate or discount that is not provided in the regular course of business to members of the public without regard to official status.

4. "Immediate family" shall mean a spouse, domestic partner or dependent child.

5. "Ticket" or "pass" shall mean any ticket, pass, etc. that provides admission to a facility, event, show, or performance for entertainment, amusement, recreation or other similar purpose.

6. "Third party" shall mean the source of any ticket or pass, other than the City.

ADMINISTRATION OF POLICY

The City Manager shall be responsible for administering this Policy.

TICKETS AND PASSES DISTRIBUTION POLICY

All tickets and passes provided to the City by a third party or otherwise obtained directly by the City shall be subject to the following provisions:

1. The City Manager or his or her designee shall document in writing the receipt of all tickets and passes provided to the City by a third party, or otherwise obtained directly by the City.

2. Tickets and passes shall only be provided to City officials by the City Manager or his or her designee for a legitimate public purpose of the City, as set forth in this Policy.

3. The City Manager or his or her designee shall decide, consistent with this Policy, which City Officials should be provided with a ticket or pass.

4. Within 30 days of distributing any ticket or pass pursuant to this Policy, the City Manager or his or her designee, shall complete and cause to be posted an FPPC Form 802 on the City's website.

LEGITIMATE PUBLIC PURPOSES

Any ticket or pass provided to a City Official by the City shall not constitute a gift if provided and used by the City Official for any of the following purposes:

1. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.

2. Promotion of City resources available to City residents.

3. Promotion of City-operated, sponsored or supported community programs.

4. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.

5. Promotion of City facilities available for City residents' use.

6. Promotion of City tourism on a local, state, national or worldwide scale.

7. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.

8. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.

9. Promotion of the improvement of inter-governmental relations.

10. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.

11. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.

12. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.

13. Recognizing contributions made to the City by former or current City Council members or other City employees.

EXEMPTIONS

The following tickets and passes shall be exempt from the provisions of this Policy:

1. A ticket or pass received by a City Official directly from a third party that the City Official uses to perform a ceremonial role or function on behalf of the City.

2. A ticket or pass received by a City Official from the City where the City Official treats and reports the value of the ticket or pass as income consistent with applicable state and federal income tax laws and the ticket is reported as income to the City Official on the FPPC Form 802.

3. A ticket or pass that the City Official purchases or reimburses the City for the face value of the ticket or pass.

PROHIBITIONS

1. Earmarking. No Ticket gratuitously provided to the City by an outside source and distributed to a City Official pursuant to this Policy shall be earmarked by the original source to a particular City Official.

2. Reimbursement and Sale. A City Official who receives a ticket or pass pursuant to this Policy shall not sell or receive reimbursement for the value of such ticket.

3. Transfer. A City Official who receives a ticket or pass pursuant to this Policy shall not transfer or sell the ticket or pass to any other person, except to a member of the City Official's immediate family solely for their personal use.

4. No Right to Tickets. The use of complimentary tickets or passes is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.

POSTING AND DISCLOSURE REQUIREMENTS

This Policy shall be posted on the City's website. The distribution of a ticket or pass pursuant to this Policy shall be posted on the City's website within thirty (30) days after the ticket or pass distribution and shall include the following information required under Section 18944.1 and FPPC Form 802:

1. The name of the recipient;
2. A description of the Event;
3. The date of the Event;
4. The face value of the ticket or pass;
5. The number of tickets or passes provided to each City Official; and
6. A description of the public purpose(s) under which the distribution was made, or alternatively, that the City Official is treating the ticket or pass as income.

Reset Page Print Form

Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

A Public Document

California Form 802

1. Agency Name

Date Stamp

For Official Use Onl

Division, Department, or Region *(if applicable)*

Designated Agency Contact *(Name, Title)*

Area Code/Phone Number | **E-mail**

☐ **Amendment** *(Must Provide Explanation in Part 3.)*

Date of Original Filing: ____________
(month, day, year)

2. Function or Event Information

Does the agency have a ticket policy? Yes ☐ No ☐

Face Value of Each Ticket/Pass $ ____________

Event Description: ____________
Provide Title/ Explanation

Date(s) ____/____/____ ____/____/____

Ticket(s)/Pass(es) provided by agency? Yes ☐ No ☐

If no: ____________
Name of Source

Was ticket distribution made at the behest of agency official Yes ☐ No ☐

If yes: ____________
Official's Name (Last, First)

3. Recipients

- **Use Section A to identify the agency's department or unit.**
- **Use Section B to identify an individual.**
- **Use Section C to identify an outside organization.**

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

B. Name of Individual *(Last, First)*	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*

C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

4. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.

Signature of Agency Head or Designee	Print Name	Title	*(month, day, year)*

Comment: ____________

Agency Report of:
Ceremonial Role Events and Ticket/Pass Distributions

California Form **802**

A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events, and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official s Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or to specific individuals.

Exception

FPPC This form is not required for admission provided to a school or university district official, coach, athletic directo , or employee to attend an amateur event performed by students of that school or university.

Reporting and Public Posting

Ticket Distribution Policies: An agency must post its ticket policy on its website within 30 days of adoption or amendment and e-mail a link of the website location to FPPC at form802@fppc.ca.gov.

Form 802: The use of the ticket or pass under the policy must be reported on Form 802 and posted on the agency's website within 45 days of distribution. A link to the website location of the forms must be e-mailed to FPPC at form802@fppc.ca.gov.

The FPPC will post on its website the link to each agency's policy and completed forms. It is not necessary to send an e-mail each time a new Form 802 is posted. It is only necessary to submit the link if the posting location changes.

This form must be maintained as a public document.

Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

Instructions

Part 1. Agency Identification
List the agency's name. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Function or Event Information:
Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the officia s name is also required. Use the comment field or an attachment to explain in full.

Part 3. Ticket Recipients:
This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

Section A. Report tickets distributed to agency staff, other than an elected official or governing board membe , pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

Section B. Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

Section C. Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.

Reset Page   Print Form

Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions Continuation Sheet

California Form **802**

A Public Document

Agency Name

3. Recipients

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

B. Name of Individual *(Last, First)*	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*

C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

CITY OF OXNARD CALIFORNIA	**CITY COUNCIL** **AGENDA REPORT**	**TYPE OF ITEM: Info/Consent** **AGENDA ITEM NO.: 4**

DATE: April 10, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Keith Brooks
IT Director

SUBJECT: Fifth Amendment to Tyler Technologies License Agreement.

CONTACT: Keith Brooks, IT Director
Keith.Brooks@Oxnard.org, 385-7597

RECOMMENDATION:

That City Council adopt the Fifth Amendment to the Standard Software License and Services Agreement with Tyler Technologies for the Public Safety 911 system to expand the eCitation module and extend the expiration date of the Agreement by an additional three years.

BACKGROUND

The City uses Tyler's suite of applications for the Public Safety 911 emergency system. Council approved the initial system installation and implementation through New World Systems' AEGIS software on June 28, 2011. Tyler acquired New World in 2015 and executed an amendment with the City on May 25, 2016 to automatically renew the licenses and maintenance agreement. In 2017, the City added the company's eCitation module to the system to provide 10 patrol officers with the ability to issue citations electronically. This system ensures information accuracy, by seamlessly integrating with the Law Enforcement Records Management Software (LERMS) and improving officer safety and process efficiency. With this Fifth Amendment to the Agreement, the Police Department will have licenses for an additional 25 patrol officers.

STRATEGIC PRIORITIES

This agenda item is a routine operational item and it also supports the Quality of Life strategy.

The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Objective 1d. Examine options for long term sustainability of public safety services to ensure an efficient and effective public safety service delivery model.

FINANCIAL IMPACT

The cost of implementing the City's 911 system under this agreement with Tyler Technologies has cost $5.9 million since 2011. This has included hardware cost and consulting fees for the installation of the system as well as the annual licensing and maintenance agreement for the system. The agreement covered under this Fifth Amendment will cost $84,657 for the 2017-18 year. This cost is paid through funds available in the OTS Traffic Enforcement Grant.

ATTACHMENTS:

Attachment A: Fifth Amendment to License Agreement

Document #: 1594-18A1B

FIFTH AMENDMENT TO LICENSE AGREEMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date"), by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 ("Tyler") and City of Oxnard, with offices at 251 South C Street, Oxnard, CA 93030 ("Client").

WHEREAS, Tyler and the Client are parties to a License Agreement with an effective date of June 28, 2011 (the "Agreement");

WHEREAS, Tyler and Client now desire to amend the Agreement;

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The software and/or services set forth in Exhibit 1 and 2 and associated services as noted in Schedule 1 to this Amendment are hereby added to the Agreement.

2. The following payment terms, as applicable, shall apply:

   a. *License Fees*: License fees are invoiced upon the Amendment Effective Date.
   b. *Maintenance and Support Fees*: *Maintenance and Support Fees*: Maintenance and support fees for the first annual term are included in the license fees. Subsequent maintenance and support fees, at Tyler's then-current rates, are invoiced annually in advance on the anniversary of the Amendment Effective Date.
   c. *Hosting Fees*: Hosting Fees for the Tyler Software identified on the Investment Summary are invoiced annually in advance on the Amendment Effective Date and will renew automatically for additional one (1) year terms at our then-current Hosting Services fee, unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term.
   d. *Third Party Software License Fees:* License fees for Third Party Software, if any, are invoiced when we make it available to you for downloading.

      Third Party Software Maintenance: The first year maintenance for the Third Party Software is invoiced when we make it available to you for downloading.

      Third Party Hardware: Third Party Hardware costs are invoiced upon delivery.

      Third Party Services: Third Party Services fees are invoiced upon delivery.
   e. *Expenses:* The service rates in the Investment Summary do not include travel expenses. Expenses will be billed as incurred and only in accordance with our then-current Business Travel Policy, plus a 10% travel agency processing fee. Our current Business Travel Policy is attached as Exhibit 3. Copies of receipts will be provided on an exception basis for an administrative fee. Receipts for mileage or miscellaneous items less than twenty-five dollars are not available.

3. The expiration date of the Agreement shall be changed to June 30, 2021.

4. The total not to exceed value of the Agreement shall be changed to $7,500,000 in order to validate the existing purchase order for the Tyler Public Safety/911 System and the addition of the eCitation module through the end of the expiration date of the Agreement amended herein.

5. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.

6. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Amendment as of the date of signature of the last party to sign as indicated on the following signature page.

Exhibit 1
Investment Summary

The following Investment Summary details the software, products, and services to be delivered by us to you under the Agreement. This Investment Summary is effective as of the Amendment Effective Date

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new world
a tyler public safety solution

Quoted By:	Daphne Barnes
Date:	2/9/2018
Quote Expiration:	7/22/2018
Quote Name:	Oxnard Police Dept. - Brazos software and hardware
Quote Number:	2018-23388
Quote Description:	Oxnard Police Dept. - Brazos software and hardware

Sales Quotation For
Oxnard Police Department
251 S C St
Oxnard , CA 93030-5789
Phone: 8053857608

Tyler Software and Related Services

Description	License	Impl Hours	Impl Cost	Module Total	Year One Maintenance
Brazos					
Brazos eCitation Rapid Extension Framework Software License (PDA) (25)	$20,000	0	$0	$20,000	$4,200
Brazos Hosting Fee	$0	0	$0	$0	$1,400
Sub-Total:	*$20,000*		*$0*	*$20,000*	*$5,600*
Less Discount:	*$0*		*$0*	*$0*	*$4,200*
TOTAL:	**$20,000**	**0**	**$0**	**$20,000**	**$1,400**

Third Party Hardware, Software and Services

Description	Quantity	Unit Price	Total Price	Unit Maintenance	Year One Maintenance
Zebra Acc-Printer ZQ250 Battery	25	$64	$1,600	$0	$0
Zebra Acc-Printer ZQ500 RW Quad Battery Charger	7	$302	$2,114	$0	$0
Zebra Acc-Printger ZQ520/RW420, Paper 36 Rolls per case	7	$92	$644	$0	$0
Zebra EVM, Acc-HH TC7X, MC67, US DC Line Cord, Multi Slot CRD (CBL-DC-382A1-01	5	$15	$75	$0	$0
Zebra EVM aaa- HH Tc70 Stylus-tethered 3 pack)	9	$26	$234	$0	$0
Zebra EVM Acc- HH TC7X 5 Bay Ethernet Cradle	5	$419	$2,095	$0	$0
Zebra EVM Acc-HH TC7X Battery	25	$55	$1,375	$0	$0
Zebra EVM Acc-HH TC7X MC67 US AC Line Cord (23844-00-00R)	5	$7	$35	$0	$0
Zebra EVM Acc-HH TC7XPower Supply Multi-Slot CRD (PWR-BGA12V108WOWW)	5	$57	$285	$0	$0
Zebra EVM HH TC 75	25	$1,357	$33,925	$0	$0

Zebra EVM Warranty TC75 3 year	25	$303	$7,575	$0	$0
ZQ52-AUE0000-00 Zebra Printer ZQ520	25	$588	$14,700	$0	$0
3rd Party Hardware Sub-Total:			*$64,657*		*$0*
3rd Party Software Sub-Total:			*$0*		*$0*
TOTAL:			**$64,657**		**$0**

Summary	**One Time Fees**	**Recurring Fees**
Total Tyler Software	$20,000	$5,600
Total Tyler Services	$0	
Total Other Costs	$0	
Total Third Party Hardware, Software and Services	$64,657	$0
Summary Total	**$84,657**	**$5,600**

Tyler Discount Detail

Description	License	License Discount	License Net	Maintenance
Brazos				
Brazos eCitation Rapid Extension Framework Software License (PDA)	$20,000	$0	$20,000	$4,200
Brazos Hosting Fee	$0	$0	$0	$1,400
Sub-Total:	*$20,000*	*$0*	*$20,000*	*$5,600*
	$20,000	**$0**	**$20,000**	**$5,600**

Exhibit 2
Additional Terms for Brazos Components

We will provide you with the Brazos components of Tyler Software indicated in the Investment Summary of your License and Services Agreement. The terms and conditions contained in this document only apply to our provision of those applications. Capitalized terms not otherwise defined will have the meaning assigned to such terms in your License and Services Agreement.

1. Additional Definitions. The following definitions shall apply to this Exhibit:

1.1. **"Brazos Components"** means the Brazos software components of Tyler Software identified in the Investment Summary.

1.2. **"Hosting Services"** means the hosting services Tyler will provide for the Brazos Components for the fees set forth in the Investment Summary. Terms and Conditions for the Hosting Services are set forth in this exhibit.

1.3. **"SLA"** means the service level agreement applicable to the Hosting Services for the Brazos Components. A copy of Tyler's current SLA is attached hereto as Schedule 1 to this exhibit.

1.4. **"Third Party Services"** means the services provided by third parties, if any, identified in the Investment Summary.

2. Hosting Terms for Brazos Components.

2.1. We will either host or engage Third Party Services in order to host the Brazos Components set forth in the Investment Summary for the fees set forth therein. You agree to pay those fees according to the terms of the Invoicing and Payment Policy. In exchange for those fees, we agree to provide the Hosting Services according to the terms and conditions set forth in this Exhibit, and the other applicable terms of the Agreement. If you fail to pay those fees, we reserve the right to suspend delivery of the applicable Hosting Services after advance written notice to you of our intention to do so.

2.2. In our sole discretion, we may elect to migrate the Hosting Services to a replacement system (including our own) and will undertake reasonable efforts to complete such transfer during maintenance windows as set forth in the SLA. We will undertake reasonable efforts to provide you with advance written notice of any such transfer. You agree to provide all reasonable assistance and access in connection with any such transfer. In the event the Brazos Components are transferred to our data center and we provide hosting services directly to you, the terms of the SLA will also apply.

2.3. The initial term for the Hosting Services is one (1) year. Thereafter, the term will renew automatically for additional one (1) year terms, unless terminated by either party at least thirty (30) days in advance of the upcoming renewal date.

2.4. Where applicable, we will perform or cause to have performed upgrades of the applications, hardware, and operating systems that support the Hosting Services. These upgrades are performed in commercially reasonable timeframes and in coordination with third-party releases and certifications. We will make available information on industry-standard minimum requirements and supported browsers for accessing the Hosting Services.

Exhibit 2
Schedule 1
Service Level Agreement

Agreement Overview

This SLA outlines the information technology service levels that we will provide to you to ensure the availability of the Hosting Services that you have requested us to provide. All other support services are documented in the applicable Support Call Process. All defined terms not defined below have the meaning set forth in the Agreement.

Definitions

Attainment: The percentage of time a service is available during a billing cycle, with percentages rounded to the nearest whole number.

Client Error Incident: Any service unavailability resulting from your applications, content or equipment, or the acts or omissions of any of your service users or third-party providers over whom we exercise no control.

Downtime: Those minutes during which the applicable software products are materially unavailable for your use. Downtime does not include those instances in which only a Defect is present.

Service Availability: The total number of minutes in a billing cycle that a given service is capable of receiving, processing, and responding to requests, excluding maintenance windows, Client Error Incidents and Force Majeure.

Service Availability

The Service Availability of the applicable software products is intended to be 24/7/365. We set Service Availability goals and measures whether we have met those goals by tracking Attainment.

Client Responsibilities

Whenever you experience Downtime, you must make a support call according to the procedures outlined in the applicable Support Call Process exhibit. You may escalate through the hosting hotline. You will receive a support incident number. Any Downtime is measured from the time we intake your support incident.

To track attainment, you must document, in writing, all Downtime that you have experienced during a billing cycle. For purposes of this Service Level Agreement, billing cycle shall be based on each calendar quarter. You must deliver such documentation to Tyler within thirty (30) days of a billing cycle’s end.

The documentation you provide must substantiate the Downtime. It must include, for example, the support incident number(s) and the date, time and duration of the Downtime(s).

Tyler Responsibilities

When our support team receives a call from you that a Downtime has occurred or is occurring, we will work with you to identify the cause of the Downtime (including whether it may be the result of a Client Error Incident or Force Majeure). We will also work with you to resume normal operations.

Upon timely receipt of your Downtime report, outlined above, we will compare that report to our own outage logs and support tickets to confirm that a Downtime for which Tyler was responsible indeed occurred.

We will respond to your Downtime report within thirty (30) days of receipt. To the extent we have confirmed Downtime for which we are responsible, we will provide you with the relief set forth below.

Client Relief

When a Service Availability goal is not met due to your confirmed Downtime, we will provide you with relief that corresponds to the percentage amount by which that goal was not achieved, as set forth in the Client Relief Schedule below.

Notwithstanding the above, the total amount of all relief that would be due under this SLA will not exceed 5% of the fee for any one billing cycle. Issuing of such credit does not relieve us of our obligations under the Agreement to correct the problem which created the service interruption. A correction may occur in the billing cycle following the service interruption. In that circumstance, if service levels do not meet the corresponding goal for that later billing cycle, your total credits will be doubled, with equal relief being provided in that later billing cycle.

<u>Client Relief Schedule</u>

Targeted Attainment	**Actual Attainment**	**Client Relief**
100%	98-99%	Remedial action will be taken at no additional cost to you.
100%	95-97%	Remedial action will be taken at no additional cost to you. 4% credit of fee for affected billing cycle will be posted to next billing cycle
100%	<95%	Remedial action will be taken at no additional cost to you. 5% credit of fee for affected billing cycle will be posted to next billing cycle

You may request a report from us that documents the preceding billing cycle's Service Availability, Downtime, any remedial actions that have been/will be taken, and any credits that may be issued. That report is available by contacting the hosting hotline through the support portal(s).

Applicability

The commitments set forth in this SLA do not apply during maintenance windows, Client Error Incidents, and Force Majeure.

We perform maintenance during limited windows that are historically known to be reliably low-traffic times. If and when maintenance is predicted to occur during periods of higher traffic, we will provide advance notice of those windows and will coordinate to the greatest extent possible with you. When maintenance is scheduled to occur, we will provide approximately two (2) weeks' advance written notice to the contact information that you supply on your notification form. When emergency maintenance is scheduled, you will receive an email at that same contact point.

Force Majeure

You will not hold us responsible for meeting service levels outlined in this SLA to the extent any failure to do so is caused by Force Majeure. In the event of Force Majeure, we will file with you a signed request that said failure be excused. That writing will include the details and circumstances supporting our request for relief with clear and convincing evidence pursuant to this provision. You will not unreasonably withhold your acceptance of such a request.

Exhibit 3
Business Travel Policy

1. Air Travel

   A. Reservations & Tickets

   Tyler's Travel Management Company (TMC) will provide an employee with a direct flight within two hours before or after the requested departure time, assuming that flight does not add more than three hours to the employee's total trip duration and the fare is within $100 (each way) of the lowest logical fare. If a net savings of $200 or more (each way) is possible through a connecting flight that is within two hours before or after the requested departure time and that does not add more than three hours to the employee's total trip duration, the connecting flight should be accepted.

   Employees are encouraged to make advanced reservations to take full advantage of discount opportunities. Employees should use all reasonable efforts to make travel arrangements at least two (2) weeks in advance of commitments. A seven (7) day advance booking requirement is mandatory. When booking less than seven (7) days in advance, management approval will be required.

   Except in the case of international travel where a segment of continuous air travel is six (6) or more consecutive hours in length, only economy or coach class seating is reimbursable. Employees shall not be reimbursed for "Basic Economy Fares" because these fares are non-refundable and have many restrictions that outweigh the cost-savings.

   B. Baggage Fees

   Reimbursement of personal baggage charges are based on trip duration as follows:

   - Up to five (5) days = one (1) checked bag
   - Six (6) or more days = two (2) checked bags

   Baggage fees for sports equipment are not reimbursable.

2. Ground Transportation

   A. Private Automobile

   Mileage Allowance – Business use of an employee's private automobile will be reimbursed at the current IRS allowable rate, plus out of pocket costs for tolls and parking. Mileage will be calculated by using the employee's office as the starting and ending point, in compliance with IRS regulations. Employees who have been designated a home office should calculate miles from their home.

   B. Rental Car

   Employees are authorized to rent cars only in conjunction with air travel when cost, convenience, and the specific situation reasonably require their use. When renting a car for Tyler business, employees should select a "mid-size" or "intermediate" car. "Full" size cars may be rented when three or more employees are traveling together. Tyler carries leased vehicle coverage for business car rentals; except for employees traveling to Alaska and internationally (excluding Canada), additional insurance on the rental agreement should be declined.

C. Public Transportation

Taxi or airport limousine services may be considered when traveling in and around cities or to and from airports when less expensive means of transportation are unavailable or impractical. The actual fare plus a reasonable tip (15-18%) are reimbursable. In the case of a free hotel shuttle to the airport, tips are included in the per diem rates and will not be reimbursed separately.

D. Parking & Tolls

When parking at the airport, employees must use longer term parking areas that are measured in days as opposed to hours. Park and fly options located near some airports may also be used. For extended trips that would result in excessive parking charges, public transportation to/from the airport should be considered. Tolls will be reimbursed when receipts are presented.

3. Lodging

Tyler's TMC will select hotel chains that are well established, reasonable in price, and conveniently located in relation to the traveler's work assignment. Typical hotel chains include Courtyard, Fairfield Inn, Hampton Inn, and Holiday Inn Express. If the employee has a discount rate with a local hotel, the hotel reservation should note that discount and the employee should confirm the lower rate with the hotel upon arrival. Employee memberships in travel clubs such as AAA should be noted in their travel profiles so that the employee can take advantage of any lower club rates.

"No shows" or cancellation fees are not reimbursable if the employee does not comply with the hotel's cancellation policy.

Tips for maids and other hotel staff are included in the per diem rate and are not reimbursed separately.

Employees are not authorized to reserve non-traditional short-term lodging, such as Airbnb, VRBO, and HomeAway. Employees who elect to make such reservations shall not be reimbursed.

4. Meals and Incidental Expenses

Employee meals and incidental expenses while on travel status within the continental U.S. are in accordance with the federal per diem rates published by the General Services Administration. Incidental expenses include tips to maids, hotel staff, and shuttle drivers and other minor travel expenses. Per diem rates are available at www.gsa.gov/perdiem.

Per diem for Alaska, Hawaii, U.S. protectorates and international destinations are provided separately by the Department of Defense and will be determined as required.

A. Overnight Travel
For each full day of travel, all three meals are reimbursable. Per diems on the first and last day of a trip are governed as set forth below.

Departure Day

Depart before 12:00 noon	Lunch and dinner
Depart after 12:00 noon	Dinner

Return Day

Return before 12:00 noon	Breakfast
Return between 12:00 noon & 7:00 p.m.	Breakfast and lunch
Return after 7:00 p.m.*	Breakfast, lunch and dinner

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

The reimbursement rates for individual meals are calculated as a percentage of the full day per diem as follows:

- Breakfast 15%
- Lunch 25%
- Dinner 60%

B. Same Day Travel

Employees traveling at least 100 miles to a site and returning in the same day are eligible to claim lunch on an expense report. Employees on same day travel status are eligible to claim dinner in the event they return home after 7:00 p.m.*

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

5. Internet Access – Hotels and Airports

Employees who travel may need to access their e-mail at night. Many hotels provide free high speed internet access and Tyler employees are encouraged to use such hotels whenever possible. If an employee's hotel charges for internet access it is reimbursable up to $10.00 per day. Charges for internet access at airports are not reimbursable.

6. International Travel

All international flights with the exception of flights between the U.S. and Canada should be reserved through TMC using the "lowest practical coach fare" with the exception of flights that are six (6) or more consecutive hours in length. In such event, the next available seating class above coach shall be reimbursed.

When required to travel internationally for business, employees shall be reimbursed for photo fees, application fees, and execution fees when obtaining a new passport book, but fees related to passport renewals are not reimbursable. Visa application and legal fees, entry taxes and departure taxes are reimbursable.

The cost of vaccinations that are either required for travel to specific countries or suggested by the U.S. Department of Health & Human Services for travel to specific countries, is reimbursable.

Section 4, Meals & Incidental Expenses, and Section 2.b., Rental Car, shall apply to this section.

