

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, 305 West Third Street 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.ci.oxnard.ca.us.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
***OXNARD FINANCING AUTHORITY**
***OXNARD HOUSING AUTHORITY**

Regular Meetings
City Council Chambers, 305 West Third Street, Oxnard
January 19, 2016
6:00 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Financing Authority and the Oxnard Housing Authority will not meet because there are no items requiring consideration on this date.**

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION

D. OPENING CEREMONIES – 6:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (30 Minutes)

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. 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 any 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. The presiding officer shall limit public comments to three minutes.

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.

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.ci.oxnard.ca.us.

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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

J. PUBLIC HEARINGS

Utilities Department

1. SUBJECT: Utility Enterprise Financial Policy, Utility Rate Assistance Program and Public Hearing on Ordinances to Continue and Establish Water, Wastewater and Solid Waste User Fees and Charges. (001)

RECOMMENDATION: 1) Hold a public hearing to receive public testimony and consider all protests concerning the adoption of ordinances continuing and establishing certain water, wastewater and solid waste user fees and charges; 2) Adopt a resolution setting financial policy for the Environmental Resources (Solid Waste), Water, and Wastewater Utility Enterprises; 3) Receive a report on the options for a potential program to provide financial assistance on City utility bills and provide direction to staff on which option to pursue; 4) Approve the first reading by title only and subsequent adoption of an ordinance continuing and establishing water user fees and charges; 5) Approve the first reading by title only and subsequent adoption of an ordinance continuing and establishing wastewater user fees and charges; and 6) Approve the first reading by title only and subsequent adoption of an ordinance continuing and establishing solid waste user fees and charges.
Legislative Body: CC Contact: Daniel Rydberg Phone: 385-8280

K. APPOINTMENT ITEMS

L. REPORTS

Community Development Department

1. SUBJECT: Adoption of the First Annual Recognized Obligation Payment Schedule for the Period of July 1, 2016 – June 30, 2017. (047)

RECOMMENDATION: That the Community Development Commission Successor Agency ("Successor Agency") adopt a Resolution approving the first Annual Recognized Obligation Payment Schedule (ROPS) 16-17 covering the period of July 1, 2016 – June 30, 2017.
Legislative Body: SA Contact: Kymberly Horner Phone: 385-7853

M. 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.

1. SUBJECT: Receive Verbal Report on Oxnard Community Development Commission Successor Agency and Update Status of Redevelopment Activities in the City of Oxnard.

RECOMMENDATION: Receive and consider report.

Legislative Body: CC/SA

Contact: Kymberly Horner

Phone: 385-7853

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

O. PUBLIC COMMENTS ON REPORTS

At this time, a person may address the legislative body only on matters appearing on the reports. The presiding officer shall permit a person to address the legislative body after the staff presentation on the report and before the consideration of the report by the legislative body. The presiding officer shall limit public comments to three minutes.

P. PUBLIC COMMENTS ON STUDY SESSION

At this time, a person may address the legislative body only on matters appearing on the study session agenda. The presiding officer shall permit a person to address the legislative body after the staff presentation on the item and before the consideration of the item by the legislative body. The presiding officer shall limit public comments to three minutes.

Q. STUDY SESSION

R. ADJOURNMENT



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing

AGENDA ITEM NO.: J-1

DATE: January 19, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

A handwritten signature in dark ink, appearing to be "G. Nyhoff", enclosed in a circular scribble.

FROM: Daniel Rydberg, P.E., Public Works Director *DR*
Public Works Department

SUBJECT: Utility Enterprise Financial Policy, Utility Rate Assistance Program and Public Hearing on Ordinances to Continue and Establish Water, Wastewater and Solid Waste User Fees and Charges

CONTACT: Jay Duncan, Contract and Grant Manager
jay.duncan@ci.oxnard.ca.us, 340-8175

RECOMMENDATION

That City Council:

1. Hold a public hearing to receive public testimony and consider all protests concerning the adoption of ordinances continuing and establishing certain water, wastewater and solid waste user fees and charges.
2. Adopt a resolution setting financial policy for the Environmental Resources (Solid Waste), Water, and Wastewater Utility Enterprises.
3. Receive a report on the options for a potential program to provide financial assistance on City utility bills and provide direction to staff on which option to pursue.
4. Approve the first reading by title only and subsequent adoption of an ordinance continuing and establishing water user fees and charges.
5. Approve the first reading by title only and subsequent adoption of an ordinance continuing and establishing wastewater user fees and charges.
6. Approve the first reading by title only and subsequent adoption of an ordinance continuing and establishing solid waste user fees and charges.