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CITY OF OXNARD CALIFORNIA	CITY COUNCIL AGENDA REPORT	**TYPE OF ITEM: Public Hearing** **AGENDA ITEM NO.: 1**

DATE: April 10, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Rosemarie Gaglione
Public Works Director

Rosemarie Gaglione

SUBJECT: Request for Well Permit - Rio Manor Mutual Water Company. (5/5/5)

CONTACT: Rosemarie Gaglione, Public Works Director
rosemarie.gaglione@oxnard.org, 385-8055

RECOMMENDATION:

That the City Council:

1. Hold a public hearing to consider the application from the Rio Manor Mutual Water Company for a well permit;

2. Find that, in accordance with Section 15303, Class 3 of the State California Environmental Quality Act (CEQA) Guidelines, there is no substantial evidence that the drilling and operation of the new well will have a significant effect on the environment, and thus this new well is exempt from further CEQA review; and

3. If satisfied that the drilling of the well and the operation thereof will not deplete or contaminate the City's water supply, adopt the resolution granting Well Permit No. 16-4881 to the Rio Manor Mutual Water Company, including the reasonable conditions to prevent depletion and contamination of the City's water supply and to protect the public health, safety and general welfare.

BACKGROUND

The Rio Manor Mutual Water Company (RMMWC) is a mutual water district located within the boundaries of the City of Oxnard (City). RMMWC provides water service to customers who own property within its designated service area consisting of approximately 300 connections (see attachment A). RMMWC relies exclusively on local groundwater as the sole source of supply to its customers. RMMWC is the only mutual water company within City boundaries that supplies water from its own wells. Three other mutual water companies within the City's boundaries purchase water from United Water Conservation District (United) and have emergency backup wells.

RMMWC groundwater is extracted from two wells that draw water from the Oxnard Forebay sub-basin (Forebay). Because of prolonged dry hydrologic conditions, RMMWC is no longer able to operate one of its water supply wells. The historically low water level in the Forebay creates vulnerability for the remaining well in RMMWC's system. This second well is at risk of failure due to its age.

The State Water Resources Control Board's Division of Drinking Water (DDW) expressed concern that the RMMWC community will be exposed to a potential public health risk if RMMWC does not replace the failed well or have a connection to an emergency water supply. If RMMWC's only functioning well were to fail, it would create a water and pressure loss to the RMMWC water supply system, and create a cross contamination from water connections. As a result, the State would be required to issue a boil water alert to the RMMWC customers. To mitigate these issues, RMMWC approached City staff with two requests: 1) a connection to the City's water system and 2) a well drilling permit to replace the RMMWC's failed well (for a total of two operational wells).

Although the City provides municipal water service to businesses and residences within and adjacent to the City, providing an emergency water supply connection to the RMMWC system cannot be accomplished easily and in a timely manner. This is because RMMWC currently uses disinfection chemicals that are not compatible with the disinfection chemicals used for the City's water supply and conversion to the City's disinfection system is more expensive than drilling a new well. Consequently, the blending of City and RMMWC water has the potential to create strong taste, odor, and water quality problems. Additionally, RMMWC would be required to have two connections to the City to avoid becoming a dead end system. RMMWC has reported that it is not able to absorb the estimated cost of the two connections. Finally, RMMWC could not use the connection long-term because of Calleguas Municipal Water District's (Calleguas) annexation requirements. Consequently, the City water supply would only be temporary, in the event that the RMMWC needs an emergency supply. (Note that both Calleguas and the Fox Canyon Groundwater Management Agency have agreed to permit a temporary water supply to RMMWC for emergencies.) Because of these issues, RMMWC has rescinded the emergency water supply connection request and is now only seeking a well permit from the City.

City Code Section 22-101 prescribes the following requirements of an applicant requesting a well drilling permit:

- Payment of an application fee of $1,000;

- Submission of the design and specifications for the proposed well;
- Submission of a map showing the proposed well location(s);
- Submission of a statement detailing which aquifer the applicant proposes to drill; and
- Submission of a statement acknowledging that aquifers affected must be replenished to the same extent as they are being depleted.

If all such requirements are met, Section 22-101 requires the City to mail notice of and hold a public hearing. The City Clerk mailed written notice to the applicant of the time and date of the public hearing. Notification of the public hearing was also published in the Vida newspaper on March 29, 2018, as required. Thus, the City is holding this public hearing.

At this hearing, the applicant and other interested parties may present sworn testimony pertaining to the application. The Council may continue the hearing to a future date to obtain additional information. The City Council then has two choices: 1) the Council may approve the application if the Council is satisfied that drilling of the well and the operation thereof will not deplete or contaminate the City's water supply; or 2) the Council may disapprove the application if the Council is not satisfied that drilling of the well and the operation thereof will not deplete or contaminate the City's water supply.

If the City Council grants a permit for the well, the Council may impose reasonable conditions on that permit to prevent depletion and contamination of the City's water supply and to protect the public health, safety and general welfare of the population. Staff developed the attached resolution granting the permit, and the conditions listed are intended to protect both the City's water supply and the public health and safety. As is the case with other discretionary approvals, if the Council decides to adopt the resolution granting the permit, the Council may opt to remove conditions it deems unnecessary or inappropriate and the Council may amend and/or add any conditions with a nexis to the impact of the new well.

Please note the applicant inadvertently identified the incorrect parcel number on one its application documents to the Fox Canyon Groundwater Management Agency (FCGMA). The correct parcel number is identified on the FCGMA well permit application dated September 23, 2016, and on the attached resolution.

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

None. This item does not require an expenditure nor appropriation of funds.

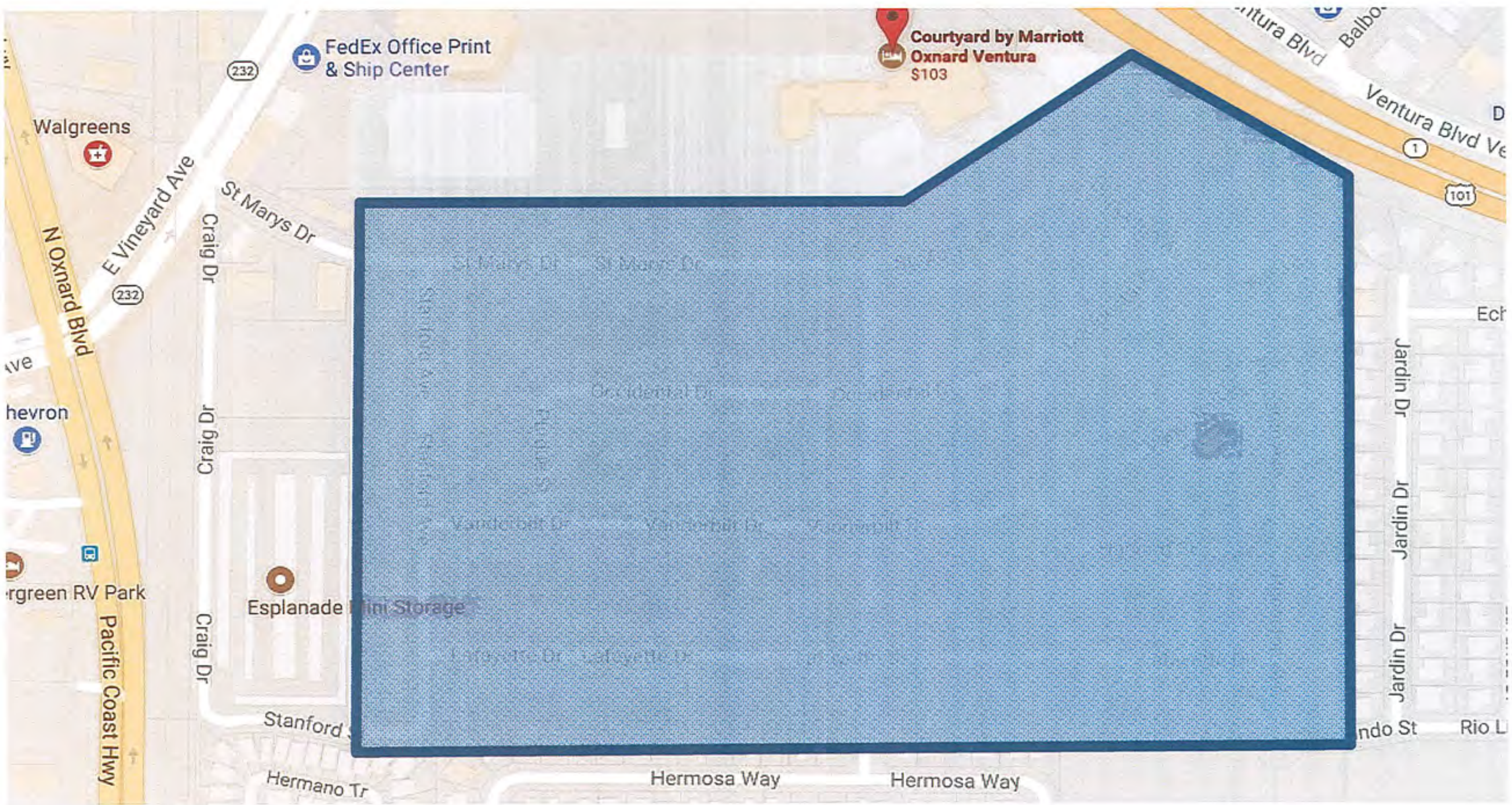
ATTACHMENTS:

Attachment A - Rio Manor Mutual Water Company Service Area Map

Attachment B - Resolution

Attachment C - Permit Application

Rio Manor Mutual Water Company Service Area



RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD GRANTING A WELL PERMIT TO THE RIO MANOR MUTUAL WATER COMPANY

WHEREAS, the Rio Manor Mutual Water Company ("Permittee") is a mutual water district located within the boundaries of the City of Oxnard ("City");

WHEREAS, the Permittee provides water service to 295 residential service connections that serve potable water to approximately 800 City residents;

WHEREAS, the Permittee's only source of supply for its customers is from two groundwater wells that extract water from the aquifer known as the Oxnard Forebay;

WHEREAS, the Permittee owns two abutting properties, one located at 141 St. Mary's Drive, Oxnard, California 93036, Assessor's Parcel Number 142-0-041-145 ("Well Property") and another located at 131 St. Mary's Drive, Oxnard, California 93036, Assessor's Parcel Number 142-0-041-135 ("Neighboring Property");

WHEREAS, the prolonged drought and its impact to the hydrologic condition of the Oxnard Forebay resulted in the failure of one of the Permittee's wells, which is State Well Number 02N22W27L01S ("Failed Well"), located on the Well Property;

WHEREAS, in order to ensure safe and uninterrupted service to its customers the Permittee desires to replace the Failed Well with a new well ("New Well") located on the Well Property approximately twenty (20) feet to the south of the Failed Well;

WHEREAS, within ninety (90) calendar days following the completion of the New Well, the Permittee will abandon the Failed Well;

WHEREAS, the New Well will not result in increased capacity as the Permittee will continue to be supplied through just two (2) water wells;

WHEREAS, Oxnard City Code Section 22-101(A) requires anyone other than the City's Water Division to obtain a permit prior to the drilling, digging, sinking or deepening into another aquifer of any water well within the City;

WHEREAS, in compliance with Oxnard City Code Section 22-101(A), the Permittee submitted the required application fee to the Water Division and filed an application setting forth: the design and specifications for the New Well; a map showing its proposed location; a statement showing the aquifer into which the Permittee proposes to drill the well; a statement of the exact circumstances under which the water superintendent believes that the Water Division is unable to furnish the required water service; and a statement that there would be new or increased use of groundwater; and

WHEREAS, in accordance with Oxnard City Code Section 22-101(B), the City Council held a public hearing on a well permit application on April 10, 2018; and

WHEREAS in accordance with Oxnard City Code Section 22-101(B), the City Clerk mailed written notice of time, date and place of this public hearing to the Permittee on March 26, 2018, which is not less than ten days prior to the date hereof; and

WHEREAS, if the City Council grants a well drilling permit as prescribed by Oxnard City Code Section 22-101, the Council may impose thereon reasonable conditions to prevent depletion and contamination of the City's water supply and to protect the public health, safety and general welfare, including but not limited to a prohibition against operation of the well during periods when an overdraft of the aquifer exists.

NOW, THEREFORE, BASED ON SUBSTANTIAL EVIDENCE, THE CITY COUNCIL OF THE CITY OF OXNARD HEREBY FINDS:

Section 1: That the recitals set forth above are true and correct and incorporated in this Resolution as if set forth in full.

Section 2: That, in accordance with Section 15303, Class 3 of the State California Environmental Quality Act (CEQA) Guidelines, projects involving the new construction or conversion of small structures may be found to be exempt from the requirements of CEQA. The construction of the New Well and abandonment of the Failed Well (collectively, "Project") includes the drilling of a new water well to replace an existing water well, with no expanded capacity from the facility. The size of the New Well is twelve (12) inches thus, this is a small structure. Therefore, there is no substantial evidence that the Project will have a significant effect on the environment, and the Council finds this Project exempt from further CEQA review.

THUS, THE CITY COUNCIL OF THE CITY OF OXNARD HEREBY RESOLVES, DETERMINES AND ORDERS:

Section 2. That the application is hereby approved, and therefore Water Well Permit No. 16-4881 ("Permit") is hereby issued, for the Project on the Well Property, contingent upon all of the following conditions of approval:

1) The Permit is valid for thirty (30) calendar days from the date of adoption of this Resolution. Both the Development Services Department and the Water Division of the Public Works Department shall consider any request for time beyond this deadline, and both the Development Services Department and the Water Division of the Public Works Department must approve such extension in writing for the extension to be valid.

2) At least ten (10) calendar days prior to commencement of any construction activities on the Well Property, the Permittee shall provide a written schedule for abandonment of the Failed Well, which shall occur within ninety (90) calendar days of completion of the New Well. The City Engineer, at his or her sole discretion, may extend this deadline if the City Engineer finds good cause and his or her extension is in writing;

however, in no case shall the abandonment deadline extend beyond one (1) year from completion of the New Well.

3) The date on the letter received by the California State Water Resources Control Board ("SWRCB") approving the New Well shall be the date of completion. Within ten (10) calendar days of receipt of the SWRCB's letter, the Permittee shall send a copy of that letter to the Water Division.

4) The Permittee may store construction equipment on the Neighboring Property during any construction phase of this Project, which in any case shall end with the abandonment of the Failed Well.

5) The Permittee shall ensure all activities related to this Permit, and all materials and equipment used in or stored for use on the New Well or the Failed Well, shall occur on either the Well Property or the Neighboring Property and shall not encroach into any public right of way.

6) At least ten (10) calendar days prior to commencement of any construction on the Well Property, the Permittee shall notice all property owners within three hundred (300) feet of the Well Property of all anticipated Project activities. Such notice shall include the activities that will occur onsite, the times that activities will occur, and the name and phone number of a contact person who will be available throughout the duration of the construction activities. A copy of all notices, complaints and responses shall be submitted to Development Services at the same time notices or responses are provided to potential affected parties and within five (5) calendar days of the date a complaint is made; Permittee shall submit any other correspondence with those property owners, as requested by Development Services.

7) The Permittee shall ensure a copy of this entire Resolution is maintained onsite and shall be made available upon request by any person or entity.

8) The Permittee shall pay all costs and fees for the Project, including but not limited to paying the City in advance for the County Recorder's Office fee to file a CEQA Notice of Exemption.

9) The Permittee shall comply with these Permit conditions and all applicable federal, State, and local laws and regulations, including but not limited to obtaining all necessary Permit approvals. Permittee shall provide the Water Division with all requested documentation (e.g., copies of permits or agreements from other agencies) to verify that the Permittee has obtained or satisfied all applicable federal, State, and local entitlements and conditions that pertain to the Project.

10) The Permittee shall design, maintain, and operate the Well Property, the Neighboring Property, and any facilities on either of these properties, in compliance with all applicable federal, State, and local laws and regulations. In the event of conflict

between various requirements, the more restrictive requirements shall apply. The condition most protective of public health, safety, and welfare shall prevail.

11) The Permittee shall comply with all requirements of the Municipal Separate Storm Sewer System (MS4) permit for all stormwater across Ventura County, as issued by the Los Angeles Regional Water Quality Control Board ("Water Board"), including but not limited to the requirements regarding preparation and implementation of a best management practices program for construction sites of less than one (1) acre to prevent sediment loss and the discharge of construction waste from the Well Property and Neighboring Property. The Permittee shall submit the Project to the Water Board for approval, and no construction may begin on the Project until the Water Board approves the Project.

12) At the Permittee's sole cost and expense and to the maximum extent allowed by law, the Permittee shall defend with competent defense counsel approved by the City Attorney, indemnify, and hold harmless the City, its elected and appointed officials, officers, employees, agents, successors, and assigns (collectively "Indemnitees") from and against any and all claims, demands, charges, obligations, damages (whether in contract or tort, including personal injury, death at any time, or property damage), causes of action, proceedings, suits, losses, stop payment notices, judgments, administrative rulings or orders, fines, liens, forfeitures, payment for diminution in value of surrounding property, including but not limited to the basins, subbasin, or aquifer, response costs as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), penalties, liabilities, costs and expenses of every kind and nature whatsoever, including consequential damages, attorneys' fees, experts' fees, and other related costs and expenses of litigation or arbitration (individually, a "Claim," or collectively, "Claims") in any manner arising out of, incident to, related to, in connection with or resulting from, in whole or in part, directly or indirectly, any Project material, equipment, or activity, including but not limited to the drilling, digging, sinking or deepening into another subbasin or aquifer of any water well within the City or construction of the New Well, the abandonment of the Failed Well, or any part of either of these; the City's approval of this Permit or other related permits; land failure, erosion, inundation, or wave attacks on the Well Property or on any property near or adjacent thereto; the tapping or penetrating of any subterranean water bearing gravel underlying the City; the failure to comply with any hazardous materials law or other statute, law, ordinance or other governing legal requirement; the failure to comply with any condition of this Permit; or the existence, use, misuse, maintenance or repair of that New Well by anyone. The Permittee shall promptly pay and satisfy any judgment, award or decree that may be rendered against Indemnitees in any such Claim. The Permittee shall reimburse Indemnitees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. The Permittee's obligation to defend and indemnify shall not by restricted to insurance proceeds, if any, received by the Permittee or Indemnitees. This indemnity shall apply to all Claims regardless of whether any insurance policies are applicable.

13) Prior to commencement of any construction activities, the Permittee shall provide the Water Division with the name, title, address, business and cell phone numbers, and email address of the onsite field agent who receives all communications regarding matters of condition and Code compliance related to the Project.

14) The Permittee shall ensure that the drilling of the New Well and the operation thereof will not deplete or contaminate the City's water supply. Should the Permittee learn that any contamination did or might have occurred, the Permittee shall notify the Water Division immediately but in any case within twenty-four (24) hours of when the Permittee learned of such contamination.

15) The Permittee shall immediately but in any case within twenty-four (24) hours of when the incident occurred notify the Water Division of any incidents related to the Project that could pose a hazard to life or property inside or outside the Well Property and Neighboring Property.

16) The Permittee shall conduct all drill site preparation, drilling and production operations in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors and in accordance with the best accepted practices for drilling a water well. The Permittee shall employ generally accepted and used technological improvements for reducing factors of nuisance and annoyance.

17) The Permittee shall conduct drilling, re-drilling and maintenance work on the Project with the use of portable equipment only. The Permittee shall remove all equipment used for such purposes from the Well Property and Neighboring Property within thirty (30) calendar days of the completion of the Project, after which such equipment shall not be stored on the site, unless a time extension is approved by both the Water Division and the Development Services Department.

18) Prior to commencement of any drilling activities, Permittee shall install sound attenuation measures (e.g., a sound barrier) along the southern and eastern property lines of the Well Property to minimize construction generated noise. The City Engineer shall approve in advance of such installation and in writing the location and design of said sound attenuation measures and shall ensure compliance with the City's Noise Ordinance (Oxnard City Code, Chapter 7, Article XI).

19) The Permittee shall ensure construction noise shall not exceed the following noise levels at the property line of the Well Property:

Time Period	Peak Noise Level
7:00 a.m. to 9:59 p.m.	55dBA
10:00 p.m. to 6:59 a.m.	50dBA

20) The Permittee shall install measures to ensure all Project generated light is directed downward and does not illuminate any properties within the adjacent R-1 neighborhood.

21) If the City receives a complaint about noise originating from the Well Property or the Neighboring Property, or otherwise related to the Project, the City Engineer may require a noise evaluation made by qualified noise experts at the Permittee's expense. Until such time as the City Engineer makes a determination regarding the validity of the complaint (after submission of the noise evaluation, if required), the Permittee shall take steps to minimize any ongoing noise, including but not limited to the cessation of:

    a. Hammering on pipe;
    b. Racking or making up of pipe;
    c. Acceleration;
    d. Acceleration of engines or motors;
    e. Drilling assembly rotational speeds that cause more noise than necessary and could be reasonably reduced by use of a slower rotational speed; and
    f. Picking up or laying down of drill pipe, casing, tubing or rods into or out of the drill hole.

22) The Permittee shall ensure that all construction equipment is maintained and tuned to the recommended manufacturer's specifications. (MND, C-1)

23) The Permittee shall provide for dust control at all times during the Project, including during property preparation and all construction activities. (B/DS, *PL-13*) During construction, the Permittee shall control dust by the following activities:
    a. The Permittee shall ensure all trucks hauling graded or excavated material offsite shall cover their loads as required by California Vehicle Code Section 23114, with special attention to subsections 23114(b)(2)(F), (e)(2) and (e)(4), regarding the prevention of such material spilling onto public streets and roads.
    b. The Permittee shall treat all graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, to prevent fugitive dust. Treatment shall include but not be limited to periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction, as appropriate. The Permittee shall water as often as necessary, and reclaimed water shall be used whenever possible. (MND, C-4)
    c. At all times during the Project, the Permittee shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)
    d. During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), the Permittee shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (MND, C-6)

24) The Permittee shall comply with the provisions of applicable Ventura County Air Pollution Control District (VCAPCD) Rules and Regulations, which include but are not limited to Rules 50 (Opacity), 51 (Nuisance) and 55 (Fugitive Dust). (MND, C-7)

25) The Permittee shall provide engineering and hydraulic design information to the City within ten (10) calendar days of acceptance of the City of the New Well.

26) City staff may conduct periodic inspections to ensure compliance with Permit conditions of approval. The Permittee shall ensure all of its employees, agents and contractors allow City staff on both the Well Property and the Neighborhood Property for this purpose.

<u>Section 3:</u> That the Interim City Manager, or designee, is hereby authorized to take such actions as are necessary and appropriate to issue this Permit, including but not limited to filing the CEQA Notice of Exemption.

<u>Section 4:</u> That this Resolution shall take effect immediately upon its adoption.

<u>Section 5:</u> That the City Clerk shall certify as to the adoption of this Resolution.

(Continued on next page)

PASSED, APPROVED and ADOPTED this ____ day of __________, 20___, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____
Tim Flynn, Mayor

ATTEST:

____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

____
Stephen M. Fischer, City Attorney

By signing below, the duly authorized employees of the Permittee state that they have, on behalf of the Permittee, thoroughly read, understood and had an opportunity to consult with an attorney regarding this Permit/Resolution, including all conditions of approval, and they represent that the Permittee agrees to comply with the Permit/Resolution in its entirety.

Name: __________________________	Name: _________________________
Title: __________________________	Title: __________________________
Signature: _______________________	Signature: _______________________
Date: ___________________________	Date: ___________________________

CITY OF OXNARD
WELL/BOREHOLE PERMIT APPLICATION
214 SOUTH C STREET, OXNARD, CA 93030

SEP 2016 Received Fox Canyon GMA

PERMIT NO. ____________

NAME OF WELL OWNER	OWNER MAILING ADDRESS (STREET, CITY, ZIP)	
RIO MANOR MUTUAL WATER CO	135 W. MAGNOLIA AVE. OXNARD CA 93030	
OWNER TELEPHONE NUMBER	**NAME OF WELL DRILLER**	**LICENSE NUMBER**
(805) 483-6312	PACIFIC COAST WELL DRILLING	57-9274000

I hereby agree to comply with all regulations pertaining to well construction, repair, modification and destruction. Within 30 days of completion of work, I will furnish the City of Oxnard Development Services Department with a complete and accurate log of the well. Any modification of this permit requires approval by the City Engineer. Call (805) 385-7925.

Applicant's Signature x Robert Erasmo **Date:** 9/6/16

☐ Owner ☐ Driller ☒ Consultant (Firm & Phone No.) ROBERT'S ASSOCIATED WATER INC. (805) 732-0475

Estimated Dates of Work: Start NOV 2016 Completion JAN 2017 Fax ( )

TYPE OF WORK (Check)		**USE** (Check)		**EQUIPMENT** (Check)		**WELL**	**PROPOSED CASING**	
Water Supply Well	☒	Public ☒	Domestic ☐	Air Rotary	☐	**DEPTH**	Steel 304 STAINLESS	☒
Repair or Modification	☐	Agricultural	☐	Mud Rotary	☒	400	PVC	☐
Destruction	☐	LUFT Invest/Clean-up	☐	Hollow Stem	☐	Feet	Other ______	☐
Monitoring (No.______)	☐	Assess/Leak Detect	☐	Cable Tool	☐	**DIAMETER**	Diameter 12"	☒
Borehole (No.______)	☐	Other ______	☐	Other ______	☐	**WELLBORE**	Wall or Gage .250	☒
Other ______	☐					20" Inches		

PROPOSED SEALING ZONES(S)	**SEALING MATERIAL** (Check)		**PERFORMATION OR SCREEN**
From____to____Ft. with____	Neat Cement ☒	Bentonite Clay ☐	From 180 to 400 Ft.
From____to____Ft. with____	Cement Grout ☐	Concrete ☐	From____to____Ft.
From____to____Ft. with____	(10 Sack/Yd Mix)	(6 Sack/Yd Mix)	From____to____Ft.

LOCATION

INDICATE BELOW THE EXACT LOCATION OF WELL WITH RESPECT TO THE FOLLOWING ITEMS: PROPERTY LINES, WATER BODIES OR WATER COURSES, DRAINAGE PATTERN, ROADS, EXISTING WELLS, SEWERS AND PRIVATE SEWAGE DISPOSAL SYSTEMS, INCLUDE DIMENSIONS. LIST ASSESSOR'S PARCEL NUMBER, THOMAS BROS. GUIDE NUMBER, STATE WELL NO. & QUAD NO.