BACKGROUND

Utility Enterprise Financial Policy

Following sound financial policy is essential to effective utility operations. A policy provides guidelines for financial management with an overall long-range perspective, provides a basis for coping with fiscal emergencies, helps maintain financial solvency, and enhances financial transparency. The goals of a financial policy are to mitigate risk, stabilize rates, maintain a desirable credit rating in order to reduce interest expense, determine the optimum ratio of cash and debt funding of capital projects, and to determine the opportune time to issue debt. The City currently has a limited utility rate policy and is developing a new comprehensive policy in order to provide greater stability to the utility funds.

On October 13, 2015 staff presented broad recommendations for a utility rate policy to the City Council and on December 15, 2015 staff presented recommended debt service coverage and reserve policies to the City Council and discussed their impact on credit ratings. The proposed updated Utility Enterprise Financial Policy is included as attachment #1.

Utility Rates Assistance Program

The California Public Utilities Commission (CPUC) has approved several programs that provide financial benefit to ratepayers of utilities that it regulates, including the California Alternative Rates for Energy (CARE) Program for electricity and natural gas customers, the LifeLine Program for telephone service, and various smaller programs for private water companies. Locally, the Cities of Camarillo and Port Hueneme also have programs. The CARE Program provides up to a 20% discount off energy bills for low income households, and is funded by CPUC-approved rate cases with Southern California Edison Company and Southern California Gas Company in Oxnard. The LifeLine Program provides an approximately \$6 per month discount off basic land line telephone service, and is funded by CPUC-approved rate cases with Verizon in Oxnard. The Water Utility Low Income Assistance Program provides a flat per-month discount for private water company customers, and is funded by CPUC—approved rate cases with Golden State Water, in Ventura County. Golden State Water's Ojai-area eligible customers receive a \$12 per month discount, and its Simi Valley-area eligible customers receive an \$8 per month discount.

Unlike utilities regulated by the CPUC, cities, such as Oxnard, are prohibited by state law (Propositions 218 & 26) from funding their financial relief programs with charges to their customers. Cities must fund their programs with discretionary funds, voter-approved special taxes, or donations from citizens and businesses. Some cities are also funding programs using interest revenue from Operations and Maintenance Fund balance. The City of Camarillo provides qualifying low income senior customers with a discount off its wastewater charges and waives the variable portion of the water charges, as long as water usage does not exceed 10 hundred cubic feet (HCF) per month. This program is funded by a voter-approved special tax. The City of Port Hueneme provides qualifying low income customers with a 15% discount on its water, wastewater & solid waste charges.

An ad hoc committee, with representation from the City Manager's Office, the City Treasurer's Office, City Attorney's Office, Development Services Department, and Public Works Department, researched programs available in California and across the nation, as well as applicable laws and regulations, and presented its findings to the City Council at its February 12, 2013 meeting. The program qualifications included extremely low income seniors with below average water use. At the meeting, City Council requested that staff look at broadening the criteria beyond seniors. The potential cost of the senior program was approximately \$200,000 per year for a \$25 per month discount. Broadening the eligibility to all extremely low income ratepayers could cost up to \$2 million for the same discount. The City has collected approximately \$13,000 since 2014 for the program. Using 10% of the interest revenue from utility fund Operations and Maintenance Fund balances would generate approximately \$85,000 in the first year, increasing to approximately \$200,000 in the fifth year. Based on these cost and revenue estimates, staff recommends a discount of \$10 per month in 2016 increasing each year by \$2.50 per month up to \$20.00 per month in 2020. The discount would be available to extremely low income seniors and disabled ratepayers and to other extremely low income ratepayers as funds are available. The criteria for eligibility would be:

- Ratepayer-occupied residential unit (typically Single Family Residential); and
- Extremely low income (USHUD definition); and
- Using no more than 9 HCF of water per month; and
- Head of Household over 65 years old or older, or disabled; and
- Other extremely low income residents (as funding is available).

Utility Rate Process

On October 13, 2015, City Council approved beginning the rate setting process for water, wastewater, and solid waste rates. The rate setting process includes a Proposition 218 protest procedure including a notice, a 45 day waiting period, and a public hearing to consider protests. On November 17, 2015, Council directed that a protest form be included in the rate notice, and on December 3, 2015, the Proposed Utility Rate Increases Notices were mailed to parcel owners and utility customers.

Need for Utility Rate Increases

The City's primary financial goal for its utility enterprises is to ensure that revenues from rates and fees are adequate to fund daily operations and maintenance, capital improvement, debt service and reserves. The funds generated by utility rates are used to provide safe drinking water, treat wastewater and collect and process trash and recyclables for our residents and businesses. This money funds operations, maintenance, repairs, debt payments, infrastructure costs, and capital projects within each utility. The current revenues from water and wastewater are less than the overall costs to provide the services. Rate increases are needed to improve and support the fiscal health of these vital services.

Current rates are also inadequate to properly maintain or replace vital aging infrastructure including facilities, equipment and pipelines. Some essential facilities have either failed or are reaching the end of their useful life. Much of the City's wastewater treatment plant was built in the 1950s and upgraded in the 1970s. These facilities are significantly deteriorated and in some cases are at or near

failure. Failing to maintain aging infrastructure poses a public health risk and subjects the City to potential regulatory violations.

To maintain adequate water supply and reliability, the City must comply with strict environmental regulations and State water conservation mandates. These compliance efforts have increased the cost of water supplies and reduced water revenues below the cost of providing those supplies. Because the majority of expenses are fixed costs when water consumption goes down revenues decrease more than expenses.

Recommended Rates

Utility rates and fees are set following specific legal requirements and industry best practices. Utility revenue can only be used for the utility for which it is collected, though indirect charges for General Fund services and Infrastructure Use Fees for public safety and streets are allowable. Utility charges must also not exceed the estimated reasonable cost of service usually based on a Cost of Services Study. In addition, rates must be charged only to the users benefiting from the service.

A court ruling recently changed the way water rates can be structured. Previously, cities were encouraged to have tiered rate structures to encourage conservation. Now tiers are still allowed, however, rates must be tied to costs of service not just conservation goals. This has impacted water rate structures for many California cities including Oxnard. The proposed rates follow the new interpretation of Proposition 218.

In 2015, a consultant completed a Cost of Services Study which details the City's obligation to address significant infrastructure needs and provides a detailed rate and cost of service analysis. Based on operational requirements, recommended rate policy, and capital improvement requirements, the recommended combined average revenue increase over current rates is 19% for Fiscal Year 2015-16, 9% Fiscal Year 2016-17, and 7% for each of the Fiscal Years 2017-18 through 2019-20 as shown in the table below. The actual increase for individual customers would vary depending on several factors including customer class, account characteristics, and actual level of use.

Year	Water	Wastewater	Environmental Resources	Combined Weighted Average
2015-16	15%	35%	3%	19%
2016-17	12%	10%	3%	9%
2017-18	8%	8%	3%	7%
2018-19	8%	8%	3%	7%
2019-20	8%	8%	3%	7%
Net 5 yr	62%	87%	16%	59%

Consequences of Not Raising Rates

If Wastewater rates are not increased, the Wastewater Enterprise will not receive enough revenue to cover expenses beginning this year. The fund will not be able to meet bond coverage requirements which could result in a credit downgrade to junk bond status. This would make funding of required

facility replacement projects more difficult and expensive. The Wastewater Fund would run out of money in FY 2016-17 or FY 2017-18 and urgently needed maintenance projects would be delayed. This could result in the failure of primary treatment, bio-tower processes and manholes in the Central Trunk Wastewater Collection pipeline. The repair of tree root damage to sewer pipelines and resident laterals citywide as well as installation of odor control systems for sewer collection pipelines would be delayed. Staffing levels and maintenance would not meet regulatory requirements which could result in National Pollutant Discharge Elimination System (NPDES) violations and potential fines.

If Water rates are not raised, the Water Enterprise Fund will not receive enough revenue to cover expenses beginning this year. The fund will not be able to meet bond coverage requirements which could result in a credit downgrade and increased cost for funding required maintenance projects. The Water fund would run out of money in FY 2020-21 or earlier. Replacement of failed water meters could be delayed which could further reduce revenues. Maintenance of pipeline corrosion protection systems, flushing of pipelines, and exercising of valves would be delayed. Street resurfacing projects would be delayed or streets would be resurfaced without replacing cast iron and asbestos cement water lines. This could result in premature failures and damage to new streets.

If Solid Waste rates are not increased the Environmental Resources Enterprise would begin running deficits in two years and would run out of money in FY 2019-20. Replacement of collection vehicles and sorting equipment would be delayed and State requirements for organics landfill diversion would not be met.