SITE ADDRESS: 151 ST. MARYS DRIVE, OXNARD

SITE MAP ATTACHED ☒

STATE WELL NO. ____________ THOMAS BROS. GUIDE ____________

G:\FORMS\Civil Forms\Well Permit Application.xls 11/30/2009

CITY OF OXNARD
WELL PERMIT APPLICATION
214 SOUTH C STREET, OXNARD, CA 93030

Permit No. ____________

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CONDITIONS FOR NEW WATER WELLS:

____. Diameter of well borehole shall be at least 4 inches larger than outside diameter of casing, to the base of sealing.

____. (Neat Cement) (Cement Grout) (Concrete) annular sealing material shall be applied by means of a grout pipe places within 2 ft. of the base of the sealing zone from a depth of ________ ft. to ground surface.

____. A City Construction Services Inspector shall be present during placement of all sealing material. NOTE: 48-hour advance notice is required. Call (805) 797-0818, or ______________________________.

____. All work must be preformed by a well contractor licensed by the State of California, registered with the City of Oxnard, and having a current City Business License.

____. An Electric Log or Drilling Samples collected in 10 ft. intervals to a depth of ________ ft. shall be inspected by a Construction Services Inspector to determine sealing requirements. Call (805) 797-0818, or ______________________________.

____. A completed well log on a California Department of Water Resources (DWR) Drillers Report Form shall be submitted to the following agencies within 30 days of well completion.

MAIL TO:

1) City of Oxnard
Development Services Dept.
214 South C Street
Oxnard, CA 93030

2) Ventura County
Water Protection District
800 South Victoria Ave
Ventura, CA 93009-1600
Attn: Barbara Council

3) United Water Conservation District
106 North 8th Street
Santa Paul, CA 93060
Attn: Dan Detmer

OTHER CONDITIONS:
1ST - OBTAIN WRITTEN APPROVAL from "FOX CANYON GROUNDWATER MANAGEMENT"
2ND - obtain written APPROVAL City WATER DEPT. (CONTACT: OMAR CASTRO, 385-8139, FEES/CITY COUNCIL APPROVAL MAY BE REQUIRED)
3RD - OBTAIN WELL PERMIT/ PAY FEES TO DEVELOPMENT SERVICES. CONTACT:
Development Services, Engineering GEORGE ROBERTS (805) 385-7890.
NOTE: THE COUNTY MAY HAVE ADDitional Requirements for Well ABANDONMENT.

George W Roberts

FCGMA No. 0251

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY
800 S. Victoria Avenue, Ventura, CA 93009-1610
Phone (805) 645-1372 or 654-2014 Fax 654-3350
Websites: http://fcgma.org or https://fcgmaonline.org

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WATER WELL PERMIT APPLICATION

(NO-FEE REQUIRED)

GENERAL INFORMATION

Fox Canyon Groundwater Management Agency (FCGMA) Ordinance Code requires that before drilling a new water well within the boundaries of the FCGMA, a completed water well permit application must be submitted. **THIS IS A *NO-FEE* PERMIT.** In addition, a ***FEE-BASED*** Ventura County Watershed Protection District Water Well Permit must be approved and secured ***prior*** to any construction.

All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency. All new extraction facilities constructed within the Agency Boundary shall obtain a no-fee permit from the Agency prior to the issuance of a Well Permit by the Ventura County Watershed Protection District. No extraction facility may be operated or otherwise utilized so as to extract groundwater within the boundaries of the Agency, or in the Expansion Area unless that facility is registered with the Agency, metered and permitted, if required and all extractions reported to the Agency as required.

Copies of the current FCGMA Ordinance Code and other pertinent information regarding the FCGMA can be obtained by calling *(805) 645-1372* or *(805) 654-2014* or by visiting our website at ***http://fcgma.org***

INSTRUCTIONS

(Fill in the requested information and provide an Assessor's Parcel Map as described under Item D.)

A. OWNERSHIP

Owner's Name: Rio Manor Mutual Water Company

Operator's Name (if different from Owner):

Mailing Address: 135 W. Magnolia Ave, Oxnard CA 93030

Phone No(s): 805-483-6312 FAX No: Cell No: (805) 732-0495

B. TYPE OF USE

If use of water is for irrigation, check box 1 and describe proposed crops and acreage. If water is for municipal, industrial or domestic uses, check box 2 and describe number of people served, etc.

1. ☐ **Irrigation**

List types of crops and corresponding acreage that will be irrigated:

Crop Type	Acreage

Describe irrigation system: list size and approximate length of pipelines and type of irrigation system, i.e., sprinkler, drip, furrow, etc.:

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2. ☒ Municipal, Industrial or Domestic

List number of people and/or number of housing units served. If industrial use is proposed, describe type of industrial use: 250 RESIDENTIAL, 10 COMMERCIAL

Describe water system: list size and length of pipelines, size of storage tanks, etc.: Existing 2 - 2000 hydro tanks, 2 wells (02N22W27L01 & 27K01) 6" and 8" watermains

C. PROPOSED EXTRACTION

Show calculations for anticipated annual pumping in acre-feet per year (AF/yr): TEA ALLOCATION OF 152.376 FOR 2016 and beyond for entire district

D. LOCATION OF PROPOSED USE

On a County Assessor's Parcel Map accurately plot and outline the location(s) of proposed groundwater use. Show location of proposed water well. Give dimensions of area(s) to be irrigated. Indicate crop type for each area. For M & I or other uses, show location of water distribution system, type of water use and location of structures to be served. Attach the Assessor's Parcel Map to this application. ***(No permit applications will be approved without an adequate attached parcel map.)*** APN: 142-0-041-155. All water produced will remain within service area of RIO MANOR MUTUAL. No Export of water is allowed

E. APPLICANT'S SIGNATURE AND DATE

Sign, date and submit this application to the Fox Canyon Groundwater Management Agency, c/o Watershed Protection District, Water and Environmental Resources Division, Groundwater Section, 800 South Victoria Avenue, L #1610 Ventura, CA 93009-1610

Applicant's Signature: Robert Evanto   Date: 9/13/16

DISPOSITION OF FCGMA APPLICATION

(For office use only)

☐ Approved   State Well No.:

☒ Approved with conditions   GMA Permit No.: Ø251

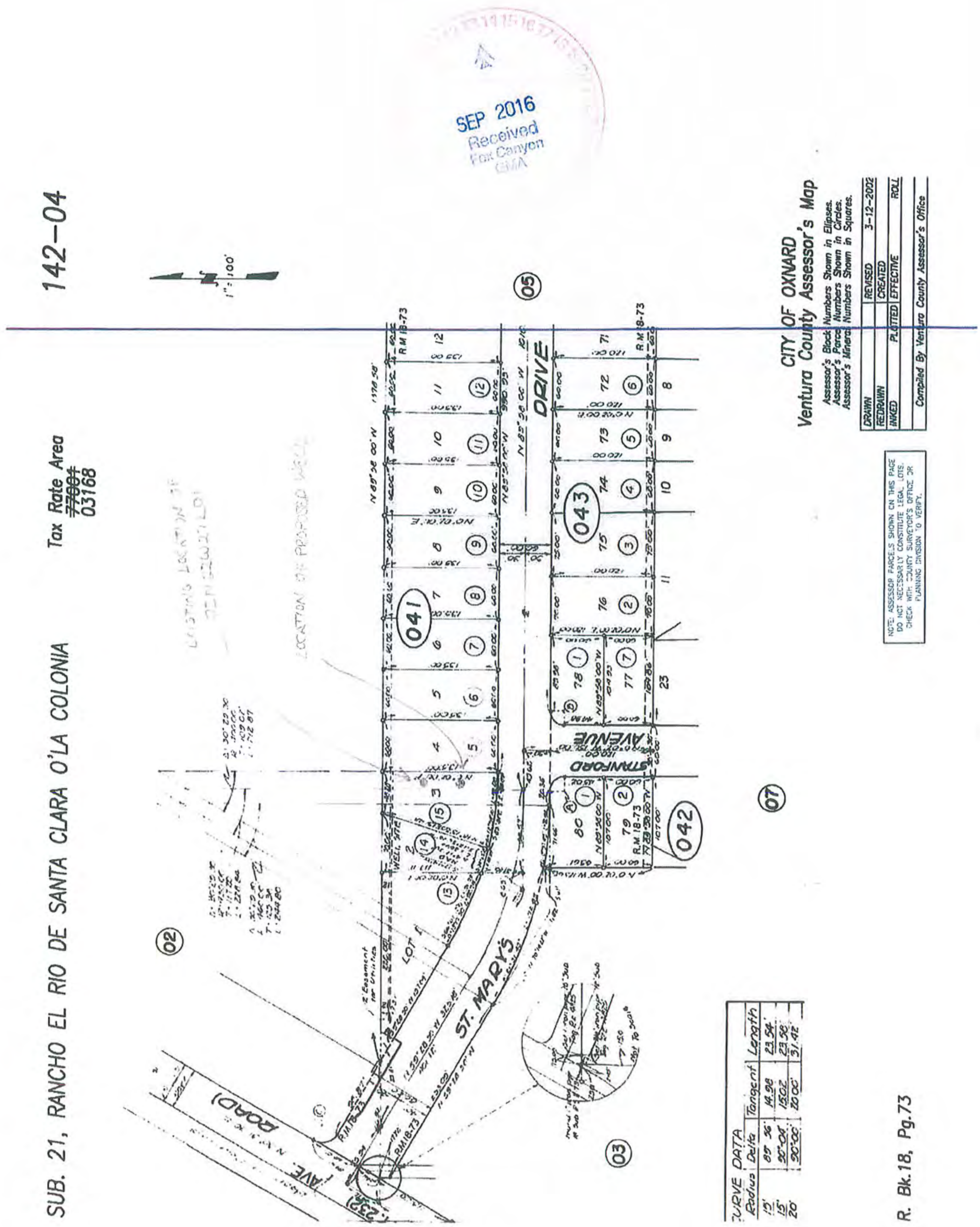
☐ Denied   County Permit No.:

Conditions/Reason for Denial: Conditions are listed in the September 23, 2016 letter transmitting approval.

By: Kathleen Riedel   Date: 9/23/16

This application is a permit when signed by the FCGMA Executive Officer or his/her designated appointee.

Jeff Pratt, P.E., FCGMA Executive Officer   Date: 9/23/2016



SUB. 21, RANCHO EL RIO DE SANTA CLARA O'LA COLONIA
Tax Rate Area
77001
03168
142-04
1" = 100'
SEP 2016
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Fox Canyon
GMA
LOCATION OF PROPOSED WELL
DRIVE
ST. MARYS
STANFORD AVENUE
ROAD
AVE
WELL SITE
LOT
041
042
043
02
03
05
07
R.M. 18-73
CURVE DATA
Radius
Delta
Tangent
Length
CITY OF OXNARD
Ventura County Assessor's Map
Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
Assessor's Mineral Numbers Shown in Squares.
DRAWN
REDRAWN
INKED
REVISED
CREATED
PLOTTED
EFFECTIVE
3-12-2002
ROLL
Compiled By Ventura County Assessor's Office
NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE DO NOT NECESSARILY CONSTITUTE LEGAL LOTS. CHECK WITH COUNTY SURVEYOR'S OFFICE OR PLANNING DIVISION TO VERIFY.
R. Bk.18, Pg.73

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Fox Canyon
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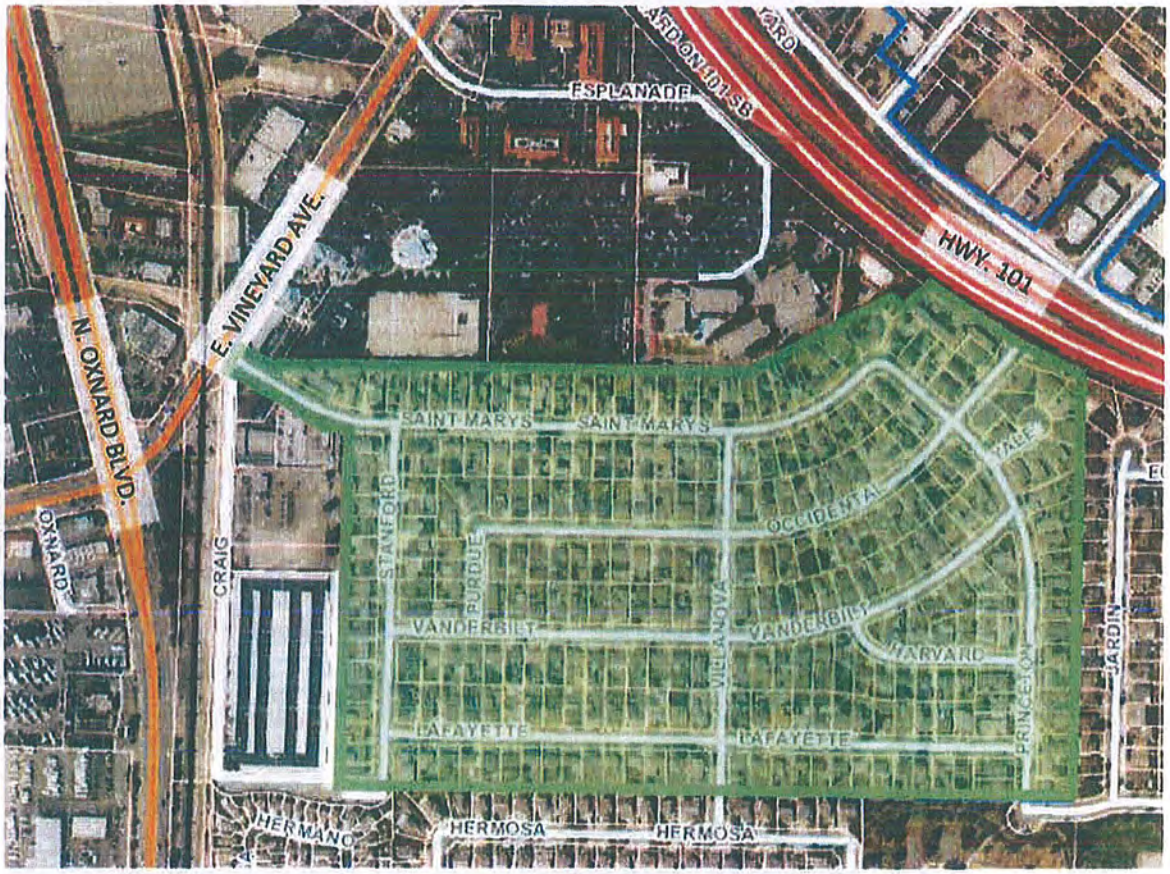

Rio Mesa Mutual Water Company Boundary Map

FOX CANYON
GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY

September 23, 2016

Mr. Robert Eranio
Rio Manor Mutual Water Company
135 W. Magnolia Avenue
Oxnard, CA 93030-5336

SUBJECT: CONDITIONAL APPROVAL OF THE FOX CANYON GROUNDWATER MANAGEMENT AGENCY (FCGMA) WELL PERMIT APPLICATION FOR APN 142-0-041-145, FCGMA ACCOUNT: RIOMAN; FCGMA PERMIT NO. 0251

Dear Mr. Eranio:

The proposed well is to replace inactive well State Well Number (SWN) 02N22W27L01S. The existing well provides a groundwater supply for Municipal and Industrial (M&I) use. The proposed well is to serve in the same capacity. The proposed and existing well are located in the southern portion of the Oxnard Plain Forebay groundwater basin. The Agency did not review the application for potential well interference.

We have conditionally approved your well permit application as described below.

Conditions of well permit approval are:

1. Well SWN 02N22W27L01S is to be destroyed under City of Oxnard well permit within 1 year of the completion of drilling activities.
2. Groundwater extractions from the well are to be reported under the same existing well group as that of the well which is being replaced.
3. The groundwater well is to be registered with the FCGMA within 30 days of completion. (See Enclosure 1)
4. Operation of the well must comply with the FCGMA Ordinance Code.
5. No groundwater is to be exported outside of the FCGMA boundary.
6. Groundwater extractions from the extraction facility shall be measured with a calibrated flowmeter. (See Enclosure 2)
7. The well shall be constructed with a sounding tube having a minimum diameter of 1.5 inches.
8. The groundwater extraction allocation (while Emergency Ordinance E is in effect) is based on meeting the reduced Temporary Extraction Allocation (TEA). Exceeding the value will result in imposition of surcharges. (Note: Allocation systems are subject to change.)
9. While Emergency Ordinance E is in effect there is to be no new or increased use of groundwater. A new or increased use of groundwater is one that did not exist or occur before April 11, 2014.

If you have any questions please call me at (805) 654-2954.

Sincerely,

Kathleen Riedel

Kathleen Riedel, CEG
Groundwater Specialist

Enclosures: (1) Groundwater Extraction Facility Registration Form
(2) Flowmeter Update Form

Cc: Jeff Pratt, Executive Officer

County of Ventura
APPLICATION FOR WELL PERMIT
800 South Victoria Avenue; Ventura, CA 93009-1610

SEP 2016 Received For Canyon CA

	Property Owner*	Driller	Registered Inspector
Name	RIO MANOR MUTUAL	Pacific Coast Well Drilling	
Address	135 W. MAGNOLIA AVE OXNARD CA 93030	P.O. Box 184 TEMPLETON CA	
Telephone	(805) 483-6312	(805) 434 3121	
License No.		57 9274000	
Lic. Exp. Date			
APN(s)	142-0-041-155		

Type of Work

Water Supply Well
- New (No._____)
- ✓ Replacement Well (No. 3)
- SWN of well to be replaced 02N22W27L01
- Destruction (No._____)
- SWN _____
- Repair/Modify (No._____)
- SWN _____

Monitoring Well
- New (No._____)
- Destruction (No._____)

Engineering Test Hole (No._____)

Cathodic Protection Well
- New (No._____)
- Destruction (No._____)

Use
- Agricultural
- Cathodic
- ✓ Domestic
- Industrial
- Monitoring
- Municipal

Equipment
- ✓ Rotary
- Hollow Stem
- Geoprobe
- Other (Describe)

Proposed Construction

Well Depth 400'
Bore Diameter 20"

Casing
- ✓ Steel — Diameter (in.) 12"
- PVC — Wall Gauge (in) _____
- Other (Describe)

Perforations
- From ____ to ____ ft
- From ____ to ____ ft
- From ____ to ____ ft

Estimated Start Date: _____

Comments

*NOTE. If proposed water supply well is within the area of the Urgency Ordinance your permit application must be accompanied by documentation that explains the reason for requesting a variance. If the proposed water supply will is in an area that is exempted from the moratorium, e.g. cities, FCGMA, etc. your permit application must be accompanied by the proper agency permit/approval.

I hereby agree to comply with all provisions of Ventura County Well Ordinance No. 4184 and all applicable State of California and local regulations pertaining to well construction, repair, modification and destruction. I also agree to comply with all conditions of the issued permit to include the submittal of post requirement documents and reports. I understand that any modification of the issued permit requires approval by the Manager, Water Resources Division and that the information contained herein becomes a part of the permit when issued.

Property Owner's Signature	Robert Eranzo - General Manager	Date	Sept 13, 2016
Driller's Signature		Date	
Registered Inspector's Signature (For monitoring wells and borehole		Date	

Application Page 1 of 2
Permit No. _____

County of Ventura
APPLICATION FOR WELL PERMIT
800 South Victoria Avenue: Ventura, CA 93009-1610

Well Location Map / Site Plan: Indicate exact location of proposed well, showing existing wells, water courses, roads, property lines, septic tanks and leach fields, sanitary, industrial, and storm sewers, barnyard and stable areas, feedlots, and solid waste disposal sites. Setbacks from potential sources of contamination shall comply with the California Department of Water Resources *California Well Standards Bulletin 74-90* available at the below website address:
http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html

N

Map should be drawn to scale or show distances of the above items from the proposed well. Map extent should be a minimum radius of 500 feet from the proposed well

SEP 2016
Received
Fox Canyon
GMA

Thomas Brothers Guide Page No. & Grid ____________ APN 142-0-041-155

Application Page 2 of 2
Permit No

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CITY OF OXNARD CALIFORNIA	CITY COUNCIL AGENDA REPORT	TYPE OF ITEM: Public Hearing AGENDA ITEM NO.: 2

DATE: April 10, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Arturo Casillas
Housing Director

SUBJECT: Public Hearing for Issuance of Multifamily Housing Revenue Bonds for Channel Island Park Apartments. (5/5/5)

CONTACT: Arturo Casillas, Housing Director
Arturo.Casillas@oxnard.org, 385-8094

RECOMMENDATION:

That the City Council:

1. Hold a public hearing regarding the issuance of up to $45,000,000 of multifamily housing revenue bonds by the California Statewide Communities Development Authority to finance the acquisition, rehabilitation and development of a 152-unit multi-family rental housing projected located at 910-1030 East Channel Islands Boulevard; 910-1045 Bismark Way; 2911-2941 Concord Drive; and 2920-2940 Albany Drive, Oxnard, California (also known collectively as Channel Island Park Apartments); and

2. Adopt a resolution approving the issuance of bonds.

BACKGROUND

Channel Islands Park Apartments is a privately-owned 152-unit multifamily rental housing project located near the intersection of East Channel Islands Boulevard and Concord Drive in Oxnard. Specifically, it is located at 910-1030 East Channel Islands Boulevard, 910-1045 Bismark Way, 2911-2941 Concord Drive, and 2920-2940 Albany Drive. Channel Island Apartments, L. P. (the "Borrower") and a partnership created by DeSola Development

Associates, LLC (the "Developer), are presenting an application to the California Statewide Communities Development Authority (CSCDA) for a bond issuance to finance the acquisition, rehabilitation, and development of the Project. Developer, Sage Apartment Communities Inc., and one or more limited partners will operate the Project. The Borrower has requested that the CSCDA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed $45,000,000 of tax-exempt revenue bonds.

DISCUSSION

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Oxnard must conduct a public hearing under the Tax Equity Fiscal Responsibility Act (the "TEFRA Hearing") providing members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to the TEFRA Hearing, reasonable notice must be provided to members of the community. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

The California Municipal Finance Authority (CMFA) was created in 1988 pursuant to California's Joint Exercise of Powers Act to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. Currently, more than 500 cities, counties and special districts have become Program Participants with CSCDA, which serves as their conduit issuer and provides access to an efficient mechanism to finance locally-approved projects.

Outside of holding the TEFRA hearing and adopting the required resolution, no other participation or activity of the City or the City Council with respect to the issuance of the Bonds is required.

STRATEGIC GOALS

This agenda item is presented under the City Council strategic priorities of Quality of Life and Economic Development. The bond financing will permit Channel Islands Park Apartment to modernize and rehabilitate 152 existing apartments, which are primarily occupied by low and extremely-low income families. The apartments are over forty years old and in need of major rehabilitation. Completion of this project will improve the existing apartment complex and provide a visible upgrade to the neighborhood.

FINANCIAL IMPACT

There is no financial impact to the City in connection with the City Council's adoption of a resolution approving the issuance of the bonds by the CSCDA. There are no costs associated with participation in the CSCDA, and the City will not bear any responsibility for the tax-exempt status of the interest on the Bonds, the debt service on the Bonds or any other matter related to the Bonds.

ATTACHMENTS:

Attachment No. 1: Resolution Authorizing Issuance of Bonds

RESOLUTION NO. ___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE CHANNEL ISLAND PARK APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Oxnard (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Channel Island Apartments, L.P. or a partnership created by DeSola Development Associates, LLC (the "Developer"), consisting at least of the Developer or a related person to the Developer and one or more limited partners, has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds (the "Bonds") in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed $45,000,000 in outstanding aggregate principal amount, to finance the acquisition, rehabilitation and development of a 152-unit multifamily rental housing project located at 910-1030 East Channel Islands Boulevard, 910-1045 Bismark Way, 2911-2941 Concord Drive and 2920-2940 Albany Drive, Oxnard, California, generally known as Channel Island Park Apartments (the "Project") and operated by Sage Apartment Communities, Inc.; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. This resolution shall take effect immediately upon its passage.

ADOPTED by the City Council of the City of Oxnard at a regular meeting of said Council held on the 10th day of April, 2018, by the following vote:

AYES:

NOES:

ABSENT:

____
Tim Flynn, Mayor

ATTEST:

____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

____
Stephen M. Fischer, City Attorney

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CITY OF OXNARD CALIFORNIA	CITY COUNCIL AGENDA REPORT	TYPE OF ITEM: Report AGENDA ITEM NO.: 1

DATE: April 10, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Jesus Nava
Assistant City Mgr

SUBJECT: City Council Positions on June and November 2018 Statewide Ballot Initiatives. (5/5/5)

CONTACT: Jesus Nava, Assistant City Mgr
Jesus.Nava@oxnard.org, 385-7497

RECOMMENDATION:

That the City Council: 1) Receive the report; 2) adopt a resolution supporting State Propositions 68 and 69 in the June 2018 State General Election and Senate Bill 3 in the November 2018 General Election; and 3) take such additional, related action as may be desired.

BACKGROUND

During the 2017 California legislative calendar year, the State Legislature adopted several bills, which Governor Jerry Brown signed into law creating measures that appear on the June 2018 and November 2018 statewide ballots.

The City of Oxnard and its residents will directly benefit from the passage of these statewide measures, which create opportunities to receive new funding for parks, transportation, housing and other related activities. The League of California Cities has endorsed each of these measures and encourages local governments to do the same. These statewide ballot measures include:

<u>JUNE 5, 2018 ELECTION:</u>

- **Proposition 68 - California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018.**
    - Enacted through Senate Bill (SB) 5.
    - $725 million for parks in neighborhoods with the greatest need.
    - $285 million to cities, counties, and local parks and open space districts to make local parks safer and improve facilities.
    - $175 million for coastal and ocean resource protection of beaches, bays, wetlands, lagoons and coastal watersheds and wildlife areas.
    - State Water Board competitive grants for projects for treatment and activities to reduce groundwater contamination to enhance local water supply.
    - Competitive grants for drought and groundwater sustainability including planning, design, and implementation of projects.
    - Competitive grants to acquire coastal power plants and utilize them for open space purposes.
    - If approved, State programs and funds may be available by mid-2019.

- **Proposition 69 - Public Transportation Account.**
    - Enacted through Assembly Constitutional Amendment (ACA) 5.
    - As of 2018, the state constitution prohibited the legislature from using gasoline excise tax revenue or diesel excise tax revenue for general non-transportation purposes.
    - Proposition 69 would amend the Constitution to protect new revenues from the increase in diesel sales tax and transportation improvement fee to be deposited into the Public Transportation Account.
    - The State Transportation Account may only be used for transportation planning and mass transportation purposes. Funds cannot be loaned or transferred to the State General Fund or any other fund or account in the State Treasury. The state sales tax on motor vehicle fuel is deposited into the Public Transportation Account.
    - The Legislature cannot change how these funds are used once they are protected by the Constitution.
    - If approved, State programs and funds may be available by 2020.

NOVEMBER 6, 2018 ELECTION:

- **Senate Bill 3- Veterans and Affordable Housing Bond**
    - Enacted through the approval of Senate Bill (SB) 3.
    - Raise between $230 million and $260 million a year through a $75 fee on real estate transactions, such as mortgage refinances, except for home sales.
    - Bond funds for a variety of low-income housing programs, including infill infrastructure financing and affordable housing matching grant programs.
    - $1.5 billion to assist new construction, rehabilitation and preservation of permanent and transitional rental housing for lower-income households through loans to local public entities and nonprofit and for-profit developers.

- Transit-Oriented Development Implementation Program: $150 million to provide low-interest loans for higher-density rental housing developments close to transit stations that include affordable units and as mortgage assistance for homeownership.
- Grants are also available to cities, counties and transit agencies for infrastructure improvements necessary for the development.
- Infill Incentive Grant Program: $300 million to promote infill housing developments by providing financial assistance for infill infrastructure that serves new construction and rehabilitates existing infrastructure to support greater housing density.
- Joe Serna, Jr. Farmworker Housing Grant Fund: $300 million to help finance the new construction, rehabilitation and acquisition of owner-occupied and rental housing units for agricultural workers.
- Local Housing Trust Fund Matching Grant Program: $300 million to help finance affordable housing by providing matching grants, dollar for dollar, to local housing trusts;
- CalHome Program: $300 million to help low- and very low- income households become or remain homeowners by providing grants to local public agencies and nonprofit developers to assist individual first-time homebuyers.
- CalVet Home Loan Program: $1 billion to provide loans to eligible veterans at below-market interest rates with few or no down payment requirements.
- If approved, State programs and funds may be available by late 2019.

Staff requests the City Council's consideration to approve Resolution approving the City of Oxnard's support of the 2018 Statewide Ballot Measures.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:
Goal 3. Strengthen neighborhood development, and connect City, community and culture.
This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:
Goal 2. Enhance business development throughout the City.
Objective 2c. Capitalize on historic, cultural and natural resources.
This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve our infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding. This item supports the following goals and objectives:
Goal 3. Ensure Funding is adequate to meet the goals of the master plans.
Objective 3a. Maximize funding sources.

Goal 4. Ensure proper construction and maintenance of infrastructure to provide maximum benefit with lowest life cycle cost following CIP plans.

Objective 4a. Implement CIP plans.

Objective 4b. Catch up on deferred maintenance for City facilities.

Goal 5. Ensure orderly development and long-range conservation and management of our natural resources and coastal assets.

Objective 5a. Develop and implement a sustainability program.

Objective 5b. Protect ocean and waterways.

FINANCIAL IMPACT

Unknown at this time, it is anticipated that there would be potential increases in state funds for city projects if ballot measures are approved.

ATTACHMENTS:

Attachment A: Reso. Oxnard Support of 2018 State Propositions

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE CITY OF OXNARD'S SUPPORT FOR SENATE BILL 5, ASSEMBLY CONSTITUTIONAL AMENDMENT 5 AND SENATE BILL 3

BE IT RESOLVED by the City Council of the City of Oxnard as follows:

SECTION 1: The City Council finds as follows:

A. The State Legislature adopted and the Governor signed the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 ("SB 5"), a $4 billion general obligation bond measure that will be placed on the June 2018 statewide ballot; and

B. SB 5 represents the first legislatively authorized bond for parks, resources and environmental improvements since 2002 to provide needed investments to reduce risks associated with droughts, fires, and floods, and help safeguard natural resources for the benefit of our children and future generations; and

C. The State Legislature adopted Constitutional Amendment 5 ("ACA5"), a measure to amend the California Constitution that will be placed on the June 2018 statewide ballot; and

D. ACA5 represents a legislative authorized constitutional amendment to protect existing and new transportation revenue sources for the planning, improvement, construction and maintenance of local and statewide transportation systems; and

E. The State Legislature adopted and the Governor signed the Veterans and Affordable Housing Bond Act of 2018 ("SB 3"), a $4 billion general obligation bond measure that will be placed on the November 2018 statewide ballot; and

F. SB3 represents a legislative authorized bond to provide needed affordable housing opportunities across the State of California through the creation and expansion of affordable housing programs and the veteran's homeownership programs.

SECTION 2: The City does hereby support SB5, ACA5 and SB3, and any subsequent iteration titled otherwise by the Secretary of State that is scheduled to appear on the June 2018 and November 2018 statewide ballots.

PASSED, AND ADOPTED, this 3rd day of April 2018, 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

ITEM K-1
Text of Prop 68

Ch. 852
u

Senate Bill No. 5

Passed the Senate September 16, 2017

Secretary of the Senate

Passed the Assembly September 15, 2017

Chief Clerk of the Assembly

This bill was received by the Governor this 21st day of September, 2017, at 5:30 o'clock P. M.

Private Secretary of the Governor

CHAPTER ________

An act to add Sections 5096.611 and 75089.5 to, and to add Division 45 (commencing with Section 80000) to, the Public Resources Code, and to add Section 79772.5 to the Water Code, relating to a drought, water, parks, climate, coastal protection, and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, De León. California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of $7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of $5,388,000,000 for the purposes of financing safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of $2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources.

This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of $4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill, upon voter approval, would reallocate $100,000,000 of the unissued bonds authorized for the purposes of Propositions 1, 40, and 84 to finance the purposes of a drought, water, parks, climate, coastal protection, and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the June 5, 2018, statewide primary direct election.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 5096.611 is added to the Public Resources Code, to read:

5096.611. Notwithstanding any other law, two million five hundred fifty-seven thousand dollars ($2,557,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 5096.610, and eight hundred thousand dollars ($800,000) of the unissued bonds authorized for the purposes of subdivisions (b) and (c) of Section 5096.652 from the amount allocated pursuant to subdivision (d) of Section 5096.610 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

SEC. 2. Section 75089.5 is added to the Public Resources Code, to read:

75089.5. Notwithstanding any other law, twelve million dollars ($12,000,000) of the unissued bonds authorized for the purpose of subdivision (a) of Section 75063, three hundred fifteen thousand dollars ($315,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 75063, and four million three hundred twenty-eight thousand dollars ($4,328,000) of the unissued bonds authorized for the purposes of subdivision (b) of

Section 75065 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

SEC. 3. Division 45 (commencing with Section 80000) is added to the Public Resources Code, to read:

DIVISION 45. CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018

Chapter 1. General Provisions

80000. This division shall be known, and may be cited, as the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

80001. (a) The people of California find and declare all of the following:

(1) From California's beautiful rivers, streams, coastal shorelines, and other waterways, to our federal, state, local, and regional parks and outdoor settings, to our vast network of trails connecting people with natural landscapes, Californians value the rich diversity of outdoor experiences afforded to this state and its citizens.

(2) Demand for local parks has exceeded available funding by a factor of 8 to 1, with particularly high demand in urban, disadvantaged communities.

(3) Many Californians across the state lack access to safe parks, wildlife, trails, and recreation areas, which limits their ability to experience the outdoors, improve their physical and emotional health, exercise, and connect with their communities.

(4) Investments to create and improve parks and recreation areas, and to create trail networks that provide access from neighborhoods to parks, wildlife, and recreational opportunities, will help ensure all Californians have access to safe places to exercise and enjoy recreational activities.

(5) The California Center for Public Health Advocacy estimates that inactivity and obesity cost California over forty billion dollars ($40,000,000,000) annually, through increased health care costs and lost productivity due to obesity-related illnesses, and that even modest increases in physical activity would result in significant savings. Investments in infrastructure improvements such as biking and walking trails and pathways, whether in urban or natural areas, are cost-effective ways to promote physical activity.

(6) Continued investments in the state's parks, wildlife and ecological areas, trails, and natural resources, and greening urban areas will help mitigate the effects of climate change, making cities more livable, and will protect California's natural resources for future generations.

(7) California's outdoor recreation economy represents an eighty-seven-billion-dollar ($87,000,000,000) industry, providing over 700,000 jobs and billions of dollars in local and state revenues.

(8) California's state, local, and regional park system infrastructure and national park system infrastructure are aging, and a significant infusion of capital is required to protect this investment.

(9) There has been a historic underinvestment in parks, trails, and outdoor infrastructure in disadvantaged areas and many communities throughout California.

(10) Tourism is a growing industry in California and remains an economic driver for the more rural parts of the state.

(11) California's highly variable hydrology puts at risk the state's supply of clean and safe water. In recent years, California has experienced both the state's worst drought and also the wettest winter in recorded history.

(12) Extreme weather changes such as prolonged drought, intense heat events, and a changing snowpack are real climate impacts happening right now in California, and these changes increase the need to safeguard water supply for the quality of life for all Californians.

(13) Every Californian should have access to clean, safe, and reliable drinking water.

(14) California's water infrastructure continues to age and deteriorate.

(15) Encouraging water conservation and recycling are commonsense actions to improve California's water future.

(16) Successfully implementing the Sustainable Groundwater Management Act in collaboration with local government and communities is a key state priority.

(17) Flooding can devastate communities and infrastructure.

(18) Protecting and restoring lakes, rivers, streams, and the state's diverse ecosystems is a critical part of the state's water future and ensures the quality of life for all Californians.

(19) This division provides funding to implement the California Water Action Plan.

(20) Periodic investments are needed to protect, restore, and enhance our natural resources and parks to ensure all Californians have safe, clean, and reliable drinking water, prevent pollution and disruption of our water supplies, prepare for future droughts and floods, and protect and restore our natural resources for the benefit and enjoyment of our children and future generations.

(b) It is the intent of the people of California that all of the following shall occur in the implementation of this division:

(1) The investment of public funds pursuant to this division will result in public benefits that address the most critical statewide needs and priorities for public funding.

(2) In the appropriation and expenditure of funding authorized by this division, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

(3) To the extent practicable, a project that receives moneys pursuant to this division will include signage informing the public that the project received funds from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

(4) To the extent practicable, when developing program guidelines for urban recreation projects and habitat protection or restoration projects, administering entities are encouraged to give favorable consideration to projects that provide urban recreation and protect or restore natural resources. Additionally, the entities may pool funding for these projects.

(5) To the extent practicable, a project that receives moneys pursuant to this division will provide workforce education and training, contractor, and job opportunities for disadvantaged communities.

(6) To the extent practicable, priority for funding pursuant to this division will be given to local parks projects that have obtained all required permits and entitlements and a commitment of matching funds, if required.

(7) To the extent practicable, administering entities should measure or require measurement of greenhouse gas emissions reductions and carbon sequestrations associated with projects that receive moneys pursuant to this division.

(8) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the public agencies that receive funds pursuant to this division will consider a range of actions that include, but are not limited to, the following:

(A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

(B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

(9) To the extent practicable, priority for grant funding under this division will be given to a project that advances solutions to prevent displacement if a potential unintended consequence associated with park creation pursuant to the project is an increase in the cost of housing.

80002. As used in this division, the following terms have the following meanings:

(a) "Committee" means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee created by Section 80162.

(b) "Community access" means engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities.

(c) "Conservation actions on private lands" means projects with willing landowners that involve the adaptive flexible management or protection of natural resources in response to changing conditions and threats to habitat and wildlife. The actions may include the acquisition of conservation interests or fee interests in the land. These projects result in habitat conditions on private lands that, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(d) "Department" means the Department of Parks and Recreation.

(e) "Disadvantaged community" means a community with a median household income less than 80 percent of the statewide average.

(f) "Fund" means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, created by Section 80032.

(g) "Heavily urbanized city" means a city with a population of 300,000 or more.

(h) "Heavily urbanized county" means a county with a population of 3,000,000 or more.

(i) "Interpretation" includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

(j) "Nonprofit organization" means a nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code.

(k) "Preservation" means rehabilitation, stabilization, restoration, conservation, development, and reconstruction, or any combination of those activities.

(*l*) "Protection" means those actions necessary to prevent harm or damage to persons, property, or natural, cultural, and historic resources, actions to improve access to public open-space areas, or actions to allow the continued use and enjoyment of property or natural, cultural, and historic resources, and includes site monitoring, acquisition, development, restoration, preservation, and interpretation.

(m) "Restoration" means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes, but is not limited to, projects for the control of erosion, stormwater capture and storage or to otherwise reduce stormwater pollution, the control and elimination of invasive species, the planting of native species, the removal of waste and debris, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, improving instream, riparian, or managed wetland habitat conditions, and other plant and wildlife habitat improvement to increase the natural system value of the property or coastal or ocean resource. Restoration also includes activities described in subdivision (b) of Section 79737 of the Water Code. Restoration projects shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.

(n) "Severely disadvantaged community" means a community with a median household income less than 60 percent of the statewide average.

80004. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this division may be used to pay the administrative costs of that program.

80006. (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this division may be expended, including, but not limited to, by grants, for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and "construction" as defined in the annual Budget Act for a capital outlay project or grant project. Planning may include feasibility studies for environmental site cleanup that would further the purpose of a project that is eligible for funding under this division.

Monitoring may include measuring greenhouse gas emissions reductions and carbon sequestration associated with program expenditures under this division.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

80008. (a) (1) Except as provided in paragraph (2), at least 20 percent of the funds available pursuant to each chapter of this division shall be allocated for projects serving severely disadvantaged communities.

(2) At least 15 percent of the funds available pursuant to Chapter 9 (commencing with Section 80120) and Chapter 10 (commencing with Section 80130) shall be allocated for projects serving severely disadvantaged communities.

(b) (1) Except as provided in subdivision (c), up to 10 percent of the funds available pursuant to each chapter of this division may be allocated for technical assistance to disadvantaged communities. The agency administering the moneys shall operate a multidisciplinary technical assistance program for disadvantaged communities.

(2) Funds used for providing technical assistance to disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

(c) (1) Up to 5 percent of funds available pursuant to each chapter of this division shall, to the extent permissible under the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) and with the concurrence of the Director of Finance, be allocated for community access projects that include, but are not limited to, the following:

(A) Transportation.

(B) Physical activity programming.

(C) Resource interpretation.

(D) Multilingual translation.

(E) Natural science.

(F) Workforce development and career pathways.

(G) Education.

(H) Communication related to water, parks, climate, coastal protection, and other outdoor pursuits.

(2) This subdivision does not apply to Chapter 11.1 (commencing with Section 80141) and Chapter 12 (commencing with Section 80150).

80010. Before disbursing grants pursuant to this division, each state agency that receives funding to administer a competitive grant program under this division shall do the following:

(a) (1) Develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants to be awarded. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this subdivision, it may use those guidelines.

(2) Guidelines adopted pursuant to this subdivision shall encourage, where feasible, inclusion of the following project components:

(A) Efficient use and conservation of water supplies.

(B) Use of recycled water.

(C) The capture of stormwater to reduce stormwater runoff, reduce water pollution, or recharge groundwater supplies, or a combination thereof.

(D) Provision of safe and reliable drinking water supplies to park and open-space visitors.

(b) Conduct three public meetings to consider public comments before finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

(c) For statewide competitive grant programs, submit the guidelines to the Secretary of the Natural Resources Agency. The Secretary of the Natural Resources Agency shall verify that the guidelines are consistent with applicable statutes and for all the purposes enumerated in this division. The Secretary of the Natural Resources Agency shall post an electronic form of the guidelines submitted by state agencies and the subsequent verifications on the Natural Resources Agency's Internet Web site.

(d) Upon adoption, transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

(e) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the development and adoption of program guidelines and selection criteria adopted pursuant to this division.

80012. (a) The Department of Finance shall provide for an independent audit of expenditures pursuant to this division. The Secretary of the Natural Resources Agency shall publish a list of all program and project expenditures pursuant to this division not less than annually, in written form, and shall post an electronic form of the list on the agency's Internet Web site in a downloadable spreadsheet format. The spreadsheet shall include information about the location and footprint of each funded project, the project's objectives, the status of the project, anticipated outcomes, any matching moneys provided for the project by the grant recipient, and the applicable chapter of this division pursuant to which the grant recipient received moneys.

(b) If an audit, required by statute, of any entity that receives funding authorized by this division is conducted pursuant to state law and reveals any impropriety, the California State Auditor or the Controller may conduct a full audit of any or all of the activities of that entity.

(c) The state agency issuing any grant with funding authorized by this division shall require adequate reporting of the expenditures of the funding from the grant.

(d) The costs associated with the publications, audits, statewide bond tracking, cash management, and related oversight activities provided for in this section shall be funded from this division. These costs shall be shared proportionally by each program through this division. Actual costs incurred to administer nongrant programs authorized by this division shall be paid from the funds authorized in this division.

80014. If any moneys allocated pursuant to this division are not encumbered or expended by the recipient entity within the time period specified by the administering agency, the unexpended moneys shall revert to the administering agency for allocation consistent with the applicable chapter.

80016. To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant under this division.

80018. To the extent feasible, a project that includes water efficiencies, stormwater capture for infiltration or reuse, or carbon sequestration features in the project design may be given priority for grant funding under this division.

80020. Moneys allocated pursuant to this division shall not be used to fulfill any mitigation requirements imposed by law.

80022. (a) To the extent feasible in implementing this division and except as provided in subdivision (b), a state agency receiving funding under this division shall seek to achieve wildlife conservation objectives through projects on public lands or voluntary projects on private lands. Projects on private lands shall be evaluated based on the durability of the benefits created by the investment. Funds may be used for payments for the protection or creation of measurable habitat improvements or other improvements to the condition of endangered or threatened species, including through the development and implementation of habitat credit exchanges.

(b) This section shall not apply to Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 11 (commencing with Section 80140), Chapter 11.5 (commencing with Section 80145), or Chapter 12 (commencing with Section 80150).

80024. A state agency that receives funding to administer a grant program under this division shall report to the Legislature by January 1, 2027, on its expenditures pursuant to this division and the public benefits received from those expenditures.

80026. A state conservancy receiving funding pursuant to this division shall endeavor to allocate funds that are complementary, but not duplicative, of authorized expenditures made pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

80028. Funds provided pursuant to this division, and any appropriation or transfer of those funds, shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

80030. For grants awarded for projects that serve a disadvantaged community, the administering entity may provide advanced payments in the amount of 25 percent of the grant award to the recipient to initiate the project in a timely manner. The administering entity shall adopt additional requirements for the recipient of the grant regarding the use of the advanced payments to ensure that the moneys are used properly.

80032. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 80172, shall be deposited in the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, which is hereby created in the State Treasury.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Two billion eight hundred thirty million dollars ($2,830,000,000) for purposes of Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 4 (commencing with Section 80070), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 7 (commencing with Section 80100), Chapter 8 (commencing with Section 80110), Chapter 9 (commencing with Section 80120), and Chapter 10 (commencing with Section 80130).

(2) Two hundred fifty million dollars ($250,000,000) for Chapter 11 (commencing with Section 80140).

(3) Eighty million dollars ($80,000,000) for Chapter 11.1 (commencing with Section 80141).

(4) Five hundred fifty million dollars ($550,000,000) for Chapter 11.5 (commencing with Section 80145).

(5) Three hundred ninety million dollars ($390,000,000) for Chapter 11.6 (commencing with Section 80146).

80034. The Legislature may enact legislation necessary to implement programs funded by this division.

Chapter 2. Investments in Environmental and Social Equity, Enhancing California's Disadvantaged Communities

80050. (a) The sum of seven hundred twenty-five million dollars ($725,000,000) shall be available to the department, upon appropriation by the Legislature, for the creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(b) When developing or revising criteria or guidelines for the grant program, the department may give additional consideration to projects that incorporate stormwater capture and storage or otherwise reduce stormwater pollution.

(c) The department shall perform its due diligence by conducting a rigorous prequalification process to determine the fiscal and operational capacity of a potential grant recipient to manage a project to do both of the following:

(1) Maximize the project's public benefit.

(2) Implement the project in a timely manner.

80051. Of the amount available pursuant to subdivision (a) of Section 80050, not less than 20 percent shall be available for the rehabilitation, repurposing, or substantial improvement of existing park infrastructure in communities of the state that will lead to increased use and enhanced user experiences.

80052. (a) Of the amount available pursuant to subdivision (a) of Section 80050, to correct historic underinvestments in the central valley, Inland Empire, gateway, rural, and desert communities, the sum of forty-eight million dollars ($48,000,000) shall be available for local park creation and improvement grants to the communities identified by the department as park deficient within those areas for active recreational projects, including aquatic centers, to encourage youth health, fitness, and recreational pursuits. Projects that include the partial or full donation of land, materials, or volunteer services and that demonstrate collaborations of multiple entities and the leveraging of scarce resources may be given consideration. Entities that receive a grant under this section may also be eligible to receive other grants under subdivision (a) of Section 80050.

(b) Of the amount subject to this section, twenty-two million dollars ($22,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to desert community towns in the County of San Bernardino, incorporated after 1990, with a population estimate of less than 22,000 according to the United States Census Bureau Population Estimates as of July 1, 2016, that have adopted a master plan as of 2008 that includes recommendations for the development of public facilities that will assist in achieving active recreational projects, including aquatic and fitness centers.

Chapter 3. Investments in Protecting, Enhancing, and Accessing California's Local and Regional Outdoor Spaces

80060. For purposes of this chapter, "district" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780) of Division 5, or any authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other entity, including, but not limited to, a district operating multiple-use parklands pursuant to Division 20 (commencing with Section 71000) of the Water Code.

80061. (a) The sum of two hundred million dollars ($200,000,000) shall be available to the department, upon appropriation by the Legislature, for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients shall be encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

(b) The sum of fifteen million dollars ($15,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized county" means a county with a population of 500,000 or more. An entity

eligible to receive funds under this subdivision shall also be eligible to receive funds available under subdivision (a).

(c) Unless the project has been identified as serving a severely disadvantaged community, an entity that receives an award pursuant to this section shall be required to provide a match of 20 percent as a local share.

80062. (a) (1) The department shall allocate 60 percent of the funds available pursuant to subdivision (a) of Section 80061 to cities and districts, other than a regional park district, regional park and open-space district, open-space authority, or regional open-space district. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated and unincorporated areas within the county, except that each city or district shall be entitled to a minimum allocation of two hundred thousand dollars ($200,000). If the boundary of a city overlaps the boundary of a district, the population in the overlapping area shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. If the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds for that area shall be allocated to the district.

(2) On or before April 1, 2020, a city and a district that are subject to paragraph (1), and whose boundaries overlap, shall collaboratively develop and submit to the department a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by that date, the plan has not been developed and submitted to the department, the director shall determine the allocation of the grant funds between the affected jurisdictions.

(b) (1) The department shall allocate 40 percent of the funds available pursuant to subdivision (a) of Section 80061 to counties and regional park districts, regional park and open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), and regional open-space districts formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5.

(2) Each county's allocation under paragraph (1) shall be in the same ratio that the county's population is to the total state population, except that each county shall be entitled to a minimum allocation of four hundred thousand dollars ($400,000).

(3) In any county that embraces all or part of the territory of a regional park district, regional park and open-space district, open-space authority, or regional open-space district, and whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between that district and the county in proportion to the population of the county that is included within the territory of the district and the population of the county that is outside the territory of the district.

(c) For the purpose of making the calculations required by this section, population shall be determined by the department, in cooperation with the Department of Finance, on the basis of the most recent verifiable census data and other verifiable population data that the department may require to be furnished by the applicant city, county, or district.

(d) The Legislature intends all recipients of funds pursuant to subdivision (a) of Section 80061 to use those funds to supplement local revenues in existence on the effective date of the act adding this division. To receive an allocation pursuant to subdivision (a) of Section 80061, the recipient shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. For purposes of this subdivision, the Controller may request fiscal data from recipients for the preceding three fiscal years. Each recipient shall furnish the data to the Controller no later than 120 days after receiving the request from the Controller.

80063. (a) The director of the department shall prepare and adopt criteria and procedures for evaluating applications for grants allocated pursuant to subdivision (a) of Section 80061. The application shall be accompanied by certification that the project is consistent with the park and recreation element of the applicable city or county general plan or the district park recreation plan, as the case may be.

(b) To utilize available grant funds as effectively as possible, overlapping and adjoining jurisdictions and applicants with similar objectives are encouraged to combine projects and submit a joint application. A recipient may allocate all or a portion of its per capita share for a regional or state project.

80065. (a) The sum of thirty million dollars ($30,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, and regional open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), joint powers authorities, and eligible nonprofit organizations on a competitive grant basis to create, expand, improve, rehabilitate, or restore parks and park facilities, including, but not limited to, trails, regional trail networks, regional sports complexes, low-cost accommodations in park facilities, and visitor, outdoor, and interpretive facilities serving youth and communities of color.

(b) In awarding moneys, the department shall encourage applicants seeking funds for acquisition projects to perform projects in conjunction with new or enhanced public use and public access opportunities.

(c) Preference may be given to multiuse trail projects over single-use trail projects.

(d) Notwithstanding paragraph (a), of the amount subject to this section, the sum of five million dollars ($5,000,000) shall be available for projects in units of the state parks system that are managed by nonprofit organizations that have entered into operating agreements with the department.