FINANCIAL IMPACT

If approved, the rate increase will provide the following revenue in FY 2015-16:

- \$2.4 Million for water services in Fund 601 Water operating budget
- \$2.8 Million for wastewater services in Fund 621 Wastewater Treatment operating budget and Fund 611 Wastewater Collection operating budget
- \$0.36 Million for solid waste services in Fund 631 solid waste operating budget

ATTACHMENTS

- # 1 - Resolution Updating Utility Enterprise Financial Policy
- # 2 - Ordinance Continuing and Establishing Water User Fees and Charges
- # 3 - Ordinance Continuing and Establishing Wastewater User Fees and Charges
- # 4 - Ordinance Continuing and Establishing Solid Waste User Fees and Charges

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD APPROVING A FINANCIAL POLICY FOR CITY UTILITY
ENTERPRISE FUNDS

WHEREAS, the City of Oxnard (City) provides water, wastewater, and solid waste services to residents and businesses within the community; and

WHEREAS, clean water and good sanitation are essential to public health and safety and greatly improve quality of life of residents; and

WHEREAS, each of the three utility services – Water, Wastewater and Environmental Resources (solid waste) – operate as independent financial enterprise funds separate and distinct from the City General Fund; and

WHEREAS, utility revenue can only be used for the service for which it is collected; and

WHEREAS, utility charges must not exceed the estimated cost service; and

WHEREAS, utility rates must only be charged to the users benefiting from the service for which they are charged; and

WHEREAS, the rates and charges imposed on City customers and other users for these public utility services must be established, periodically re-evaluated and revised based on sound fiscal practices, and consistent with applicable legal restrictions, so that each enterprise fund is capable of providing consistent, reliable, and safe utility services at a reasonable cost for current and future generations within the City; and

WHEREAS, revisions to utility rates and charges must also be re-evaluated and revised so they keep pace with the cost to appropriately operate, maintain, repair and replace utility facilities; and

WHEREAS, each utility enterprise regularly updates its master plan and capital improvement program (CIP) and the estimated costs associated with each CIP project; and

WHEREAS, by maintaining a favorable bond rating, the City is able to lower borrowing rates for CIP projects which lowers the overall cost of the projects; and

WHEREAS, utility enterprise bond ratings are in part dependent on revenues generated by utility rates. Utility rates must be sufficient to meet bond debt obligations to finance CIP's at optimal financing rates, while also supporting ongoing utility operation, maintenance, repair and staffing needs; and

WHEREAS, each City utility periodically prepares budgets, CIP's and related long-term planning documents and cost of services studies to assess the needed rates and charges for each utility. For example, the City recently completed a comprehensive Cost of Services Study (December 2105; "2015 COS Study"), which assesses in detail the needed utilities rates for all of the aforementioned purposes and needs; and

WHEREAS, the 2015 COS Study balances risk, reliability and health and safety with cost to meet environmental regulations and the expectations of residents; and

WHEREAS, the cost of providing utility services rises on a regular basis due to increases in energy, chemical, equipment and labor costs; and

WHEREAS, the 2015 COS Study recommends increases to rates and charges for each of the three utilities, as well as adjustments to the fixed and variable rate components of utility rates and charges; and

WHEREAS, utility financial metrics such as bond coverage ratio and reserve balance vary over time based on planned and unplanned circumstances; and

WHEREAS, there is a shortage of staff in the environmental fields, especially wastewater operations, which has increased the difficulty and cost of adequately staffing utility operations;

WHEREAS, increases in utility rates may impose a larger hardship on certain segments of ratepayers and the City is actively exploring policies to assist these ratepayers, consistent with all legal requirements; and

WHEREAS, the City is also continuously pursuing opportunities to supplement revenues derived from utilities rates with outside funding sources such as grants; and

WHEREAS, internal service fees must be periodically reviewed and revised to ensure the City is properly reimbursed for the services it provides and to meet requirements for grant reimbursement.

NOW THEREFORE, the City Council of the City of Oxnard resolves to adopt this Utility Enterprise Financial Policy set forth herein as official policy to which current and future utilities budgets and rate setting processes and procedures will apply.

1. General Policy. Utility rates will objectively and transparently meet all applicable legal requirements. To the extent this policy imposes new "best practices" that require extraordinary utility rate increases, the City will make every attempt to achieve these

policies and objectives over a reasonable period of time to ameliorate the financial impacts of rate increases on utility customers to the extent practicable.

2. **Utility Best Practices.** Utility operations will adhere to published industry best practices, as they may be adjusted from time to time. The primary goal of this best practices policy is to ensure that the physical and financial integrity and stability of each utility is maintained consistently with industry best practices so that City residents and businesses receive reliable, safe, stable and cost effective utility services. Staffing levels, compensation, maintenance, and CIP funding will be reviewed in the budget process to ensure that they are adequate to provide utility service reliability consistent with industry best practices. Internal service fees and infrastructure use fees will also be reviewed during the budget process.
3. **Annual utility rate review.** Utility rates will be reviewed annually to ensure that revenues are sufficient to meet the long-term operation, maintenance, repair and replacement requirements for each utility, consistent with the relevant budgets, master plans, CIP's and cost of service studies for each utility. This review will also ensure that the rates and charges for each utility are otherwise consistent with applicable legal requirements, including the criteria that rates are to be limited to the cost to provide the applicable utility service. Each budget will include an assessment of the adequacy of funding for each utility enterprise fund, and whether the current rates are adequate to meet each utility enterprise fund budget requirements and are consistent with the policies provided in this resolution.
4. **Revenue Enhancement.** Each utility will maximize its use of grants, optimize the use of low interest loans, and leverage partnerships with other public and private agencies to reduce utility enterprise costs and impacts to customer rates.
5. **Debt Coverage Ratio.** Each utility enterprise will strive to maintain a minimum debt coverage ratio of 1.25 or such other applicable ratio as may be imposed or established from time to time, to optimize bonding capacity and interest rates. To the extent achieving this debt coverage policy requires extraordinary utility rate increases, the City will use its best efforts to meet this policy objective over time while also mitigating the consequences of extraordinary rate increases on utility customers.
6. **Debt Term.** Each utility shall strive to limit its use of debt funding for large value CIP's such that the term of any debt shall be limited to no longer than 75% of the anticipated useful life of the CIP facilities being funded.
7. **Reserves.** Each utility enterprise fund shall strive to establish and maintain total on-hand cash reserves of at least 90 days of operations and maintenance expenditures, one year of the depreciation value of capital assets, and 180 days of debt service obligation.

8. Use of Debt Financing. Each utility enterprise fund shall also strive to establish and maintain on-hand cash reserves sufficient to cash fund CIP's consistent with the following principles: a) 100% cash funding of assets with useful life less than 15 years, and b) 50% cash funding of CIP's that include assets with useful life over 15 years. Consistent with this policy on debt financing, the blend of cash and debt funding of each significant CIP will be determined on a case by case basis, given the then existing enterprise fund financial conditions.
9. General Utility Rate Policies. Each utility enterprise fund shall establish and maintain rates consistent with the following policies:
 - a. Maintain rates as stable as reasonably practical, given due consideration to the policies set forth in this resolution, the general economic conditions in the community, the rate of inflation and costs incurred by the utilities from third parties, and the essential requirement to maintain the long-term integrity and reliability of each utility service.
 - b. The rates and charges for each utility shall include appropriate fixed and variable charges to generate the revenues required to cover the respective fixed and variable costs regularly incurred by that utility.
 - c. Each utility enterprise fund rates and charges approval shall include authorization of appropriate pass-through of regular third-party cost increases, commodity inflation adjustments, and rate stabilization based on mandatory drought restrictions, so that utility revenue is sufficient to meet, but not exceed, required expenses.
10. Rate Assistance Program. Every reasonable effort shall be made to fund and implement a program that offers utility rate financial assistance to qualified ratepayers, to assist them in paying their monthly utility bills. This program shall be consistent with applicable law and may provide temporary or longer term assistance depending upon funding, the number of qualified ratepayers, and other applicable criteria, as the program is implemented.
11. Effective Date. This resolution shall be effective on the first day new utility rates for the Water, Wastewater, and Environmental Resources enterprises are made effective for Fiscal Year 2015-2016 and each Fiscal Year thereafter.

PASSED AND ADOPTED this 19th day of January, 2016 by the following vote:
AYES: NOES:

[See signatures on next page]

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE ESTABLISHING FEES AND CHARGES FOR THE USE OF
AND FOR SERVICES RELATING TO CITY WATER SERVICES

WHEREAS, Section 22-60 of the Oxnard City Code requires that the City Council establish by ordinance the rates charged for all water supplied by the City; and

WHEREAS, Section 22-60 of the Oxnard City Code provides that the rates charged for water supplied by the City shall be increased by the same percentage that the rates paid by the City to its water supply wholesalers increase; and

WHEREAS, the Water Resources Division – Water Section operates as a self-supporting enterprise fund (Water Fund) that depends upon revenues derived from the sale of water to City customers; and

WHEREAS, on the 18th of September, 2012, the City Council adopted City ordinance 2859, establishing the current rates and charges applicable to City water customers; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study). The Rate Study assesses the Water Enterprise operation, maintenance, repair, replacement, and capital improvement program budgets and requirements, which collectively are incorporated into the recommended rates provided in this ordinance, so that the proportional cost of providing water service to the City's various customer classes are allocated consistently with all applicable legal requirements. The Rate Study and all the studies, plans and documents relied upon and incorporated in the Rate Study provide the basis for the rates and charges set forth herein; and