80066. The sum of forty million dollars ($40,000,000) shall be available to the department, upon appropriation by the Legislature, for grants, awarded proportionally based on populations served, to local agencies that have obtained voter approval between November 1, 2012, through November 30, 2018, inclusive, for revenue enhancement measures aimed at improving and enhancing local or regional park infrastructure. A recipient of a grant under this section shall receive at least two hundred fifty thousand dollars ($250,000) for the purposes of the revenue enhancement measure.

Chapter 4. Restoring California's Natural, Historic, and Cultural Legacy

80070. The sum of two hundred eighteen million dollars ($218,000,000) shall be available to the department, upon appropriation by the Legislature, for restoration, preservation, and protection of existing state park facilities and units. Eligible project types include, but are not limited to, the following:

(a) Protection of natural resources to provide climate resilience, water supply, and water quality benefits.

(b) Enhancement of access to state park facilities and units, including protection and improvement of lands adjacent to state park facilities to improve access or management efficiency.

(c) The provision of low-cost overnight accommodations in ways that enhance access and recreational opportunities for disadvantaged community residents and low-income park visitors.

(d) Implementation of projects that address the department's backlog of deferred maintenance.

80071. The department, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, and nongovernmental organizations to maximize leveraging opportunities to enhance tourism, visitation, and visitor experiences.

80072. Of the amount made available pursuant to Section 80070, ten million dollars ($10,000,000) shall be available for enterprise projects that facilitate new or enhanced park use and user experiences and increase revenue generation to support operations of the department.

80073. (a) Of the amount made available pursuant to Section 80070, five million dollars ($5,000,000) shall be available for grants to local agencies that operate a unit of the state park system to address urgent need for the restoration of aging infrastructure.

(b) For the purpose of awarding a grant under this section, a local cost share of not less than 25 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for a disadvantaged community.

80074. Of the amount made available pursuant to Section 80070, eighteen million dollars ($18,000,000) shall be available to the Division of Fairs and Expositions of the Department of Food and Agriculture to provide for facility improvements for county

fairs, district agricultural associations, including the Sixth District Agricultural Association, as described in Section 4101 of the Food and Agricultural Code, and the Forty-Fifth District Agricultural Association, citrus fruit fairs, and the California Exposition and State Fair.

80075. Of the amount made available pursuant to Section 80070, thirty million dollars ($30,000,000) shall be available to the department to provide for lower cost coastal accommodation project development in units of the state park system.

80076. Of the amount made available pursuant to Section 80070, not less than twenty-five million dollars ($25,000,000) shall be available to the department for the protection, restoration, and enhancement of the natural resource values of the state park system, which may include all of the following:

(a) Protection and improvement of water quality and biological health in streams, aquifers, and estuarine ecosystems.

(b) Protection and restoration of natural resources and ecosystems representative of California's diverse landscapes, including landform, habitat, and biological community restoration.

(c) Acquisition, rehabilitation, restoration, protection, and expansion of wildlife corridors, including projects to improve connectivity and reduce barriers between habitat areas.

(d) Improvements of native ecosystem resilience and adaptation to climate change.

(e) Enhancement of the health of redwood forests in order to accelerate old growth characteristics, maximize carbon sequestration, improve water quality, and build climate resilience.

(f) Protection and enhancement of tribal cultural resources.

80077. (a) In expending funds made available pursuant to Section 80070, and giving first priority to the department's criteria for expenditure of funds for deferred maintenance including infrastructure needs to protect public safety, the department shall use best efforts to expend at least ten million dollars ($10,000,000) in each of the following regions for state park units and properties deferred maintenance projects and projects that may increase tourism and visitor experiences in those regions:

(1) Central Valley, from the City of Sacramento to the base of the Tehachapi Mountains.

(2) Central Coast.

(3) East Bay.

(4) County of Imperial and the Coachella Valley.
(5) Inland Empire.
(b) To the extent the department is unable to allocate funds for parks deferred maintenance in the regions identified in this section, it shall report to the appropriate policy and fiscal committees of the Legislature on the reasons it is unable to do so.

Chapter 5. Trails and Greenway Investment

80080. (a) The sum of thirty million dollars ($30,000,000) shall be available to the Natural Resources Agency, working in cooperation with the department, upon appropriation by the Legislature, for competitive grants to local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, joint powers authorities, and nonprofit organizations to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related active transportation and opportunities for Californians to reconnect with nature.
(b) Of the amount made available pursuant to this section, up to 25 percent may be made available to communities for innovative transportation projects that provide new and expanded outdoor experiences to disadvantaged youth.
(c) Alignment, development, and improvement of nonmotorized infrastructure and trails that lead to safer interconnectivity among parks, waterways, and natural areas may be encouraged.
(d) The Natural Resources Agency is encouraged, when designing guidelines for grants awarded under this chapter, to utilize existing program guidelines, including, if applicable, guidelines that have been established for the California Recreational Trails Act (Article 6 (commencing with Section 5070) of Chapter 1 of Division 5) and, to the extent possible, to design guidelines that are consistent with the California Recreational Trails Plan, as described in Article 6 (commencing with Section 5070) of Chapter 1 of Division 5.

80081. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

Chapter 6. Rural Recreation, Tourism, and Economic Enrichment Investment

80090. (a) The sum of twenty-five million dollars ($25,000,000) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5). Notwithstanding subdivisions (c) and (e) of Section 5621 and for the purposes of this section, the definition of "nonurbanized area" shall be updated by the department to reflect current population levels. A nonurbanized area shall include counties with populations of less than 500,000 people and low population densities per square mile, as determined by the department. In awarding the grants, the department may consider the following factors:
(1) Whether the project would provide new recreational opportunities in rural communities that have demonstrated deficiencies and lack of outdoor infrastructure in support of economic and health-related goals.
(2) Whether the project proposes to acquire and develop lands to enhance residential recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include accessibility for individuals with disabilities, trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.
(3) Whether the project includes collaboration between public and nonprofit organizations, including, but not limited to, nonprofit land trusts, to facilitate public access to privately owned lands for regional trail development for wildlife viewing, recreation, or outdoor experiences for youth.
(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

Chapter 7. California River Recreation, Creek, and Waterway Improvements Program

80100. (a) The sum of one hundred sixty-two million dollars ($162,000,000) shall be available, upon appropriation by the Legislature, for grants pursuant to the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750) of Division 5) and the Urban Streams Restoration Program pursuant to Section 7048 of the Water Code. Eligible projects shall include, but are not limited to, projects that protect and enhance urban creeks.

(1) (A) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars ($37,500,000) shall be available to the Santa Monica Mountains Conservancy. Notwithstanding subdivision (c) of Section 5753, of that amount, fifteen million dollars ($15,000,000) shall be available for projects within the San Fernando Valley that protect or enhance the Los Angeles River watershed and its tributaries or headwaters, pursuant to Division 23 (commencing with Section 33000).

(B) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars ($37,500,000) shall be available to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

(C) Funds allocated pursuant to this paragraph shall be expended pursuant to Section 79508 of the Water Code and Division 22.8 (commencing with Section 32600) and Division 23 (commencing with Section 33000).

(2) Of the amount made available pursuant to this subdivision, sixteen million dollars ($16,000,000) shall be available to the Santa Ana River Conservancy Program pursuant to Chapter 4.6 (commencing with Section 31170) of Division 21. To the extent possible, the conservancy shall distribute funds equitably geographically along the Santa Ana River.

(3) Of the amount made available pursuant to this subdivision, ten million dollars ($10,000,000) shall be available to the Lower American River Conservancy Program pursuant to Chapter 10.5 (commencing with Section 5845) of Division 5.

(4) Of the amount made available pursuant to this subdivision, three million dollars ($3,000,000) shall be available to the Natural

Resources Agency for projects supporting the preservation of the Los Gatos Creek and Upper Guadalupe River Watersheds and the protection of associated redwoods.

(5) Of the amount made available pursuant to this subdivision, three million dollars ($3,000,000) shall be available to the Natural Resources Agency for projects supporting a comprehensive regional use management plan for the Russian River to reduce conflict and promote water supply improvements, habitat restoration and protection, cooperative public recreation, and commercial activity.

(6) Of the amount made available pursuant to this subdivision, ten million dollars ($10,000,000) shall be available to the State Coastal Conservancy for river parkway projects along the Santa Margarita River in San Diego County.

(7) Of the amount made available pursuant to this subdivision, five million dollars ($5,000,000) shall be available to the Natural Resources Agency for improvements in and around Clear Lake and its watershed that demonstrate a comprehensive local and regional approach to restoration, public recreation, and management of the lake and its surrounding resources and recreation areas.

(8) Of the amount made available pursuant to this subdivision, ten million dollars ($10,000,000) shall be available for purposes of the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750)).

(9) Of the amount made available pursuant to this subdivision, ten million dollars ($10,000,000) shall be made available to the Department of Water Resources, upon appropriation by the Legislature, to implement the Urban Streams Restoration Program, established pursuant to Section 7048 of the Water Code.

(10) Of the amount made available pursuant to this subdivision, twenty million dollars ($20,000,000) shall be available to the Natural Resources Agency for river parkway projects along the Los Angeles River in the City of Glendale that include connectivity to parks and open space in neighboring communities.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects proposed by nonprofit organizations, including, but not limited to, nonprofit land trusts, and grants that may complement a natural community conservation plan.

80101. To the maximum extent feasible, the Natural Resources Agency is encouraged, when developing guidelines for grants awarded under this chapter, to utilize existing programs where communities enter into partnerships with state agencies for multibenefit projects to enhance and restore waterways, including, but not limited to, the Riverine Stewardship Technical Assistance program.

Chapter 8. State Conservancy, Wildlife Conservation Board, and Authority Funding

80110. The sum of seven hundred sixty-seven million dollars ($767,000,000) shall be available, upon appropriation by the Legislature, as described in this chapter.

(a) Thirty million dollars ($30,000,000) shall be available to the Salton Sea Authority for capital outlay projects that provide air quality and habitat benefits and that implement the Natural Resources Agency's Salton Sea Management Program. Of this amount, not less than ten million dollars ($10,000,000) shall be available to the Salton Sea Authority for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program, as described in Section 71103.6.

(b) One hundred eighty million dollars ($180,000,000) shall be available to the following conservancies according to their governing statutes for their specified purposes in accordance with the following schedule:

(1) Baldwin Hills Conservancy, six million dollars ($6,000,000).

(2) California Tahoe Conservancy, twenty-seven million dollars ($27,000,000).

(3) Coachella Valley Mountains Conservancy, seven million dollars ($7,000,000).

(4) Sacramento-San Joaquin Delta Conservancy, twelve million dollars ($12,000,000).

(5) San Diego River Conservancy, twelve million dollars ($12,000,000).

(6) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, thirty million dollars ($30,000,000).

(7) San Joaquin River Conservancy, six million dollars ($6,000,000).

(8) Santa Monica Mountains Conservancy, thirty million dollars ($30,000,000).

(9) Sierra Nevada Conservancy, thirty million dollars ($30,000,000).

(10) State Coastal Conservancy, twenty million dollars ($20,000,000) for grants pursuant to Section 66704.5 of the Government Code for the purpose of San Francisco Bay restoration in accordance with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code). Notwithstanding subdivision (e) of Section 66704.5 of the Government Code, the State Coastal Conservancy shall establish a matching grant requirement for a grant awarded pursuant to this paragraph.

(c) One hundred thirty-seven million dollars ($137,000,000) shall be available to the Wildlife Conservation Board.

80111. The amount available to the Wildlife Conservation Board pursuant to subdivision (c) of Section 80110 is allocated as follows:

(a) Five million dollars ($5,000,000) shall be available for the development of regional conservation investment strategies that are not otherwise funded pursuant to Section 800 of the Streets and Highways Code or any other law.

(b) At least fifty-two million dollars ($52,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that furthers the implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) to help resolve resource conflicts by balancing communitywide conservation, planning, and economic activities or other large-scale habitat conservation plans that resolve resource conflicts with provisions for conservation, planning, and economic activities. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required, but may be used as part of a funding partnership to enhance, expand, or augment conservation efforts required by mitigation.

(c) Up to ten million dollars ($10,000,000) may be granted to the University of California Natural Reserve System for matching grants for acquisition of land, construction and development of research facilities to improve the management of natural lands, for preservation of California's wildlife resources, and to further research related to climate change. The Wildlife Conservation Board shall establish a matching grant requirement for grants awarded pursuant to this subdivision.

(d) The remainder of the amount available shall be available to the Wildlife Conservation Board to provide funding for the following projects:

(1) Projects to protect and enhance national recreation areas serving heavily urbanized areas or, in coordination with the State Lands Commission, to acquire an interest in federal public lands that may be proposed for sale or disposal.

(2) Projects according to the Wildlife Conservation Board's governing statutes for its specified purposes.

80112. A receiving entity listed in subdivision (b) of Section 80110 shall develop and adopt a strategic master plan that identifies priorities and specific criteria for selecting projects for funding. The strategic plan shall include strategies for providing public access to conserved lands wherever feasible and be consistent with project goals and objectives.

80113. Entities, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, joint powers authorities, and nongovernmental organizations to acquire open space and create urban greenway corridors.

80114. (a) Of the amount made available pursuant to Section 80110, two hundred million dollars ($200,000,000) shall be available to the Natural Resources Agency for implementation of voluntary agreements that provide multibenefit water quality, water supply, and watershed protection and restoration for the watersheds of the state to achieve the objectives of integrating regulatory and voluntary efforts, implementing an updated State Water Resources Control Boards' San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan, and ensuring ecological benefits. Expenditure of funds provided in this section shall be in accordance with the following:

(1) For the purposes of this section, watershed restoration includes activities to fund wetland habitat, salmon, steelhead, and fishery benefits, improve and restore river health, modernize stream crossings, culverts, and bridges, reconnect historical flood plains, install or improve fish screens, provide fish passages, restore river channels, restore or enhance riparian, aquatic, and terrestrial habitat, improve ecological functions, acquire from willing sellers conservation easements for riparian buffer strips, improve local watershed management, predation management, hatchery management, and remove sediment or trash.

(2) For purposes of this section, funds may be used for projects that measurably enhance streamflows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions. Project types that may be eligible include, but are not limited to, water transactions such as lease, purchase, or exchange, change of use petitions to benefit fish and wildlife, surface storage to be used to enhance streamflow, forbearance of water rights, changes in water management, groundwater storage and conjunctive use, habitat restoration projects that reshape the stream hydrograph, water efficiency generally, irrigation efficiency and water infrastructure improvements that save water and enable reshaping of the stream hydrograph, reconnecting flood flows with restored flood plains, and reservoir reoperations both at existing and new storage sites.

(b) The funds authorized by this section shall be available for direct expenditures and local assistance grants by the Natural Resources Agency, in consultation with the Department of Fish and Wildlife, that satisfy all of the following:

(1) Implement voluntary agreements executed by the Department of Fish and Wildlife with federal and state agencies, local government, water districts and agencies, and nongovernmental organizations that improve ecological flows and habitat for species, create water supply and regulatory certainty for water users, and foster a collaborative approach to facilitate implementation of the State Water Resources Control Board's Bay-Delta Water Quality Control Plan.

(2) Implement a voluntary agreement submitted by the Department of Fish and Wildlife to the State Water Resources Control Board on or before June 1, 2018, for consideration.

(3) Implement a voluntary agreement that is of statewide significance, restores natural aquatic or riparian functions or wetlands habitat for birds and aquatic species, protects or promotes the restoration of endangered or threatened species, enhances the

reliability of water supplies on a regional or interregional basis, and provides significant regional or statewide economic benefits.

(c) Funds provided by this section shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

(d) If the Department of Fish and Wildlife submits a voluntary agreement that satisfies paragraph (2) of subdivision (b), unencumbered funds available pursuant to this section to implement that voluntary agreement shall no longer be available 15 years after the date the State Water Resources Control Board approves the submitted agreement, at which point funds remaining available pursuant to this section shall become available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. If no voluntary agreements are submitted on or before June 1, 2018, any remaining funds shall be available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. The Secretary of the Natural Resources Agency shall ensure an annual reporting of the funds pursuant to Section 80012.

80115. Of the amount made available pursuant to Section 80110, fifty million dollars ($50,000,000) shall be available to the Department of Fish and Wildlife for capital improvements that address the Department of Fish and Wildlife's backlog of deferred maintenance. Where practical, the Department of Fish and Wildlife shall partner with nonprofit organizations and nongovernmental organizations to inform the expenditure of these funds, enhance visitor experience, and where feasible, increase engagement with youth and disadvantaged communities.

80116. Of the amount made available pursuant to Section 80110, one hundred seventy million dollars ($170,000,000) shall be available to the Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase I: 10 Year Plan, dated March 2017, the final management plan report, and any subsequent revisions to this plan.

Chapter 9. Ocean, Bay, and Coastal Protection

80120. The sum of one hundred seventy-five million dollars ($175,000,000) shall be available, upon appropriation by the Legislature, to fund projects that enhance and protect coastal and ocean resources, as follows:

(a) The sum of thirty-five million dollars ($35,000,000) shall be available for deposit into the California Ocean Protection Trust Fund for grants consistent with Section 35650. Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state's system of marine protected areas and sustainable fisheries.

(b) The sum of thirty million dollars ($30,000,000) shall be available to the State Coastal Conservancy to provide for lower cost coastal accommodation grants and project development to public agencies and nonprofit organizations.

(c) The sum of eighty-five million dollars ($85,000,000) shall be available to the State Coastal Conservancy for the protection of beaches, bays, wetlands, and coastal watershed resources pursuant to Division 21 (commencing with Section 31000). This shall include the acquisition of, or conservation easements on, land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values, or lands adjacent to marine protected areas, including marine conservation areas, whose preservation will contribute to the ecological quality of those marine protected areas. This shall also include the protection of coastal agricultural resources pursuant to Section 31150 and projects to complete the California Coastal Trail pursuant to Section 31408.

(d) Twenty-five percent of the amount available pursuant to subdivision (c) shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(e) The sum of twenty million dollars ($20,000,000) shall be available to the State Coastal Conservancy for grants and expenditures for the protection, restoration, and improvement of coastal forest watersheds, including managed forest lands, forest reserve areas, redwood forests, and other forest types. Eligible project types shall include projects that improve water quality and supply, increase coastal watershed storage capacity, reduce fire risk, provide habitat for fish and wildlife, or improve coastal forest health.

(f) The sum of five million dollars ($5,000,000) shall be available to the State Coastal Conservancy for acquisition of parcels that will allow for protection and restoration of coastal dune, wetland, upland, and forest habitat associated with estuarine lagoons and designated wildlife areas.

80121. In implementing Section 80120, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of local coastal plans or that complement natural community conservation plans.

Chapter 10. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation

80130. The sum of four hundred forty-three million dollars ($443,000,000) shall be available, upon appropriation by the Legislature, as competitive grants for projects that plan, develop, and implement climate adaptation and resiliency projects. Eligible projects shall improve a community's ability to adapt to the unavoidable impacts of climate change, improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat, develop future recreational opportunities, or enhance drought tolerance, landscape resilience, and water retention.

80131. In implementing Section 80130, special consideration may be given to the acquisition of lands that are in deferred certification areas of local coastal plans.

80132. (a) Of the amount made available pursuant to Section 80130, eighteen million dollars ($18,000,000) shall be available to the Wildlife Conservation Board for direct expenditures pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) and for grants for any of the following:

(1) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space, including projects to improve connectivity and reduce barriers between habitat areas. In awarding grants pursuant to this paragraph, the Wildlife Conservation Board shall give priority to projects that protect wildlife corridors, including wildlife corridors threatened by urban development.

(2) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that promote the recovery of threatened and endangered species.

(3) Projects to improve climate adaptation and resilience of natural systems.

(4) Projects to protect and improve existing open-space corridors and trail linkages related to utility, transportation, or water infrastructure that provide habitat connectivity and public access or trails.

(5) Projects for wildlife rehabilitation facilities after consultation with the Department of Fish and Wildlife.

(6) Projects to control invasive plants or insects that degrade wildlife corridors or habitat linkages, inhibit the recovery of threatened or endangered species, or reduce the climate resilience of a natural system.

(7) Projects to enhance wildlife habitat, recognizing the highly variable habitat needs required by fish and wildlife. Eligible projects include acquisition of water or water rights from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers and leases, projects that provide water for fish and wildlife, projects that improve aquatic or riparian habitat conditions, or projects to benefit salmon and steelhead.

(8) Implementation of conservation actions and habitat enhancement actions that measurably advance the conservation objectives of regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(9) Provision of hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreement with private landowners, including opportunities pursuant to Section 1572 of the Fish and Game Code.

(b) In implementing this section, the Wildlife Conservation Board may provide matching grants for incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. A matching grant shall not exceed 50 percent of the total cost of the incentive program.

(c) Of the amount made available pursuant to Section 80130, thirty million dollars ($30,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space to improve connectivity and reduce barriers between habitat areas and to protect and restore habitat associated with the Pacific Flyway. In awarding grants pursuant to this subdivision, priority may be given to projects that protect wildlife corridors. Of the amount described in this subdivision, ten million dollars ($10,000,000) shall be available for the California Waterfowl Habitat Program.

(d) Of the amount made available pursuant to Section 80130, not less than twenty-five million dollars ($25,000,000) shall be available to the Department of Fish and Wildlife for projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their flood plains, riparian and side-channel habitat restoration activities described in subdivision (b) of Section 79737 of the Water Code, and restoration and protection of upper watershed forests and meadow systems that are important for fish and wildlife resources. Subdivision (f) of Section 79738 of the Water Code applies to this subdivision. Of the amount available pursuant to this subdivision, at least five million dollars ($5,000,000) shall be available for restoration projects in the Klamath-Trinity watershed for the benefit of salmon and steelhead. Priority shall be given to projects supported by multistakeholder public or private partnerships, or both, using a science-based approach and measurable objectives to guide identification, design, and implementation of regional actions to benefit salmon and steelhead.

(e) (1) Of the amount made available pursuant to Section 80130, not less than sixty million dollars ($60,000,000) shall be available to the Wildlife Conservation Board for construction, repair, modification, or removal of transportation or water resources infrastructure to improve wildlife or fish passage.

(2) Of the amount subject to paragraph (1), at least thirty million dollars ($30,000,000) shall be available to the Department of Fish and Wildlife for restoration of Southern California Steelhead habitat consistent with the Department of Fish and Wildlife's Steelhead Restoration and Management Plan and the National Marine Fisheries Service's Southern California Steelhead Recovery Plan. Projects that remove significant barriers to steelhead migration and include other habitat restoration and associated infrastructure improvements shall be the highest priority.

(f) Of the amount made available pursuant to Section 80130, not less than sixty million dollars ($60,000,000) shall be available to the Wildlife Conservation Board for the protection, restoration, and improvement of upper watershed lands in the Sierra Nevada

and Cascade Mountains, including forest lands, meadows, wetlands, chaparral, and riparian habitat, in order to protect and improve water supply and water quality, improve forest health, reduce wildfire danger, mitigate the effects of wildfires on water quality and supply, increase flood protection, or to protect or restore riparian or aquatic resources.

(g) Of the amount made available pursuant to Section 80130, at least thirty million dollars ($30,000,000) shall be available to the Department of Fish and Wildlife to improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries. Eligible projects include acquisition of water from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers or leases, provision of water for fish and wildlife, or improvement of aquatic or riparian habitat conditions. In implementing this section, the Department of Fish and Wildlife may provide grants under the Fisheries Restoration Grant Program with priority given to coastal waters.

(h) The Wildlife Conservation Board shall update its strategic master plan that identifies priorities and specific criteria for selecting projects pursuant to subdivision (a).

(i) Activities funded pursuant to this section shall be consistent with the state's climate adaptation strategy, as provided in Section 71153, and the statewide objectives provided in Section 71154.

80133. (a) Of the amount made available pursuant to Section 80130, forty million dollars ($40,000,000) shall be available for deposit into the California Ocean Protection Trust Fund, established pursuant to Section 35650, for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change, including projects that address ocean acidification, sea level rise, or habitat restoration and protection, including, but not limited to, the protection of coastal habitat associated with the Pacific Flyway.

(b) Thirty-five percent of the amount available pursuant to this section shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(c) Twelve percent of the amount available pursuant to this section shall be available to the State Coastal Conservancy to fund a conservation program at West Coyote Hills.

(d) The remainder of the amount available pursuant to this section shall be available pursuant to Section 31113.

80134. (a) Of the amount made available pursuant to Section 80130, thirty million dollars ($30,000,000) shall be available to plan, develop, and implement innovative farm and ranch management practices and protections that improve climate adaptation and resiliency by improving the soil health, carbon sequestration, and habitat of California's farm and ranch lands and affiliated habitat, including working lands, open space, or riparian corridors, and that increase water retention and absorption, habitat values, species protection, and economic viability to reduce development pressure.

(b) Of the amount subject to this section, the sum of ten million dollars ($10,000,000) shall be available to the Department of Food and Agriculture for grants to promote practices on farms and ranches that improve agricultural and open-space soil health, carbon soil sequestration, erosion control, water quality, and water retention.

(c) (1) Of the amount subject to this section, the sum of twenty million dollars ($20,000,000) shall be available to the Department of Conservation to protect, restore, or enhance working lands and riparian corridors through conservation easements or other conservation actions, including actions pursuant to Section 9084 and the California Farmland Conservancy Program (Division 10.2 (commencing with Section 10200)).

(2) Up to fifty percent of the funds available pursuant to this subdivision may be allocated to the Department of Conservation for watershed restoration and conservation projects on agricultural lands pursuant to Section 9084.

80135. (a) Of the amount made available pursuant to Section 80130, fifty million dollars ($50,000,000) shall be available to the Department of Forestry and Fire Protection, except as provided in subdivision (c), for projects that provide ecological restoration of forests. Projects may include, but are not limited to, forest restoration activities that include hazardous fuel reduction, postfire watershed rehabilitation, prescribed or managed burns, acquisition of forest conservation easements or fee interests, and forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances. The Department of Forestry and Fire Protection shall achieve geographic balance

with the moneys allocated pursuant to this section and may, where appropriate, include activities on lands owned by the United States.

(b) Not less than 30 percent of the amount available pursuant to this section shall be allocated for urban forestry projects pursuant to Section 4799.12. The Department of Forestry and Fire Protection shall allocate no less than 50 percent of the moneys allocated pursuant to this subdivision for the expansion of the urban forestry program to previously underserved local entities in order to achieve geographic balance.

(c) Of the amount subject to this section, 50 percent shall be allocated directly to the Sierra Nevada Conservancy to administer projects pursuant to this section for purposes of implementing the Sierra Nevada Watershed Improvement Program. For purposes of this section, the Sierra Nevada Conservancy may allocate funds to the California Tahoe Conservancy for projects within the jurisdiction of the California Tahoe Conservancy.

80136. Of the amount made available pursuant to Section 80130, forty million dollars ($40,000,000) shall be available to the California Conservation Corps for projects to rehabilitate or improve local and state parks, restore watersheds and riparian zones, regional and community-level fuel load reduction, compost application and food waste management, resources conservation and restoration projects, and for facility or equipment acquisition, development, restoration, and rehabilitation. Not less than 50 percent of the amount available pursuant to this section shall be allocated for grants to certified local community conservation corps, as defined in Section 14507.5.

80137. (a) Of the amount made available pursuant to Section 80130, sixty million dollars ($60,000,000) shall be made available to the Natural Resources Agency for competitive grants to local agencies, nonprofit organizations, nongovernmental land conservation organizations, federally recognized Native American tribes, or nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, to do any of the following:

(1) Restore, protect, and acquire Native American, natural, cultural, and historic resources within the state.

(2) Convert and repurpose properties or parts of properties that served as the site of a fossil fuel powerplant that had been retired

on the effective date of this division, or were scheduled to be retired prior to January 1, 2021, to create permanently protected open space, tourism, and park opportunities through fee title or conservation easements.

(3) Enhance visitor experiences through development, expansion, and improvement of science centers operated by foundations or other nonprofit organizations in heavily urbanized areas.

(4) Enhance park, water, and natural resource values through improved recreation, tourism, and natural resource investments in those areas of the state not within the jurisdiction of a state conservancy.

(5) Promote, develop, and improve any of the following:

(A) Community, civic, or athletic venues.

(B) Cultural or visitor centers that recognize that contributions of California's ethnic communities or celebrate the unique traditions of these communities, including those of Asian and Hispanic descent.

(C) Visitor centers or nonprofit aquariums that educate the public about natural landscapes, aquatic species, or wildlife migratory patterns.

(b) Of the amount subject to this section, twenty million dollars ($20,000,000) shall be available for multibenefit green infrastructure investments in or benefiting disadvantaged or severely disadvantaged communities.

Chapter 11. Clean Drinking Water and Drought Preparedness

80140. (a) The sum of two hundred fifty million dollars ($250,000,000) shall be available, upon appropriation by the Legislature, for the purposes described in Chapter 5 (commencing with Section 79720) of Division 26.7 of the Water Code.

(b) Of the funds authorized by subdivision (a), thirty million dollars ($30,000,000) shall be available for grants to regional water supply projects within the San Joaquin River hydrologic unit that diversify local water supplies by providing local surface water to communities that are dependent on contaminated groundwater, reduce municipal groundwater pumping, and benefit agricultural and municipal water supplies.

Chapter 11.1. Groundwater Sustainability

80141. (a) The sum of eighty million dollars ($80,000,000) shall be available, upon appropriation by the Legislature, to the state board for competitive grants for projects for treatment and remediation activities that prevent or reduce the contamination of groundwater that serves as a source of drinking water.

(b) Projects shall be prioritized based upon the following criteria:

(1) The threat posed by groundwater contamination to the affected community's overall drinking water supplies, including an urgent need for treatment of alternative supplies or increased water imports if groundwater is not available due to contamination. For the purposes of this paragraph, treatment includes ongoing operation and maintenance of existing facilities.

(2) The potential for groundwater contamination to spread and impair drinking water supply and water storage for nearby population areas.

(3) The potential of the project, if fully implemented, to enhance local water supply reliability.

(4) The potential of the project to maximize opportunities to recharge vulnerable, high-use groundwater basins and optimize groundwater supplies.

(5) The project addresses contamination at a site for which the courts or the appropriate regulatory authority has not yet identified responsible parties, or where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup, including water supply reliability improvement for critical urban water supplies in designated superfund areas with groundwater contamination listed on the National Priorities List established pursuant to Section 105(a)(8)(B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9605(a)(8)(B)).

(c) Funding authorized by this chapter shall not be used to pay any share of the costs of remediation recovered from parties responsible for the contamination of a groundwater storage aquifer, but may be used to pay costs that cannot be recovered from responsible parties. Parties that receive funding for remediating groundwater storage aquifers shall exercise reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination. Funds recovered from responsible parties may only be used to fund treatment and remediation activities including operations and maintenance.

(d) The contaminants that may be addressed with funding pursuant to this chapter may include, but shall not be limited to, nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, and uranium.

(e) A project that receives funding pursuant to this chapter shall be selected by a competitive grant process with added consideration for those projects that leverage private, federal, or local funding.

(f) For the purposes of awarding funding under this chapter, a local cost share of not less than 50 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community or an economically distressed area.

(g) The state board may assess the capacity of a community to pay for the operation and maintenance of a facility to be funded by a grant awarded under this chapter.

(h) At least 10 percent of the funds available pursuant to this chapter shall be allocated for projects serving severely disadvantaged communities.

(i) Funding authorized by this chapter may include funding for technical assistance to disadvantaged communities. The agency administering this funding shall operate a multidisciplinary technical assistance program for small and disadvantaged communities.

(j) Subdivisions (a) and (b) of Section 16727 of the Government Code do not apply to this chapter.

Chapter 11.5. Flood Protection and Repair

80145. (a) The sum of five hundred fifty million dollars ($550,000,000) shall be available, upon appropriation by the Legislature, for flood protection and repair.

(1) (A) Of the funds available pursuant to this subdivision, three hundred fifty million dollars ($350,000,000) shall be available to the Department of Water Resources for flood protection facilities, levee improvements, and related investments that protect persons and property from flood damage in the Central Valley. The Department of Water Resources may require that moneys provided under this paragraph be matched by local and regional public agencies.

(B) Of the amount subject to this paragraph, fifty million dollars ($50,000,000) shall be available for levee repairs and restoration within the Sacramento-San Joaquin Delta.

(C) Of the amount subject to this paragraph, three hundred million dollars ($300,000,000) shall be available for multibenefit projects that achieve public safety improvements and measurable fish and wildlife enhancement. The Department of Water Resources shall coordinate the expenditure of multibenefit funds with the Central Valley Flood Protection Board and the Department of Fish and Wildlife. Eligible projects include, but are not limited to, levee setbacks, creation or enhancement of flood plains or bypasses, groundwater recharge projects in flood plains, and land acquisition and easements necessary for these projects.

(2) Of the funds available pursuant to this subdivision, one hundred million dollars ($100,000,000) shall be available for the purposes of stormwater, mudslide, and other flash-flood-related protections.

(3) Of the amount made available pursuant to this subdivision, one hundred million dollars ($100,000,000) shall be available to the Natural Resources Agency for competitive grants for the purposes of multibenefit projects in urbanized areas to address flooding. Eligible projects shall include, but are not limited to, stormwater capture and reuse, planning and implementation of low-impact development, restoration of urban streams and watersheds, and increasing permeable surfaces to help reduce flooding.

(4) Funding made available pursuant to paragraphs (2) and (3) shall support projects that protect persons and property from flood damage. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award pursuant to paragraphs (2) or (3) shall be required to provide a match of 25 percent as a local share.

(b) Funds provided by this chapter shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

CHAPTER 11.6. REGIONAL SUSTAINABILITY FOR DROUGHT AND GROUNDWATER, AND WATER RECYCLING

80146. (a) The sum of two hundred ninety million dollars ($290,000,000) shall be available, upon appropriation by the Legislature, for drought and groundwater investments to achieve regional sustainability. Expenditure of these funds may include planning, design, and implementation projects through competitive grants and loans for investments in groundwater recharge with surface water, stormwater, recycled water, and other conjunctive use projects, and projects to prevent or clean up contamination of groundwater that serves as a source of drinking water.

(b) Of the funds made available pursuant to this section, fifty million dollars ($50,000,000) shall be available pursuant to Chapter 10 (commencing with Section 79770) of Division 26.7 of the Water Code for the purposes described in Section 79775 of the Water Code.

80147. (a) The sum of one hundred million dollars ($100,000,000) shall be available, upon appropriation by the Legislature, pursuant to Chapter 9 (commencing with Section 79765) of Division 26.7 of the Water Code, except that the provisions of Section 79143 of the Water Code shall not apply to a loan or grant awarded under this section.

(b) Of the funds made available pursuant to this section, up to twenty million dollars ($20,000,000) shall be available for the State Water Efficiency and Enhancement Program administered by the Department of Food and Agriculture.

CHAPTER 12. ADVANCE PAYMENT FOR WATER PROJECTS

80150. (a) Within 90 days of notice that a grant under this division for projects included and implemented in an integrated regional water management plan has been awarded, the regional water management group shall provide the administering agency with a list of projects to be funded with the grant funds where the

project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community. The list shall specify how the projects are consistent with the adopted integrated regional water management plan and shall include all of the following information:

(1) Descriptive information concerning each project identified.

(2) The names of the entities that will receive the funding for each project, including, but not limited to, an identification as to whether the project proponent or proponents are nonprofit organizations or a disadvantaged community.

(3) The budget of each project.

(4) The anticipated schedule for each project.

(b) Within 60 days of receiving the project information pursuant to subdivision (a), the administering agency may provide advance payment of 50 percent of the grant award for those projects that satisfy both of the following criteria:

(1) The project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.

(2) The grant award for the project is less than one million dollars ($1,000,000).

(c) Funds advanced pursuant to subdivision (b) shall comply with the following requirements:

(1) The recipient shall place the funds in a noninterest-bearing account until expended.

(2) The funds shall be spent within six months of the date of receipt, unless the administering agency waives this requirement.

(3) The recipient shall, on a quarterly basis, provide an accountability report to the administering agency regarding the expenditure and use of any advance grant funds that provides, at a minimum, the following information:

(A) An itemization as to how advance payment funds provided under this section have been expended.

(B) A project itemization as to how any remaining advance payment funds provided under this section will be expended over the period specified in paragraph (2).

(C) A description of whether the funds are placed in a noninterest-bearing account, and if so, the date that occurred and the dates of withdrawals of funds from that account, if applicable.

(4) If funds are not expended, the unused portion of the grant shall be returned to the administering agency within 60 days after project completion or the end of the grant performance period, whichever is earlier.

(5) The administering agency may adopt additional requirements for the recipient regarding the use of the advance payment to ensure that the funds are used properly.

Chapter 13. Fiscal Provisions

80160. (a) Bonds in the total amount of four billion dollars ($4,000,000,000), and any additional bonds authorized, issued, and appropriated in accordance with this division pursuant to other provisions of law, not including the amount of any refunding bonds issued in accordance with Section 80172, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

80161. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law apply to the bonds and to this division.

80162. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee is hereby created. For purposes of this division, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other law, any member may designate a representative to act as that member in his or her place for all purposes, as though the member were personally present.

(c) The Treasurer shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

80163. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

80164. For purposes of the State General Obligation Bond Law, "board," as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

80165. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

80166. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out the provisions of Section 80169, appropriated without regard to fiscal years.

80167. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned and not yet repaid pursuant to this section and withdrawn from the General Fund pursuant to Section 80169 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

80168. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law, if the Treasurer sells bonds that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

80169. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned pursuant to Section 80167 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in

accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

80170. All moneys deposited in the fund that are derived from premium and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

80171. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

80172. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

80173. The proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 4. Section 79772.5 is added to the Water Code, to read:

79772.5. Notwithstanding any other law, eighty million dollars ($80,000,000) of the unissued bonds authorized for the purposes of Section 79772 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000) of the Public Resources Code.

SEC. 5. Sections 1 to 4, inclusive, of this act shall take effect upon the approval by the voters of the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, as set forth in Section 3 of this act, including changes to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, as set forth in Section 1 of this act, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, as set forth in Section 2 of this act, and the Water Quality, Supply, and Infrastructure Improvement Act of 2014, as set forth in Section 4 of this act.

SEC. 6. Sections 1 to 4, inclusive, of this act shall be submitted to the voters at the June 5, 2018, statewide primary direct election in accordance with provisions of the Government Code and the Elections Code governing the submission of a statewide measure to the voters.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to fund a California drought, water, parks, climate, coastal protection, and outdoor access for all program at the earliest possible date, it is necessary that this act take effect immediately.

FILED
In the office of the Secretary of State
of the State of California

OCT 15 2017

At 11:45 O'Clock P. M.

By Nick Pancheco
Deputy Secretary of State

Approved OCT 15, 2017

Edmund G Brown Jr.

Governor

ITEM K-1
Text of Prop 69

RC 30

FILED
in the office of the Secretary of State
of the State of California

APR 17 2017

By Tiehay R. O'Donnell
Deputy Secretary of State

Assembly Constitutional Amendment No. 5

Adopted in Assembly April 6, 2017

Sue Parker
Acting *Chief Clerk of the Assembly*

Adopted in Senate April 6, 2017

Secretary of the Senate

Attest:

Alex Padilla
Secretary of State

This resolution was received by the Secretary of State this 17th day of April, 2017, at 1 o'clock P. M.

Tiehay R. O'Donnell
Deputy Secretary of State

RESOLUTION CHAPTER ________

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIX A thereof, by adding Section 15 to Article XIII B thereof, and by adding Article XIX D thereto, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

ACA 5, Frazier. Motor vehicle fees and taxes: restriction on expenditures: appropriations limit.

(1) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes, and restricts the expenditure of revenues from fees and taxes imposed by the state upon vehicles or their use or operation to state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways, as well as to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law.

This measure would add Article XIX D to the California Constitution to require revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes, as defined. The measure would prohibit these revenues from being used for the payment of principal and interest on state transportation general obligation bonds that were authorized by the voters on or before November 8, 2016. The measure would prohibit the revenues from being used for the payment of principal and interest on state transportation general obligation bonds issued after that date unless the bond act submitted to the voters expressly authorizes that use. The measure would also prohibit the Legislature from borrowing these revenues, except as specified, or using them for purposes other than transportation purposes.

(2) Article XIII B of the California Constitution prohibits the total annual appropriations subject to limitation of the state and

each local government from exceeding the appropriations limit of the entity of the government for the prior year, as adjusted.

This measure would exclude appropriations of certain revenues associated with the Road Repair and Accountability Act of 2017 from the appropriations subject to constitutional limitation.

(3) Article XIX A of the California Constitution requires the deposit of a specified portion of the sales and use tax on diesel fuel in the Public Transportation Account in the State Transportation Fund, and restricts the expenditure of those revenues to certain transportation planning and mass transportation purposes. Article XIX A prohibits the Legislature from borrowing these revenues and from using these revenues other than as specifically permitted by Article XIX A.

This measure would restrict additional portions of the sales and use tax on diesel fuel to expenditure on certain transportation planning and mass transportation purposes and require those revenues to be deposited in the Public Transportation Account. The measure would prohibit the Legislature from temporarily or permanently diverting or appropriating these additional revenues for other than certain transportation planning and mass transportation purposes, or from borrowing, except as specified, these additional revenues.

WHEREAS, Transportation revenues raised by the Road Repair and Accountability Act of 2017 should be constitutionally protected for transportation purpose; and

WHEREAS, By so doing, Californians are assured revenues raised by that act are spent to repair streets and bridges, address years of deferred maintenance on highways and local roads, improve mobility and public transit, and invest in needed transportation infrastructure to benefit all Californians; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2017–18 commencing on the fifth day of December 2016, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First—That Section 15 is added to Article XIII B thereof, to read:

SEC. 15. "Appropriations subject to limitation" of each entity of government shall not include appropriations of revenues from the Road Maintenance and Rehabilitation Account created by the Road Repair and Accountability Act of 2017, or any other revenues deposited into any other funds pursuant to the act. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenues being deposited in or appropriated from the Road Maintenance and Rehabilitation Account created by the Road Repair and Accountability Act of 2017 or any other account pursuant to the act.

Second—That Section 1 of Article XIX A thereof is amended to read:

SECTION 1. (a) The Legislature shall not borrow revenues from the Public Transportation Account, or any successor account, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

(b) The Public Transportation Account in the State Transportation Fund, or any successor account, is a trust fund. The Legislature may not change the status of the Public Transportation Account as a trust fund. Funds in the Public Transportation Account may not be loaned or otherwise transferred to the General Fund or any other fund or account in the State Treasury.

(c) All revenues specified in paragraphs (1) through (3), inclusive, of subdivision (a) of Section 7102 of the Revenue and Taxation Code, as that section read on June 1, 2001, shall be deposited no less than quarterly into the Public Transportation Account (Section 99310 of the Public Utilities Code), or its successor. The Legislature may not take any action which temporarily or permanently diverts or appropriates these revenues for purposes other than those described in subdivision (d), or delays, defers, suspends, or otherwise interrupts the quarterly deposit of these funds into the Public Transportation Account.

(d) Funds in the Public Transportation Account may only be used for transportation planning and mass transportation purposes. The revenues described in subdivision (c) are hereby continuously appropriated to the Controller without regard to fiscal years for allocation as follows:

(1) Fifty percent pursuant to subdivisions (a) through (f), inclusive, of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(2) Twenty-five percent pursuant to subdivision (b) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Twenty-five percent pursuant to subdivision (c) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009.

(e) For purposes of paragraph (1) of subdivision (d), "transportation planning" means only the purposes described in subdivisions (c) through (f), inclusive, of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(f) For purposes of this article, "mass transportation," "public transit," and "mass transit" have the same meaning as "public transportation." "Public transportation" means:

(1) (A) Surface transportation service provided to the general public, complementary paratransit service provided to persons with disabilities as required by 42 U.S.C. 12143, or similar transportation provided to people with disabilities or the elderly; (B) operated by bus, rail, ferry, or other conveyance on a fixed route, demand response, or otherwise regularly available basis; (C) generally for which a fare is charged; and (D) provided by any transit district, included transit district, municipal operator, included municipal operator, eligible municipal operator, or transit development board, as those terms were defined in Article 1 of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code on January 1, 2009, a joint powers authority formed to provide mass transportation services, an agency described in subdivision (f) of Section 15975 of the Government Code, as that section read on January 1, 2009, any recipient of funds under Sections 99260, 99260.7, 99275, or subdivision (c) of Section 99400 of the Public Utilities Code, as those sections read on January 1, 2009, or a consolidated agency as defined in Section 132353.1 of the Public Utilities Code, as that section read on January 1, 2009.

(2) Surface transportation service provided by the Department of Transportation pursuant to subdivision (a) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Public transit capital improvement projects, including those identified in subdivision (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(g) All revenues specified in Sections 6051.8 and 6201.8 of the Revenue and Taxation Code, as those sections read on January 1, 2018, shall be deposited no less than quarterly into the Public Transportation Account, or its successor. Except as provided in Sections 16310 and 16381 of the Government Code, as those sections read on January 1, 2018, the Legislature may not take any action that temporarily or permanently diverts or appropriates these revenues for purposes other than those described in subdivision (d), or delays, defers, suspends, or otherwise interrupts the quarterly deposit of these revenues into the Public Transportation Account.

Third—That Article XIX D is added thereto, to read:

ARTICLE XIX D
VEHICLE LICENSE FEE REVENUES FOR TRANSPORTATION PURPOSES

SECTION 1. (a) Notwithstanding Section 8 of Article XIX, revenues derived from vehicle fees imposed under the Vehicle License Fee Law pursuant to Chapter 6 (commencing with Section 11050) of Part 5 of Division 2 of the Revenue and Taxation Code, or its successor, over and above the costs of collection and any refunds authorized by law, shall be used solely for transportation purposes, as defined by Section 11050 of the Revenue and Taxation Code, as that section read upon enactment of the Road Repair and Accountability Act of 2017.

(b) The revenues described in subdivision (a) shall not be used for the payment of principal and interest on state transportation general obligation bonds that were authorized by the voters on or before November 8, 2016, nor shall those revenues be used for payment of principal and interest on state transportation general obligation bond acts approved by the voters after that date, unless the bond act expressly authorizes that use.

(c) Except as provided in Sections 16310 and 16381 of the Government Code, as those sections read on January 1, 2018, the Legislature shall not borrow the revenues described in subdivision (a), and shall not use these revenues for purposes, or in ways, other than as authorized in subdivisions (a) or (b).

Ch. 365
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ITEM K-1
Text of Senate Bill 3

FILED
in the office of the Secretary of State
of the State of California

SEP 29 2017
At 12:40 O'Clock P. M.
By Nick Prnkovic
Deputy Secretary of State

Approved SEP 29, 2017

Edmund G Brown
Governor

Senate Bill No. 3

Passed the Senate September 15, 2017

Secretary of the Senate

Passed the Assembly September 14, 2017

Chief Clerk of the Assembly

This bill was received by the Governor this 21st day of September, 2017, at 5:30 o'clock p. M.

Daniel Gutierrez
Private Secretary of the Governor

CHAPTER ________

An act to add Part 16 (commencing with Section 54000) to Division 31 of the Health and Safety Code, and to add Article 5z (commencing with Section 998.600) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to housing, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, Beall. Veterans and Affordable Housing Bond Act of 2018.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. Existing law, the Veterans' Bond Act of 2008, authorized, for purposes of financing a specified program for farm, home, and mobilehome purchase assistance for veterans, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $900,000,000.

This bill would enact the Veterans and Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of $4,000,000,000 pursuant to the State General Obligation Bond Law. Of the proceeds from the sale of these bonds, $3,000,000,000 would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided, and $1,000,000,000 would be used to provide additional funding for the above-described program for farm, home, and mobilehome purchase assistance for veterans, as provided.

This bill would provide for submission of the bond act to the voters at the November 6, 2018, statewide general election in accordance with specified law.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Veterans and Affordable Housing Bond Act of 2018.

SEC. 2. The Legislature finds and declares all of the following:

(a) California is experiencing an extreme housing shortage with 2.2 million extremely low income and very low income renter households competing for only 664,000 affordable rental homes. This leaves more than 1.54 million of California's lowest income households without access to affordable housing.

(b) While homelessness across the United States is in an overall decline, homelessness in California is rising. In 2015, California had 115,738 homeless people, which accounted for 21 percent of the nation's homeless population. This is an increase of 1.6 percent from the prior year. California also had the highest rate of unsheltered people, at 64 percent or 73,699 people; the largest numbers of unaccompanied homeless children and youth, at 10,416 people or 28 percent of the national total; the largest number of veterans experiencing homelessness, at 11,311 or 24 percent of the national homeless veteran population; and the second largest number of people in families with chronic patterns of homelessness, at 22,582 or 11 percent of the state's homeless family population.

(c) It is essential to continue funding, which is soon to expire, for housing programs that are necessary to address the housing needs of the large number of veterans and their families living in California.

(d) California is home to 21 of the 30 most expensive rental housing markets in the country, which has had a disproportionate impact on the middle class and the working poor. California requires the third highest wage in the country to afford housing, behind Hawaii and Washington, D.C. The fair market rent, which indicates the amount of money that a given property would require if it were open for leasing, for a two-bedroom apartment is $1,386. To afford this level of rent and utilities, without paying more than

30 percent of income on housing, a household must earn an hourly "housing wage" of $26.65 per hour. This means that a person earning minimum wage must work an average of three jobs to pay the rent for a two-bedroom unit. In some areas of the state, these numbers are even higher.

(e) Low-income families are forced to spend more and more of their income on rent, which leaves little else for other basic necessities. Many renters must postpone or forgo home ownership, live in more crowded housing, commute further to work, or, in some cases, choose to live and work elsewhere.

(f) California has seen a significant reduction of state funding in recent years. The funds from Proposition 46 of 2002 and Proposition 1C of 2006, totaling nearly $5 billion for a variety of affordable housing programs, have been expended. Combined with the loss of redevelopment funds, $1.5 billion of annual state investment dedicated to housing has been lost, leaving several critical housing programs unfunded.

(g) High housing costs and the shortage of housing stock in California directly affect the future health of California's economy and, given the staggering numbers indicated above, bold action is necessary. Investment in existing and successful housing programs to expand the state's housing stock should benefit California's homeless and low-income earners, as well as some of the state's most vulnerable populations, including foster and at-risk youth, persons with developmental and physical disabilities, farmworkers, the elderly, single parents with children, and survivors of domestic violence. Investments should also be made in housing for Medi-Cal recipients served through a county's Section 1115 Waiver Whole Person Care Pilot program and family day care providers.

(h) Investment in housing creates jobs and provides local benefits. The estimated one-year impacts of building 100 rental apartments in a typical local area include $11.7 million in local income, $2.2 million in taxes and other revenue for local governments, and 161 local jobs or 1.62 jobs per apartment. The additional annually recurring impacts of building 100 rental apartments in a typical local area include $2.6 million in local income, $503,000 in taxes and other revenue for local governments, and 44 local jobs or .44 jobs per apartment.

(i) California has 109 federally recognized tribes and 723,000 residents with Native American ancestry, the largest number of

tribes and residents in the United States. Due to historic dislocation and lack of housing choices, most do not live on tribal lands and those who do live in severely substandard, overcrowded homes lacking quality water and sewer services at rates greater than the general population.

SEC. 3. Part 16 (commencing with Section 54000) is added to Division 31 of the Health and Safety Code, to read:

PART 16. VETERANS AND AFFORDABLE HOUSING BOND ACT OF 2018

Chapter 1. General Provisions

54000. Together with Article 5z (commencing with Section 998.600) of Chapter 6 of Division 4 of the Military and Veterans Code, this part shall be known, and may be cited, as the Veterans and Affordable Housing Bond Act of 2018.

54002. As used in this part, the following terms have the following meanings:

(a) "Board" means the Department of Housing and Community Development for programs administered by the department, and the California Housing Finance Agency for programs administered by the agency.