WHEREAS, the Rate Study and this ordinance reflect updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, this ordinance includes provision for the automatic adjustment of rates based on inflation, changes in certain third-party costs and mandatory water shortage conditions. The proposed rates displayed as effective beginning March 1, 2016, show the authorized rates applicable March 1, 2016. However, the actual rates effective March 1, 2016 may vary based on the implementation of any automatic rate adjustments as may be authorized as provided in Ordinance 2859, prior to the effective date of this ordinance; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

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

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:
 - a. Meeting operating expenses, including the increased cost of water supplies, treatment chemicals, electricity costs, debt service, and Water Division employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of water service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain water service within the City service area, including cast iron pipe replacement, water quality treatment upgrades, fire hydrant upgrades, hydraulic improvements to the existing system, control system improvements, and groundwater well rehabilitation.
2. The basis for the foregoing claim of exemption is found in the Rate Study.

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

Part 1. Section 22-61 of the Oxnard City Code is amended to read as follows:

SEC. 22-61. FEES AND CHARGES.

The following fees and methods for charging and collecting for services relating to the water system of the city are established and effective during the dates indicated, as follows:

I. Monthly Water Use Rates

A. Monthly Rates for Single Family Residential Water Use, including Ocean View Residential:

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 9	\$3.87	\$3.91	\$4.11	\$4.41	\$4.77
2	> 9 to 15	\$4.57	\$4.61	\$4.85	\$5.21	\$5.63
3	> 15	\$6.12	\$6.18	\$6.51	\$6.98	\$7.55

B. Monthly Rates for Multi-Family Residential Water Use

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 8 per DU*	\$3.90	\$3.94	\$4.14	\$4.44	\$4.81
2	> 8 to 12 per DU	\$4.32	\$4.35	\$4.58	\$4.91	\$5.32
3	> 12 per DU	\$4.97	\$5.01	\$5.28	\$5.66	\$6.12

*Tiers for Multi-family/Multi-unit Residential water rates are variable and are determined by multiplying each tier allotment by the number of dwelling units (DUs).

C. Monthly Rates for Commercial/Institutional/Industrial/Fireline/Landscape Irrigation Water Use, including Ocean View Commercial/Industrial/Institutional

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 100	\$3.72	\$3.75	\$3.95	\$4.23	\$4.58
2	> 100	\$4.33	\$4.37	\$4.60	\$4.93	\$5.34

D. Monthly Rates for Metered Construction Water Use

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 100	\$3.72	\$3.75	\$3.95	\$4.23	\$4.58
2	> 100	\$4.33	\$4.37	\$4.60	\$4.93	\$5.34

E. Monthly Rates for Irrigation Water Use

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50	\$4.06	\$4.10	\$4.31	\$4.62	\$5.00
2	> 50	\$4.29	\$4.33	\$4.55	\$4.88	\$5.28

F. Monthly Rates for Oceanview Agricultural Irrigation Water Use

	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Uniform Volumetric Rate per HCF	\$1.49	\$1.57	\$1.62	\$1.67	\$1.74

G. Recycled Water for Industrial/Irrigation in Lieu of Potable Water

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50	\$3.46	\$3.49	\$3.67	\$3.93	\$4.25
2	> 50	\$3.65	\$3.69	\$3.87	\$4.15	\$4.49

II. Monthly Meter Rates

In addition to monthly rates for water use (per HCF) as set forth in subsection I, all accounts shall pay one of the following monthly meter rates, based on service connection or meter size, and the associated customer class or use:

A. Single Family Residential, Multi-Family Residential, Ocean View Commercial/Institutional/Industrial, and Metered Construction

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$16.08	\$18.49	\$23.09	\$25.77	\$27.64
1"	\$24.25	\$27.89	\$34.82	\$38.87	\$41.69
1 1/2"	\$44.49	\$51.17	\$63.90	\$71.32	\$76.50
2"	\$68.89	\$79.23	\$98.92	\$110.41	\$118.44
3"	\$125.84	\$144.73	\$180.72	\$201.70	\$216.37
4"	\$207.19	\$238.30	\$297.54	\$332.09	\$356.23
6"	\$451.10	\$518.84	\$647.82	\$723.05	\$775.62
8"	\$735.63	\$846.09	\$1,056.43	\$1,179.11	\$1,264.83
10"	\$1,142.12	\$1,313.61	\$1,640.18	\$1,830.66	\$1,963.74