(b) "Committee" means the Housing Finance Committee created pursuant to Section 53524 and continued in existence pursuant to Sections 53548 and 54014.

(c) "Fund" means the Affordable Housing Bond Act Trust Fund of 2018 created pursuant to Section 54006.

54004. This part shall only become operative upon adoption by the voters at the November 6, 2018, statewide general election.

Chapter 2. Affordable Housing Bond Act Trust Fund of 2018 and Program

54006. The Affordable Housing Bond Act Trust Fund of 2018 is hereby created within the State Treasury. It is the intent of the Legislature that the proceeds of bonds (exclusive of refunding bonds issued pursuant to Section 54026) be deposited in the fund and used to fund the housing-related programs described in this chapter. The proceeds of bonds issued and sold pursuant to this part for the purposes specified in this chapter shall be allocated in the following manner:

(a) One billion five hundred million dollars ($1,500,000,000) to be deposited in the Housing Rehabilitation Loan Fund established pursuant to Section 50661. The moneys in the fund shall be used for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, to be expended to assist in the new construction, rehabilitation, and preservation of permanent and transitional rental housing for persons with incomes of up to 60 percent of the area median income (AMI). These funds may also be used to provide technical assistance pursuant to Section 54007.

(b) One hundred fifty million dollars ($150,000,000) to be deposited into the Transit-Oriented Development Implementation Fund, established pursuant to Section 53561, for expenditure, upon appropriation by the Legislature, pursuant to the Transit-Oriented Development Implementation Program authorized by Part 13 (commencing with Section 53560) to provide local assistance to cities, counties, cities and counties, transit agencies, and developers for the purpose of developing or facilitating the development of higher density uses within close proximity to transit stations that will increase public transit ridership. These funds may also be expended for any authorized purpose of this program and for state incentive programs, including loans and grants, within the department. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(c) Three hundred million dollars ($300,000,000) to be deposited in the Regional Planning, Housing, and Infill Incentive Account, which is hereby created within the fund. Moneys in the account shall be available, upon appropriation by the Legislature, pursuant to the Infill Incentive Grant Program of 2007 established by Section 53545.13 for infill incentive grants to assist in the new construction and rehabilitation of infrastructure that supports high-density affordable and mixed-income housing in locations designated as infill, including, but not limited to, any of the following:

(1) Park creation, development, or rehabilitation to encourage infill development.

(2) Water, sewer, or other public infrastructure costs associated with infill development.

(3) Transportation improvements related to infill development projects.

(4) Traffic mitigation.

These funds may also be expended for any authorized purpose of this program. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(d) One hundred fifty million dollars ($150,000,000) to be transferred to the Self-Help Housing Fund established pursuant to Section 50697.1. Notwithstanding Section 13340 of the Government Code and Section 50697.1, these funds are hereby continuously appropriated to the Department of Housing and Community Development without regard to fiscal years, which funds shall be transferred by the department to the California Housing Finance Agency for purposes of the home purchase assistance program established pursuant to Chapter 6.8 (commencing with Section 51341) of Part 3.

(e) Three hundred million dollars ($300,000,000) to be deposited in the Joe Serna, Jr. Farmworker Housing Grant Fund, established pursuant to Section 50517.5, to fund grants or loans, or both, for local public entities, nonprofit corporations, limited liability companies, and limited partnerships, for the construction or rehabilitation of housing for agricultural employees and their families or for the acquisition of manufactured housing as part of a program to address and remedy the impacts of current and potential displacement of farmworker families from existing labor camps, mobilehome parks, or other housing. These funds may also be expended for any authorized purpose of this program. These funds may also be used to provide technical assistance pursuant to Section 54007. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(f) Three hundred million dollars ($300,000,000) to be deposited in the Affordable Housing Innovation Fund established pursuant to subparagraph (F) of paragraph (1) of subdivision (a) of Section 53545. Moneys in the fund shall be available, upon appropriation by the Legislature, pursuant to the Local Housing Trust Fund Matching Grant Program established by Section 50842.2 to fund competitive grants or loans to local housing trust funds that develop, own, lend, or invest in affordable housing and used to create pilot programs to demonstrate innovative, cost-saving approaches to creating or preserving affordable housing. Local housing trust funds shall be derived on an ongoing basis from private contribution or governmental sources that are not otherwise restricted in use for housing programs. These funds may also be expended for any authorized purpose of this program. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(g) Three hundred million dollars ($300,000,000) to be deposited in the Self-Help Housing Fund established pursuant to Section 50697.1. The moneys in the fund shall be available for the CalHome Program authorized by Chapter 6 (commencing with Section 50650) of Part 2, to provide direct, forgivable loans to assist development projects involving multiple home ownership units, including single-family subdivisions, for self-help mortgage assistance programs, and for manufactured homes. These funds may also be expended for any authorized purpose of this program. At least thirty million dollars ($30,000,000) of the amount deposited in the Self-Help Housing Fund shall be used to provide grants or forgivable loans to assist in the rehabilitation or replacement, or both, of existing mobilehomes located in a mobilehome or manufactured home community. These funds may also be used to provide technical assistance pursuant to Section 54007. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7

(commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

54007. (a) (1) Notwithstanding any other provision of this part, the Department of Housing and Community Development may provide technical assistance to eligible counties and eligible cities, or developers of affordable housing within eligible counties and eligible cities, to facilitate the construction of housing for the target populations for the following programs funded pursuant to this part:

(A) The Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2).

(B) The Joe Serna, Jr. Farmworker Housing Grant Program (Chapter 3.2 (commencing with Section 50515.2) of Part 2).

(C) The CalHome Program (Chapter 6 (commencing with Section 50650) of Part 2).

(2) Technical assistance pursuant to this section shall be provided using the bond proceeds allocated pursuant to Section 54006 to the program for which the technical assistance is provided.

(3) The Department of Housing and Community Development shall not provide more than three hundred sixty thousand dollars ($360,000) total in technical assistance pursuant to this section, and an eligible county or eligible city shall not receive more than thirty thousand dollars ($30,000) in technical assistance annually.

(b) For purposes of this section, the following definitions shall apply:

(1) "Eligible city" means a city that is located within a county with a population of 150,000 residents or fewer.

(2) "Eligible county" means a county with a population of 150,000 residents or fewer.

(3) "Technical assistance" includes engineering assistance and environmental review related to an affordable housing project and reimbursement of administrative costs related to developing a grant proposal.

54008. (a) The Legislature may, from time to time, amend any law related to programs to which funds are, or have been, allocated pursuant to this chapter for the purposes of improving the efficiency and effectiveness of those programs or to further the goals of those programs.

(b) The Legislature may amend this chapter to reallocate the proceeds of bonds issued and sold pursuant to this part among the programs to which funds are to be allocated pursuant to this chapter as necessary to effectively promote the development of affordable housing in this state.

54009. Programs funded with bond proceeds shall, when allocating financial support, give preference to projects that are "public works" for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and other projects on which all construction workers will be paid at least the general prevailing rate of per diem wages as determined by the Director of Industrial Relations.

Chapter 3. Fiscal Provisions

54010. Bonds in the total amount of three billion dollars ($3,000,000,000), exclusive of refunding bonds issued pursuant to Section 54026, or so much thereof as is necessary as determined by the committee, are hereby authorized to be issued and sold for carrying out the purposes expressed in this part and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. All bonds herein authorized which have been duly issued, sold, and delivered as provided herein shall constitute valid and binding general obligations of the state, and the full faith and credit of the state is hereby pledged for the punctual payment of both principal of and interest on those bonds when due.

54012. The bonds authorized by this part shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), except subdivisions (a) and (b) of Section 16727 of the Government Code, and all of the provisions of that law as amended from time to time apply to the bonds and to this part, except as provided in Section 54028, and are hereby incorporated in this part as though set forth in full in this part.

54014. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this part, the committee is continued in existence. For the purposes of this part, the Housing Finance

Committee is "the committee" as that term is used in the State General Obligation Bond Law.

(b) The Department of Housing and Community Development may adopt guidelines establishing requirements for administration of its financing programs. The guidelines shall not constitute rules, regulations, orders, or standards of general application and are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) For the purposes of the State General Obligation Bond Law, the Department of Housing and Community Development is designated the "board" for programs administered by the department, and the California Housing Finance Agency is the "board" for programs administered by the agency.

54016. Upon request of the board stating that funds are needed for purposes of this part, the committee shall determine whether or not it is necessary or desirable to issue bonds, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and are not required to be sold at any one time. Bonds may bear interest subject to federal income tax.

54018. There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collections of state revenues to do or perform each and every act which is necessary to collect that additional sum.

54020. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this part, an amount that will equal the total of both of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this part, as the principal and interest become due and payable.

(b) The sum which is necessary to carry out Section 54024, appropriated without regard to fiscal years.

54022. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of this part. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold, excluding any refunding bonds authorized pursuant to Section 54026, for purposes of this part, less any amount loaned pursuant to this section and not yet repaid and any amount withdrawn from the General Fund pursuant to Section 54024 and not yet returned to the General Fund. The board shall execute any documents as required by the Pooled Money Investment Board to obtain and repay the loan. Any amount loaned shall be deposited in the fund to be allocated in accordance with this part.

54024. For purposes of carrying out this part, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of any amount or amounts not to exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold, excluding any refunding bonds authorized pursuant to Section 54026, for purposes of this part, less any amount loaned pursuant to Section 54022 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in accordance with this part. Any moneys made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from moneys received from the sale of bonds which would otherwise be deposited in that fund.

54026. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code. Approval by the electors of this act shall constitute approval of any refunding bonds issued to refund bonds issued pursuant to this part, including any prior issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

54028. Notwithstanding any provisions in the State General Obligation Bond Law, the maturity date of any bonds authorized by this part shall not be later than 35 years from the date of each such bond. The maturity of each series shall be calculated from the date of issuance of each bond.

54030. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this part are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

54032. Notwithstanding any provision of the State General Obligation Bond Law with regard to the proceeds from the sale of bonds authorized by this part that are subject to investment under Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code, the Treasurer may maintain a separate account for investment earnings, may order the payment of those earnings to comply with any rebate requirement applicable under federal law, and may otherwise direct the use and investment of those proceeds so as to maintain the tax-exempt status of tax-exempt bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

54034. All moneys derived from premiums and accrued interest on bonds sold pursuant to this part shall be transferred to the General Fund as a credit to expenditures for bond interest; provided, however, that amounts derived from premiums may be reserved and used to pay the costs of bond issuance prior to transfer to the General Fund.

SEC. 4. Article 5z (commencing with Section 998.600) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5z. The Veterans and Affordable Housing Bond Act of 2018

998.600. Together with Part 16 (commencing with Section 54000) of Division 31 of the Health and Safety Code, this article shall be known and may be cited as the Veterans and Affordable Housing Bond Act of 2018.

998.601. (a) The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" refer both to this article and that law.

(b) For purposes of the State General Obligation Bond Law, the Department of Veterans Affairs is designated the board.

998.602. As used herein, the following terms have the following meanings:

(a) "Board" means the Department of Veterans Affairs.

(b) "Bond" means a veterans' bond, a state general obligation bond, issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(c) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting the State General Obligation Bond Law by reference.

(d) "Committee" means the Veterans Finance Committee of 1943, established by Section 991.

(e) "Fund" means the Veterans' Farm and Home Building Fund of 1943, established by Section 988.

(f) "Payment Fund" means the Veterans' Bonds Payment Fund established by Section 988.6.

998.603. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1 (commencing with Section 987.50)), and of all acts amendatory thereof and supplemental thereto, the committee may create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of not more than one billion dollars ($1,000,000,000), exclusive of refunding bonds, in the manner provided herein.

998.604. (a) All bonds authorized by this article, when duly sold and delivered as provided herein, constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

(b) There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money, in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, these bonds as provided herein, and all officers required by law to perform any duty in regard to the collection of state revenues shall collect this additional sum.

(c) On the dates on which funds are to be remitted pursuant to Section 16676 of the Government Code for the payment of debt service on the bonds in each fiscal year, there shall be transferred to the Payment Fund to pay the debt service all of the money in the fund, not in excess of the amount of debt service then due and payable. If the money transferred on the remittance dates is less than debt service then due and payable, the balance remaining unpaid shall be transferred to the General Fund out of the fund as soon as it shall become available, together with interest thereon from the remittance date until paid, at the same rate of interest as borne by the bonds, compounded semiannually. Notwithstanding any other provision of law to the contrary, this subdivision shall apply to all veterans' farm and home purchase bond acts pursuant to this chapter. This subdivision does not grant any lien on the fund, the Payment Fund, or the moneys therein to the holders of any bonds issued under this article. For the purposes of this subdivision, "debt service" means the principal (whether due at maturity, by redemption, or acceleration), premium, if any, or interest payable on any date with respect to any series of bonds. This subdivision shall not apply, however, in the case of any debt service that is payable from the proceeds of any refunding bonds.

998.605. There is hereby appropriated from the General Fund, for purposes of this article, a sum of money that will equal both of the following:

(a) That sum annually necessary to pay the principal of, and the interest on, the bonds issued and sold as provided herein, as that principal and interest become due and payable.

(b) That sum necessary to carry out Section 998.606, appropriated without regard to fiscal years.

998.606. For the purposes of this article, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of a sum of money not to exceed the amount of the unsold bonds which have been authorized by the committee to be sold pursuant to this article. Any sums withdrawn shall be deposited in the fund. All moneys made available under this section to the board shall be returned by the board to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this article.

998.607. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this article. The amount of the request shall not exceed the amount of unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of carrying out this article. The board shall execute whatever documents are required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this article.

998.608. Upon request of the board, supported by a statement of its plans and projects approved by the Governor, the committee shall determine whether to issue any bonds authorized under this article in order to carry out the board's plans and projects, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out these plans and projects progressively, and it is not necessary that all of the bonds be issued or sold at any one time.

998.609. (a) As long as any bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of any money that the division may have available on deposit with the Treasurer.

998.610. (a) The committee may authorize the Treasurer to sell all or any part of the bonds authorized by this article at the time or times established by the Treasurer.

(b) Whenever the committee deems it necessary for an effective sale of the bonds, the committee may authorize the Treasurer to sell any issue of bonds at less than their par value, notwithstanding Section 16754 of the Government Code. However, the discount on the bonds shall not exceed 3 percent of the par value thereof.

998.611. Out of the first money realized from the sale of bonds as provided herein, there shall be redeposited in the General Obligation Bond Expense Revolving Fund, established by Section 16724.5 of the Government Code, the amount of all expenditures made for the purposes specified in that section, and this money may be used for the same purpose and repaid in the same manner whenever additional bond sales are made.

998.612. Any bonds issued and sold pursuant to this article may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code. The approval of the voters for the issuance of bonds under this article includes approval for the issuance of bonds issued to refund bonds originally issued or any previously issued refunding bonds.

998.613. Notwithstanding any provision of the bond act, if the Treasurer sells bonds under this article for which bond counsel has issued an opinion to the effect that the interest on the bonds is excludable from gross income for purposes of federal income tax, subject to any conditions which may be designated, the Treasurer may establish separate accounts for the investment of bond proceeds and for the earnings on those proceeds, and may use those proceeds or earnings to pay any rebate, penalty, or other payment required by federal law or take any other action with respect to the investment and use of bond proceeds required or permitted under federal law necessary to maintain the tax-exempt status of the bonds or to obtain any other advantage under federal law on behalf of the funds of this state.

998.614. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this article are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by Article XIII B.

SEC. 5. Sections 3 and 4 of this act shall become operative upon the adoption by the voters of the Veterans and Affordable Housing Bond Act of 2018.

SEC. 6. Sections 3 and 4 of this act shall be submitted by the Secretary of State to the voters as a single measure, the Veterans and Affordable Housing Bond Act of 2018, at the November 6, 2018, statewide general election.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to maximize the time available for the analysis and preparation of the proposed issuance of bonds pursuant to Sections 3 and 4 of this act, it is necessary that this act take effect immediately.

CITY OF OXNARD CALIFORNIA	CITY COUNCIL AGENDA REPORT	TYPE OF ITEM: Report AGENDA ITEM NO.: 2

DATE: April 10, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Jesus Nava
Assistant City Mgr

SUBJECT: Ordinances Reauthorizing "PEG" Fees on State Video Service Franchises. (5/5/5)

CONTACT: Jesus Nava, Assistant City Mgr
Jesus.Nava@oxnard.org, 385-7497

RECOMMENDATION:

That the City Council:

1. Introduce an Ordinance (read by title only, waiving further reading) of the City Council of the City Of Oxnard reauthorizing the City's Public, Educational, And Governmental ("PEG") access support fee; and
2. Adopt an Urgency Ordinance (read by title only, waiving further reading) of the City Council of the City of Oxnard reauthorizing the City's Public, Educational, and Governmental ("PEG") access support fee.

BACKGROUND

The 2006 Digital Infrastructure and Video Competition Act ("DIVCA") changed the manner in which video services (formerly cable television) are regulated. Instead of city franchises, DIVCA provides for state franchises administered by the California Public Utilities Commission ("CPUC").

DIVCA authorizes the city to adopt an ordinance imposing a fee on state franchise holders to support public, education and government (PEG) channel facilities. The Oxnard City Council established such a fee by adopting Ordinance 2782 (codified as Section 23-44 of the Oxnard City Code). The amount of the PEG fee is 1% of gross revenues.

DIVCA also provides that local ordinances adopting a PEG fee shall expire, but may be reauthorized, upon the expiration of the state franchises.

The City of Oxnard has two State franchisees operating within the city limits: Spectrum and Frontier Communications.

The proposed Ordinance reauthorizes the PEG Fee established by Ordinance 2782 and preserves funding to support the capital needs of the city as it provides public and government information over the city's PEG channels.

The Urgency Ordinance ensures that the City can continue to impose and collect the PEG Fee without lapse until the Ordinance becomes effective. The urgency is due to the City's need and reliance on the PEG Fee for capital costs relating to PEG channel facilities, which are essential to providing City residents with important civic programming including emergency alerts and community and government news that are necessary for the preservation of the public peace, health and safety.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3c. Improve our methods of communicating with residents, businesses and neighborhoods.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve our infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding. This item supports the following goals and objectives:

Goal 4. Ensure proper construction and maintenance of infrastructure to provide maximum benefit with lowest life cycle cost following CIP plans.

Objective 4b. Catch up on deferred maintenance for City facilities.

FINANCIAL IMPACT

Adoption of the PEG Reauthorization Ordinance and Urgency Reauthorization Ordinance maintains the 1% fee on the gross revenues from video service providers in Oxnard. The annual collection for FY 2017-18 is budgeted at $383,520 of which $187,674 is collected as of February 28,2018. It is anticipated that the remaining amount will be collected by June 30, 2018.

ATTACHMENTS:

Attachment A: CofO DIVCA PEG FEE ORDINANCE 2018

Attachment B: CofO DIVCA PEG FEE URGENCY ORDINANCE 2018

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REAUTHORIZING THE CITY'S PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS SUPPORT FEE

WHEREAS, Section 5870(n) of the Public Utilities Code ("PUC"), which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"), authorized the City to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities ("PEG"); and

WHEREAS, DIVCA provides that state video franchises are issued by the California Public Utilities Commission (" CPUC") and have a stated term of 10 years;

WHEREAS, the City adopted Ordinance 2782 establishing such a fee, which is codified in Section 23-44 of the Oxnard City Code; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized, upon the expiration of a state franchise; and

WHEREAS, the City Council deems it to be in the best interest of the City to expressly reauthorize the PEG fee codified in Section 23-44 of the Oxnard City Code, which fee shall remain unchanged and in full effect as to all state franchised video service providers operating within the City, and to further provide for automatic reauthorization of the PEG fee upon the expiration of future video franchises held by state-franchised video service providers operating within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

PART 1. Reauthorization. The City' s PEG fee imposed in Section 23-44 of the Oxnard City Code is re-authorized to the extent required by California Public Utilities Code Section 5870(n). All state-franchised video service providers operating within the City, shall continue to be subject to the PEG fee required by Section 23-44 of the Oxnard City Code, which fee shall remain unchanged and in full effect as to all state-franchised video service providers operating within the City.

PART 2. Automatic Reauthorization. Section 23-44 subsection (A), "PEG fee established," of the Oxnard City Code is hereby amended to add the following language as Section 23-44 subsection (A)(3):

"SEC. 23-44. STATE VIDEO FRANCHISEES.

(A) *PEG fee established*

(3) Commencing from, and after, May 17, 2018, the City's PEG fee set forth in this Section shall continue to apply to any new or existing franchisee operating in the City and shall automatically be reauthorized upon the expiration of any existing or future state video franchise(s) held by any state-franchised video service provider operating within the City. This fee shall so renew until such time that the City Council takes formal affirmative action to cease the renewals."

PART 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

PART 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

PART 6. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance _____ was first read on ________, and finally adopted on _________, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

____
Tim Flynn, Mayor

ATTEST:

____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

____
Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REAUTHORIZING THE CITY'S PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS SUPPORT FEE

WHEREAS, Section 5870(n) of the Public Utilities Code ("PUC"), which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"), authorized the City to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities ("PEG"); and

WHEREAS, DIVCA provides that state video franchises are issued by the California Public Utilities Commission (" CPUC") and have a stated term of 10 years;

WHEREAS, the City adopted Ordinance 2782 establishing such a fee, which is codified in Section 23-44 of the Oxnard City Code; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized, upon the expiration of a state franchise; and

WHEREAS, the City Council deems it to be in the best interest of the City to expressly reauthorize the PEG fee codified in Section 23-44 of the Oxnard City Code, which fee shall remain unchanged and in full effect as to all state franchised video service providers operating within the City, and to further provide for automatic reauthorization of the PEG fee upon the expiration of future video franchises held by state-franchised video service providers operating within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

PART 1. Urgency Findings. The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety. Currently, the City depends upon the PEG fee to support PEG access facilities, which are essential to providing City residents with important civic programming, including emergency alerts and community and government news. Public Utilities Code Section 5870(n) requires reauthorization of the City' s PEG fee. The City arguably faces a potential lapse in PEG funding until the City can reauthorize the PEG fee. If the City' s PEG fee is not reauthorized immediately, the City may lose funding for its PEG programming facilities. Any loss of funding would jeopardize a trustworthy, reliable and immediate means by which the City communicates with its residents. Any lapse in funding may also lead to confusion among state video franchisees operating within the City regarding the payment of the PEG fee, leading the City to incur additional costs to recover any overdue fees.

Therefore, the City Council finds and determines that the immediate preservation of the public peace, health and safety requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937(b) and take effect immediately upon adoption. If this Ordinance does not become effective immediately, but instead becomes effective thirty (30) days after its second reading, funding for City PEG facilities could lapse, causing residents who rely on PEG channels for emergency broadcasts and news updates to lose a vital source of City information. Based on the foregoing, the City Council declares this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

PART 2. <u>Reauthorization.</u> The City's PEG fee imposed in Section 23-44 of the Oxnard City Code is re-authorized to the extent required by California Public Utilities Code Section 5870(n). All state-franchised video service providers operating within the City, shall continue to be subject to the PEG fee required by Section 23-44 of the Oxnard City Code, which fee shall remain unchanged and in full effect as to all state-franchised video service providers operating within the City.

PART 3. <u>Automatic Reauthorization.</u> Section 23-44 subsection (A), "PEG fee established," of the Oxnard City Code is hereby amended to add the following language as Section 23-44 subsection (A)(3):

"SEC. 23-44. STATE VIDEO FRANCHISEES.

(A) *PEG fee established*

(3) Commencing from, and after, _______, 2018, the City's PEG fee set forth in this Section shall continue to apply to any new or existing franchisee operating in the City and shall automatically be reauthorized upon the expiration of any existing or future state video franchise(s) held by any state-franchised video service provider operating within the City. This fee shall so renew until such time that the City Council takes formal affirmative action to cease the renewals."

PART 4. <u>Severability</u>. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

PART 5. <u>Effective Date.</u> This Ordinance shall be in full force and effect immediately upon its adoption.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

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CITY COUNCIL AGENDA REPORT	**TYPE OF ITEM: Report** **AGENDA ITEM NO.: 3**

DATE: April 10, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Scott Whitney
Interim City Manager/Police Chief

SUBJECT: Keep California Safe Resolution. (5/10/15)

CONTACT: Scott Whitney, Interim City Manager/Police Chief
Scott.Whitney@OxnardPD.org, 385-7624

RECOMMENDATION:

That City Council adopt a resolution supporting the statewide ballot initiative titled *Reducing Crime and Keeping California Safe Act of 2018.*

BACKGROUND

In 2011, the legislature enacted Assembly Bill (AB) 109, *Public Safety Realignment*, in order to comply with a federal court order to reduce the California prison population to 137.5 percent of its design capacity. AB 109 aimed to accomplish this order by altering the criminal justice system; changing the definition of a felony, shifting housing for low level offenders from state prisons to local county jails, and transferring the community supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to local county probation departments.

The passage of Proposition 47, *The Safe Neighborhoods and Schools Act*, in November of 2014 was intended, in part, as a follow-up policy to AB 109 to further reduce prison spending and the state's prison population. This resulted in reduced penalties for certain "non-serious, non-violent crimes" from felonies to misdemeanors; allowed certain incarcerated offenders, for one or more of the specified crimes, to apply for a reduced sentence; and created a Safe Neighborhoods and Schools Fund that would receive appropriations based on the state savings resulting from the initiative's passage.

In November of 2015, California voters overwhelmingly passed Proposition 57, *The Public Safety and Rehabilitation Act*, which allows the parole board to release nonviolent prisoners once they have served the full sentence for their primary criminal offense. Examples of "non-violent felonies" include: Rape of an unconscious person, Felony domestic violence, Assaulting a police officer, Human trafficking of a child, and Felony assault with a deadly weapon.

Since 2014, California has had the largest increase in violent crime compared to the rest of the United States. From 2011-2016, the City of Oxnard experienced a 53.1% increase in Part One violent crime which includes homicide, rape, robbery, and aggravated assault. As well, between 2014 and 2016, California had the second highest increase in theft and property crimes in the United States. Between 2012 and 2016, the City of Oxnard experienced a 60% increase in thefts and a 48% overall increase in property crimes.