B. Commercial/Institutional/Industrial/Landscape Irrigation and Oceanview Agricultural

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$14.16	\$17.97	\$23.94	\$27.30	\$27.64
1"	\$21.36	\$27.10	\$36.10	\$41.18	\$41.69
1 1/2"	\$39.19	\$49.73	\$66.25	\$75.56	\$76.50
2"	\$60.68	\$77.00	\$102.57	\$116.99	\$118.44
3"	\$110.85	\$140.66	\$187.37	\$213.71	\$216.37
4"	\$182.51	\$231.58	\$308.49	\$351.87	\$356.23
6"	\$397.37	\$504.22	\$671.68	\$766.12	\$775.62
8"	\$648.00	\$822.26	\$1,095.33	\$1,249.34	\$1,264.83
10"	\$1,006.07	\$1,276.61	\$1,700.58	\$1,939.68	\$1,963.74

III. Special Water Services: Each customer shall pay the following fees, according to the service received.

A. Flat Rates: Effective March 1, 2016

Where meters are not installed, water services shall be paid for each dwelling facility, business activity, construction site, or service, whether or not such facility, activity, site or service is at the same location, at a monthly rate which shall be determined by the public works director subject to the approval of the city manager. Any unmetered service shall be temporary and limited to the shortest duration practical.

B. Fire Services

In addition to the monthly rate for water service (per HCF) set forth in subsection 1, and the monthly meter rates set forth in subsection 2, those accounts with separate, private fire lines used exclusively for fire protection, whether such lines are attached to automatic sprinkler systems, fire hydrants or hose attachments, shall pay monthly meter rates, based on meter or connection size:

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$2.06	\$2.31	\$2.50	\$2.70	\$2.92
1"	\$3.56	\$3.99	\$4.31	\$4.66	\$5.04
1 1/2"	\$6.81	\$7.63	\$8.25	\$8.91	\$9.63
2"	\$10.94	\$12.26	\$13.25	\$14.31	\$15.46
3"	\$24.13	\$27.03	\$29.20	\$31.54	\$34.07
4"	\$41.23	\$46.18	\$49.88	\$53.88	\$58.20
6"	\$86.00	\$96.32	\$104.03	\$112.36	\$121.35
8"	\$123.72	\$138.57	\$149.66	\$161.64	\$174.58
10"	\$199.43	\$223.37	\$241.24	\$260.54	\$281.39

C. Unmetered Sites (Temporary Jumper)

In new subdivisions and other projects where meters are not installed immediately, water use shall be paid for at rate determined as set forth in subsection III (A). In addition to those monthly rates for water use, a monthly charge based on the size of the service connection shall be imposed as follows:

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$33.98	\$36.54	\$42.10	\$46.12	\$49.68
1"	\$61.89	\$65.83	\$74.79	\$81.67	\$88.03
1 1/2"	\$156.09	\$163.67	\$182.40	\$198.22	\$213.90
2"	\$254.89	\$266.73	\$296.42	\$321.91	\$347.44

D. Service to City

1. The city shall pay for all installation services furnished to the city at the rates established by this section. However, the water division shall be exempt from paying for installation service.
2. The city shall pay for all water furnished to the city at the rates established by this section. However, the water division and the fire department shall be exempt from paying for water provided to them.
3. Unmetered water used for street sweeping, plant watering, storm drain flushing, construction purposes, and all miscellaneous uses not herein specifically mentioned shall be deemed to have been furnished through a single meter for each department.

The Public Works Director shall estimate the monthly volume of unmetered water used for such purposes.

4. All water furnished to property owned by the city shall be metered.

E. Temporary Agricultural Use

The city may provide water on a temporary basis for agricultural purposes in accordance with section 22-65 of the City Code. Monthly water rates for temporary agricultural purposes shall be the same as commercial/industrial blended rates.

F. Broken locks

In the event a customer breaks a lock placed on the water meter, in addition to all other amounts due, the customer shall pay a fee of \$12.00 to replace the broken lock.

G. Billing and collection; delinquent bills; nonpayment

The customer shall pay a fee of \$13.00 for each visit to a customer's property to collect a water bill that is delinquent. If water service is discontinued due to nonpayment or non-compliance with the City Code or this ordinance, in addition to all other amounts due, the customer shall pay a fee of \$80.00 for resuming service.

H. Billing Procedure for Periodic Charge for City Water Service

Water service bills shall be computed according to the rates then in effect and the number of days in the service period at each rate.