Changes to California laws resulted in:

- dangerous criminals who had been convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "nonviolent offenders", as the law fails to define these crimes as "violent";
- violent offenders to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision;
- individuals who steal repeatedly face few consequences, regardless of their criminal record or how many times they steal; and
- unintentionally eliminating DNA collection for theft and drug crimes.

<u>Keep California Safe</u>

The Reducing Crime and Keeping California Safe Act, a statewide ballot initiative, seeks to address the unintended consequences of previous California legislation and increase opportunities for rehabilitation, while lowering recidivism and incarceration rates. Specifically, this measure:

- reforms the law so felons who violate the terms of their release be brought back to court and held accountable for such violations;
- enacts reforms for those who repeatedly steal to support their drug problem to enter into existing drug treatment programs;
- restores DNA collection from persons convicted of theft and drug offenses; and
- does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

For these reasons, staff recommends supporting *The Reducing Crime and Keeping California*

Safe Act to show support in addressing the unintended consequences of previous California legislation.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Objective 1c. Highlight our continued efforts to address Domestic Violence.

FINANCIAL IMPACT

There is no financial impact to the city.

<INSERT BODY HERE>

ATTACHMENTS:

Attachment A: City Council Resolution-Keep California Safe

RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA EXPRESSING SUPPORT FOR THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

WHEREAS, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance;

WHEREAS, since 2014, California has had a larger increase in violent crime than the rest of the United States;

WHEREAS, from 2011-2016, the City of Oxnard experienced a 53.1% increase in Part One violent crime which includes homicide, rape, robbery, and aggravated assault;

WHEREAS, The FBI Preliminary Semiannual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in U. S. cities with populations over 100,000, indicates that last year violent crime increased again in most of California's largest cities;

WHEREAS, recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent";

WHEREAS, the City of Oxnard is currently the home to over one-hundred and twenty (120) parolees and over two-hundred and fifty (250) post-release offenders ("PROs");

WHEREAS, as a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge;

WHEREAS, violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision;

WHEREAS, this measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations;

WHEREAS, nothing in this act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits;

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal;

WHEREAS, as a result, between 2014 and 2016, California had the second highest increase in theft and property crimes in the United States, while most states have seen a steady decline;

WHEREAS, between 2012 and 2016, the City of Oxnard experienced a 60% increase in thefts and a 48% overall increase in property crimes;

WHEREAS, individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs;

WHEREAS, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs;

WHEREAS, collecting DNA from criminals is essential to solving violent crimes;

WHEREAS, recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses that will help identify suspects, clear the innocent, and free the wrongly convicted;

WHEREAS, this measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Oxnard hereby supports the Reducing Crime and Keeping California Safe Act of 2018.

PASSED AND ADOPTED THIS 10th day of April 2018, 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

ITEM K-3
Text of "Keep California Safe" Initiative

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(17-0044.) RESTRICTS PAROLE FOR NON-VIOLENT OFFENDERS. AUTHORIZES FELONY SENTENCES FOR CERTAIN OFFENSES CURRENTLY TREATED ONLY AS MISDEMEANORS. INITIATIVE STATUTE. Imposes restrictions on parole program for non-violent offenders who have completed the full term for their primary offense. Expands list of offenses that disqualify an inmate from this parole program. Changes standards and requirements governing parole decisions under this program. Authorizes felony charges for specified theft crimes currently chargeable only as misdemeanors, including some theft crimes where the value is between $250 and $950. Requires persons convicted of specified misdemeanors to submit to collection of DNA samples for state database. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process. Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings. Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

To the Honorable Secretary of State of California:
We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) referenced on the signature page of this petition, hereby propose amendments to the California Penal Code relating to parole, serial theft, and DNA collection from convicted criminals, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

SEC. 1. TITLE

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

SEC. 2. PURPOSES

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals. This measure will:
A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision;
B. Reform theft laws to restore accountability for serial thieves and organized theft rings; and
C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

SEC. 3. FINDINGS AND DECLARATIONS

A. Prevent Early Release of Violent Felons
1. Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison.
2. Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI.
3. Recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders."
4. As a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.
5. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer.
6. Californians need better protection from such violent criminals.
7. Californians need better protection from felons who repeatedly violate the terms of their post release community supervision.
8. This measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations.
9. Californians need better protection from such violent criminals. This measure reforms the law to define such crimes as "violent felonies" for purposes of early release.
10. Nothing in this act is intended to create additional "strike" offenses which would increase the state prison population.
11. Nothing in this act is intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.
B. Restore Accountability for Serial Theft and Organized Theft Rings
1. Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal.
2. As a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was $2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years.
3. Individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.
4. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms.
C. Restore DNA Collection to Solve Violent Crime
1. Collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals.
2. DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape-murder of an 83-year-old woman.
3. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses.
4. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted.
5. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

SEC. 4. PAROLE CONSIDERATION

Section 3003 of the Penal Code is amended to read:
[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type**]**

(a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3450) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, "last legal residence" shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.
(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Parole Hearings setting the conditions of parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:
(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
(2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.
(3) The verified existence of a work offer, or an educational or vocational training program.
(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.
(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.
(c) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.
(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.
(e)(1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:
(A) Last, first, and middle names.
(B) Birth date.
(C) Sex, race, height, weight, and hair and eye color.
(D) Date of parole or placement on postrelease community supervision and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.
(F) California Criminal Information Number, FBI number, social security number, and driver's license number.
(G) County of commitment.
(H) A description of scars, marks, and tattoos on the inmate.
(I) Offense or offenses for which the inmate was convicted that resulted in parole or postrelease community supervision in this instance.
(J) Address, including all of the following information:
(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.
(ii) City and ZIP Code.
(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.
(K) Contact officer and unit, including all of the following information:
(i) Name and telephone number of each contact officer.
(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.
(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.
(M) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program.
(N) Copies of the record of supervision during any prior period of parole.
(2) Unless the information is unavailable, the Department of Corrections and Rehabilitation shall electronically transmit to the county agency identified in subdivision (a) of Section 3451 the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto postrelease community supervision pursuant to Section 3450, for the purpose of identifying the medical and mental health needs of the individual. All transmissions to the county agency shall be in compliance with applicable provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the federal Health Information Technology for Clinical Health Act (HITECH) (Public Law 111-005), and the implementing of privacy and security regulations in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. This paragraph shall not take effect until the Secretary of the United States Department of Health and Human Services, or his or her designee, determines that this provision is not preempted by HIPAA.
(3) Except for the information required by paragraph (2), the information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.
(4) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.
(5) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.
(f) Notwithstanding any other law, ~~an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, and paragraph (16) of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on a person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9,~~ if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need to protect the life, safety, or well-being of ~~a victim or witness.~~ the victim or witness, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, any of the following crimes:
(1) A violent felony as defined subdivision (c) of Section 667.5 or subdivision (a) of Section 3040.1.
(2) A felony in which the defendant inflicts great bodily injury on a person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9.
(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.
(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim's or witness' actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.
(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.
(j) An inmate may be paroled to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450).
(k)(1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include all records of supervision, the issuance of warrants, revocations, or the termination of postrelease community supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease community supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.
(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.
(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

Section 3040.1 is added to the Penal Code to read:
(a) For purposes of early release or parole consideration under the authority of Section 32 of Article I of the Constitution, Sections 12838.4 and 12838.5 of the Government Code, Sections 3000.1, 3041.5, 3041.7, 3052, 5000, 5054, 5055, 5076.2 of this Code and the rulemaking authority granted by Section 5058 of this Code, the following shall be defined as "violent felony offenses":
(1) Murder or voluntary manslaughter;
(2) Mayhem;
(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262;
(4) Sodomy as defined in subdivision (c) or (d) of Section 286;
(5) Oral copulation as defined in subdivision (c) or (d) of Section 288a;
(6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288;
(7) Any felony punishable by death or imprisonment in the state prison for life;
(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55;
(9) Any robbery;
(10) Arson, in violation of subdivision (a) or (b) of Section 451;
(11) Sexual penetration as defined in subdivision (a) or (j) of Section 289;
(12) Attempted murder;
(13) A violation of Section 18745, 18750, or 18755;
(14) Kidnapping;
(15) Assault with the intent to commit a specified felony, in violation of Section 220;
(16) Continuous sexual abuse of a child, in violation of Section 288.5;
(17) Carjacking, as defined in subdivision (a) of Section 215;
(18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1;
(19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22;
(20) Threats to victims or witnesses, as defined in subdivision (c) of Section 136.1;
(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;
(22) Any violation of Section 12022.53;
(23) A violation of subdivision (b) or (c) of Section 11418;
(24) Solicitation to commit murder;
(25) Felony assault with a firearm in violation of subsections (a)(2) and (b) of Section 245;
(26) Felony assault with a deadly weapon in violation of paragraph (1) of subdivision (a) of Section 245;
(27) Felony assault with a deadly weapon upon the person of a peace officer or firefighter in violation of subdivisions (c) and (d) of Section 245;
(28) Felony assault by means of force likely to produce great bodily injury in violation of paragraph (4) of subdivision (a) of Section 245;
(29) Assault with caustic chemicals in violation of Section 244;
(30) False imprisonment in violation of Section 210.5;
(31) Felony discharging a firearm in violation of Section 246;
(32) Discharge of a firearm from a motor vehicle in violation of subsection (c) of Section 26100;
(33) Felony domestic violence resulting in a traumatic condition in violation of Section 273.5;
(34) Felony use of force or threats against a witness or victim of a crime in violation of Section 140;
(35) Felony resisting a peace officer and causing death or serious injury in violation of Section 148.10;
(36) A felony hate crime punishable pursuant to Section 422.7;
(37) Felony elder or dependent adult abuse in violation of subdivision (b) of Section 368;
(38) Rape in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;
(39) Rape in violation of Section 262;
(40) Sexual penetration in violation of subdivision (b), (d) or (e) of Section 289;
(41) Sodomy in violation of subdivision (f), (g), or (i) of Section 286;
(42) Oral copulation in violation of subdivision (f), (g), or (i) of Section 288a;
(43) Abduction of a minor for purposes of prostitution in violation of Section 267;
(44) Human trafficking in violation of subdivision (a), (b), or (c) of Section 236.1;
(45) Child abuse in violation of Section 273ab;
(46) Possessing, exploding, or igniting a destructive device in violation of Section 18740;
(47) Two or more violations of subsection (c) of Section 451;
(48) Any attempt to commit an offense described in this subdivision;
(49) Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;
(50) Any offense resulting in lifetime sex offender registration pursuant to Sections 290 through 290.009.
(51) Any conspiracy to commit an offense described in this Section.
(b) The provisions of this section shall apply to any inmate serving a custodial prison sentence on or after the effective date of this section, regardless of when the sentence was imposed.

Section 3040.2 is added to the Penal Code to read:
(a) Upon conducting a nonviolent offender parole consideration review, the hearing officer for the Board of Parole

Hearings shall consider all relevant, reliable information about the inmate.
(b) The standard of review shall be whether the inmate will pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison.
(c) In reaching this determination, the hearing officer shall consider the following factors:
(1) Circumstances surrounding the current conviction;
(2) The inmate's criminal history, including involvement in other criminal conduct, both juvenile and adult, which is reliably documented;
(3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct;
(4) Any input from the inmate, any victim, whether registered or not at the time of the referral, and the prosecuting agency or agencies;
(5) The inmate's past and present mental condition as documented in records in the possession of the Department of Corrections and Rehabilitation;
(6) The inmate's past and present attitude about the crime;
(7) Any other information which bears on the inmate's suitability for release.
(d) The following circumstances shall be considered by the hearing officer in determining whether the inmate is unsuitable for release:
(1) Multiple victims involved in the current commitment offense;
(2) A victim was particularly vulnerable due to age or physical or mental condition;
(3) The inmate took advantage of a position of trust in the commission of the crime;
(4) The inmate was armed with or used a firearm or other deadly weapon in the commission of the crime;
(5) A victim suffered great bodily injury during the commission of the crime;
(6) The inmate committed the crime in association with a criminal street gang;
(7) The inmate occupied a position of leadership or dominance over other participants in the commission of the crime, or the inmate induced others to participate in the commission of the crime;
(8) During the commission of the crime, the inmate had a clear opportunity to cease but instead continued;
(9) The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which the inmate is currently committed to prison;
(10) The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime;
(11) The inmate was on probation, parole, post release community supervision, mandatory supervision or was in custody or had escaped from custody at the time of the commitment offense;
(12) The inmate was on any form of pre- or post-conviction release at the time of the commitment offense;
(13) The inmate's prior history of violence, whether as a juvenile or adult;
(14) The inmate has engaged in misconduct in prison or jail;
(15) The inmate is incarcerated for multiple cases from the same or different counties or jurisdictions.
(e) The following circumstances shall be considered by the hearing officer in determining whether the inmate is suitable for release:
(1) The inmate does not have a juvenile record of assaulting others or committing crimes with a potential of harm to victims;
(2) The inmate lacks any history of violent crime;
(3) The inmate has demonstrated remorse;
(4) The inmate's present age reduces the risk of recidivism;
(5) The inmate has made realistic plans if released or has developed marketable skills that can be put to use upon release;
(6) The inmate's institutional activities demonstrate an enhanced ability to function within the law upon release;
(7) The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense;
(8) The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission;
(9) The inmate has a minimal or no criminal history;
(10) The inmate was a passive participant or played a minor role in the commission of the crime;
(11) The crime was committed during or due to an unusual situation unlikely to reoccur.

Section 3040.3 is added to the Penal Code to read:
(a) An inmate whose current commitment includes a concurrent, consecutive or stayed sentence for an offense or allegation defined as violent by subdivision (c) of Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
(b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
(c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
(d) For purposes of Section 32 of Article I of the Constitution, the "full term" of the "primary offense" shall be calculated based only on actual days served on the commitment offense.

Section 3040.4 is added to the Penal Code to read:
Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to victims of crime prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims' family, and the general public when making a determination on early release.
(a) Prior to conducting a review for early parole, the Department shall provide notice to the prosecuting agency or agencies and to registered victims, and shall make reasonable efforts to locate and notify victims who are not registered.
(b) The prosecuting agency shall have the right to review all information available to the hearing officer including, but not limited to the inmate's central file, documented adult and juvenile criminal history, institutional behavior including both rehabilitative programming and institutional misconduct, any input from any person or organization advocating on behalf of the inmate, and any information submitted by the public.
(c) A victim shall have a right to submit a statement for purposes of early parole consideration, including a confidential statement.
(d) All prosecuting agencies, any involved law enforcement agency, and all victims, whether or not registered, shall have the right to respond to the board in writing.
(e) Responses to the Board by prosecuting agencies, law enforcement agencies, and victims must be made within 90 days of the date of notification of the inmate's eligibility for early parole review or consideration.
(f) The Board shall notify the prosecuting agencies, law enforcement agencies, and the victims of the Nonviolent Offender Parole decision within 10 days of the decision being made.
(g) Within 30 days of the notice of the final decision concerning Nonviolent Offender Parole Consideration, the inmate and the prosecuting agencies may request review of the decision.
(h) If an inmate is denied early release under the Nonviolent Offender Parole provisions of Section 32 of Article I of the Constitution, the inmate shall not be eligible for early Nonviolent Offender parole consideration for two (2) calendar years from the date of the final decision of the previous denial.

Section 3041 of the Penal Code is amended to read:
[language added to an existing section of law is designated in <u>underlined</u> type and language deleted is designated in ~~strikeout~~ type**]**
(a)(1) In the case of any inmate sentenced pursuant to any law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Parole Hearings shall meet with each inmate during the sixth year before the inmate's minimum eligible parole date for the purposes of reviewing and documenting the inmate's activities and conduct pertinent to parole eligibility. During this consultation, the board shall provide the inmate information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Within 30 days following the consultation, the board shall issue its positive and negative findings and recommendations to the inmate in writing.
(2) One year before the inmate's minimum eligible parole date a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner.
(3) In the event of a tie vote, the matter shall be referred for an en banc review of the record that was before the panel that rendered the tie vote. Upon en banc review, the board shall vote to either grant or deny parole and render a statement of decision. The en banc review shall be conducted pursuant to subdivision (e).
(4) Upon a grant of parole, the inmate shall be released subject to all applicable review periods. However, an inmate shall not be released before reaching his or her minimum eligible parole date as set pursuant to Section 3046 unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date <u>or elderly parole eligibility date</u>.
(5) At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole for an en banc hearing by the board. In case of a review, a majority vote in favor of parole by the board members participating in an en banc review is required to grant parole to any inmate.
(b)(1) The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. <u>The panel or the board, sitting en banc, shall consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.</u>
(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing.
(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting.
(c) For the purpose of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.
(d) It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings will be conducted by a panel of three or more members, the majority of whom shall be commissioners. The board shall report monthly on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by subdivision (a) of Section 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless the inmate has waived the right to those timeframes. That report shall be considered the backlog of cases for purposes of this section, and shall include information on the progress toward eliminating the backlog, and on the number of inmates who have waived their right to the above timeframes. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.
(e) For purposes of this section, an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. An en banc review shall be conducted in compliance with the following:
(1) The commissioners conducting the review shall consider the entire record of the hearing that resulted in the tie vote.
(2) The review shall be limited to the record of the hearing. The record shall consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments shall not be considered in the en banc proceeding.
(3) The board shall separately state reasons for its decision to grant or deny parole.
(4) A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the

en banc review.

Section 3454 of the Penal Code is amended to read:
[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type**]**
(a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, shall establish a review process for assessing and refining a person's program of postrelease supervision. Any additional postrelease supervision conditions shall be reasonably related to the underlying offense for which the offender spent time in prison, or to the offender's risk of recidivism, and the offender's criminal history, and be otherwise consistent with law.
(b) Each county agency responsible for postrelease supervision, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, may determine additional appropriate conditions of supervision listed in Section 3453 consistent with public safety, including the use of continuous electronic monitoring as defined in Section 1210.7, order the provision of appropriate rehabilitation and treatment services, determine appropriate incentives, and determine and order appropriate responses to alleged violations, which can include, but shall not be limited to, immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 3015, or flash incarceration in a city or county jail. Periods of flash incarceration are encouraged as one method of punishment for violations of an offender's condition of postrelease supervision.
(c) As used in this title, "flash incarceration" is a period of detention in a city or county jail due to a violation of an offender's conditions of postrelease supervision. The length of the detention period can range between one and 10 consecutive days. Flash incarceration is a tool that may be used by each county agency responsible for postrelease supervision. Shorter, but if necessary more frequent, periods of detention for violations of an offender's postrelease supervision conditions shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer term revocations.
(d) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

Section 3455 of the Penal Code is amended to read:
[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type**]**
(a) If the supervising county agency has determined, following application of its assessment processes, that intermediate sanctions as authorized in subdivision (b) of Section 3454 are not appropriate, or if the supervised person has violated the terms of his or her release for a third time, the supervising county agency shall petition the court pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision. At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease community supervision, waive a court hearing, and accept the proposed modification of his or her postrelease community supervision. The petition shall include a written report that contains additional information regarding the petition, including the relevant terms and conditions of postrelease community supervision, the circumstances of the alleged underlying violation, the history and background of the violator, and any recommendations. The Judicial Council shall adopt forms and rules of court to establish uniform statewide procedures to implement this subdivision, including the minimum contents of supervision agency reports. Upon a finding that the person has violated the conditions of postrelease community supervision, the revocation hearing officer shall have authority to do all of the following:
(1) Return the person to postrelease community supervision with modifications of conditions, if appropriate, including a period of incarceration in a county jail.
(2) Revoke and terminate postrelease community supervision and order the person to confinement in a county jail.
(3) Refer the person to a reentry court pursuant to Section 3015 or other evidence-based program in the court's discretion.
(b) (1) At any time during the period of postrelease community supervision, if a peace officer, including a probation officer, has probable cause to believe a person subject to postrelease community supervision is violating any term or condition of his or her release, or has failed to appear at a hearing pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision, the officer may, without a warrant or other process, arrest the person and bring him or her before the supervising county agency established by the county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer employed by the supervising county agency may seek a warrant and a court or its designated hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the authority to issue a warrant for that person's arrest.
(2) The court or its designated hearing officer shall have the authority to issue a warrant for a person who is the subject of a petition filed under this section who has failed to appear for a hearing on the petition or for any reason in the interests of justice, or to remand to custody a person who does appear at a hearing on the petition for any reason in the interests of justice.
(3) Unless a person subject to postrelease community supervision is otherwise serving a period of flash incarceration, whenever a person who is subject to this section is arrested, with or without a warrant or the filing of a petition for revocation, the court may order the release of the person under supervision from custody under any terms and conditions the court deems appropriate.
(c) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition. Except as provided in paragraph (3) of subdivision (b), based upon a showing of a preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending his or her first court appearance.
(d) Confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.
(e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 5. DNA COLLECTION

Section 296 of the Penal Code is amended to read:
[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type**]**
(a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter for law enforcement identification analysis:
(1) Any person, including any juvenile, who is convicted of or pleads guilty or no contest to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.
(2) Any adult person who is arrested for or charged with any of the following felony offenses:
(A) Any felony offense specified in Section 290 or attempt to commit any felony offense described in Section 290, or any felony offense that imposes upon a person the duty to register in California as a sex offender under Section 290.
(B) Murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.
(C) Commencing on January 1, 2009, any adult person arrested or charged with any felony offense.
(3) Any person, including any juvenile, who is required to register under Section 290 through 290.009 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.
(4) Any person, excluding a juvenile, who is convicted of, or pleads guilty or no contest to, any of the following offenses:
(A) A misdemeanor violation of Section 459.5;
(B) A violation of subdivision (a) of Section 473 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 473;
(C) A violation of subdivision (a) of Section 476a that is punishable as a misdemeanor pursuant to subdivision (b) of Section 476a;
(D) A violation of Section 487 that is punishable as a misdemeanor pursuant to Section 490.2;
(E) A violation of Section 496 that is punishable as a misdemeanor;
(F) A misdemeanor violation of subdivision (a) of Section 11350 of the Health and Safety Code;
(G) A misdemeanor violation of subdivision (a) of Section 11377 of the Health and Safety Code;
(H) A misdemeanor violation of paragraph (1) of subdivision (e) of Section 243;
(I) A misdemeanor violation of Section 273.5;
(J) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 368;
(K) Any misdemeanor violation where the victim is defined as set forth in Section 6211 of the Family Code;
(L) A misdemeanor violation of paragraph (3) of subdivision (b) of Section 647.
~~(4)~~(5) The term "felony" as used in this subdivision includes an attempt to commit the offense.
~~(5)~~(6) Nothing in this chapter shall be construed as prohibiting collection and analysis of specimens, samples, or print impressions as a condition of a plea for a non-qualifying offense.
(b) The provisions of this chapter and its requirements for submission of specimens, samples and print impressions as soon as administratively practicable shall apply to all qualifying persons regardless of sentence imposed, including any sentence of death, life without the possibility of parole, or any life or indeterminate term, or any other disposition rendered in the case of an adult or juvenile tried as an adult, or whether the person is diverted, fined, or referred for evaluation, and regardless of disposition rendered or placement made in the case of juvenile who is found to have committed any felony offense or is adjudicated under Section 602 of the Welfare and Institutions Code.
(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of placement or confinement in any mental hospital or other public or private treatment facility, and shall include, but not be limited to, the following persons, including juveniles:
(1) Any person committed to a state hospital or other treatment facility as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.
(2) Any person who has a severe mental disorder as set forth within the provisions of Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.
(3) Any person found to be a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.
(d) The provisions of this chapter are mandatory and apply whether or not the court advises a person, including any juvenile, that he or she must provide the data bank and database specimens, samples, and print impressions as a condition of probation, parole, or any plea of guilty, no contest, or not guilty by reason of insanity, or any admission to any of the offenses described in subdivision (a).
(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, and print impressions required by this chapter have not already been taken from any person, as defined under subdivision (a) of Section 296, the prosecuting attorney shall notify the court orally on the record, or in writing, and request that the court order collection of the specimens, samples, and print impressions required by law. However, a failure by the prosecuting attorney or any other law enforcement agency to notify the court shall not relieve a person of the obligation to provide specimens, samples, and print impressions pursuant to this chapter.
(f) Prior to final disposition or sentencing in the case the court shall inquire and verify that the specimens, samples, and print impressions required by this chapter have been obtained and that this fact is included in the abstract of judgment or dispositional order in the case of a juvenile. The abstract of judgment issued by the court shall indicate that the court has ordered the person to comply with the requirements of this chapter and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to this chapter.
However, failure by the court to verify specimen, sample, and print impression collection or enter these facts in the abstract of judgment or dispositional order in the case of

a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING

Section 459.5 of the Penal Code is amended to read:
[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type**]**
(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to ~~commit larceny~~ steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars ($950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.
(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.
(c) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.
(d) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.
(e) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

Section 490.2 of the Penal Code is amended to read:
[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type**]**
(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars ($950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.
(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.
(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

SEC. 7. SERIAL THEFT

Section 490.3 is added to the Penal Code to read:
(a) This section applies to the following crimes:
(1) petty theft;
(2) shoplifting;
(3) grand theft;
(4) burglary;
(5) carjacking;
(6) robbery;
(7) a crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;
(8) any violation of Section 496;
(9) unlawful taking or driving of a vehicle within the meaning of Section 10851 of the Vehicle Code.
(10) Forgery.
(11) The unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e.
(12) Forgery of an access card pursuant to Section 484f.
(13) The unlawful use of an access card pursuant to Section 484g.
(14) Identity theft pursuant to Section 530.5.
(15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.
(b) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal property taken exceeds two hundred fifty dollars ($250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.
(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT

Section 490.4 is added to the Penal Code to read:
(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.
(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.
(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars ($250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.
(d) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.
(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.
(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.
(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of the Act and is passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

SEC. 10. SEVERABILITY

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SEC. 11. CONFLICTING INITIATIVES

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.
(b) If this measure is approved by voters but superseded by law by any other conflicting 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 and effect.