Part 2. As provided in section 22-37 of the City Code, the customer shall pay for installation of each water service and water meter:

- (A) In addition to the cost of administration and materials, the rates for installing each new service and each new meter, which amount shall be paid in advance, shall be as follows:

Service	Meter	Meter Box and Tail Piece	Effective January 1, 2013
3/4"	3/4"	3/4"	\$1,500.00
1"	1"	1"	\$1,700.00
1-1/2"	1-1/2"	1-1/2"	\$2,200.00
2"	2"	2"	\$2,500.00

- (B) The rates for installing each new meter on a service, previously installed and paid for, shall be as follows in addition to the cost of materials:

Meter	Service	New Box	Effective January 1, 2013
3/4"	3/4"	3/4"	\$450.00
1"	1"	1"	\$525.00
1-1/2"	1-1/2"	1-1/2"	\$925.00
2"	2"	2"	\$1,100.00

Part 3. As provided in sections 22-19, 22-26, 22-33, 22-35, 22-39, 22-40, 22-46, 22-48, 22-49 and 22-61 of the City Code, the city shall require the payment of deposits, fees and charges as follows:

- (A) Fully Allocated Hourly Rates

	Effective January 1, 2013
Meter Repair Worker	\$68.00
Water Distribution Operator I	\$62.00
Water Distribution Operator II	\$71.00
Senior Water Distribution Operator	\$78.00

- (B) Deposit guaranteeing payment

Each applicant for service shall be required to place a deposit with the city to guarantee the payment of all water charges. The amount of this deposit for monthly water service shall be:

	Meter	Effective January 1, 2013
For each	3/4"	\$44.00
For each	1"	\$65.00
For each	1-1/2"	\$120.00
For each	2"	\$185.00

For each meter over two inches, an amount equal to an approximate one-month minimum bill, but not less than \$205.00.

- (C) Meter testing

Upon written request to test a meter, the customer shall deposit \$100.00 for a meter size of up to eight inches and \$200.00 for a meter size of over eight inches.

(D) Turning water on or off – non-emergency

Except in an emergency situation, the charge to have water turned on or off during customary business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) shall be \$80.00. To have the water turned on or off at any time after hours (this includes weekends and City-observed holidays), the charge shall be \$145.00.

(E) Removal of meter and reinstallation

In the event a customer turns on the water service or permits or causes water service to be turned on after water service has been turned off for nonpayment or noncompliance, the city shall again turn off the service and remove the meter, and the customer shall pay a fee of \$120.00, in addition to other amounts due, before water service is restored.

(F) Request for Relocation or Abandonment of Meters or Service will be estimated in accordance with the following schedule:

1. Relocate meter box laterally (not in paved area):

Meter	Effective January 1, 2013	Effective January 1, 2013
3/4"	\$440.00 + Abandonment Cost	\$560.00
1"	\$615.00 + Abandonment Cost	\$735.00
1-1/2"	\$835.00 + Abandonment Cost	\$985.00
2"	\$1,190.00 + Abandonment Cost	\$1,370.00

2. Relocate meter box from yard to sidewalk

Service	Effective January 1, 2013
Relocate meter box from yard to sidewalk	\$240.00

3. Relocate meter box from driveway to sidewalk

Service	Effective January 1, 2013
Relocate meter box from driveway to sidewalk	\$300.00

4. Abandonment of water services:

Meter	Effective January 1, 2013
3/4"	\$120.00
1"	\$120.00
1-1/2"	\$150.00
2"	\$180.00

*** Relocation or abandonment of services will be done by Water Distribution personnel unless it is determined by the Water Division Manager that a contractor will be used. It is required that the contractor follow the proper Public Works procedures, obtain all necessary permits, have all necessary inspections performed and pay all required fees.**

5. Credit for existing meter removed and replaced with a larger service and meter in the same location:

Meter	Effective January 1, 2013
3/4"	\$235.00
1"	\$290.00
1-1/2"	\$505.00
2"	\$715.00

(G) Backflow Prevention and Cross-Connection Control

Timely submission of forms demonstrating completed testing and inspection compliance for backflow prevention and cross-connection control device(s) shall include a \$21.00 fee for each device. If the properly completed compliance forms are not returned within 30 days, the Water Division Manager shall send a second notice, and assess an additional \$16.00 late fee. If the properly completed compliance forms are not returned within 60 days of the original notice, the Water Division Manager shall send a third notice, and assess an additional \$27.00 late fee. If the properly completed compliance forms are not returned within 90 days of the original notice, the customer or owner shall pay an additional \$53.00, plus the cost of all administrative, labor and materials required to complete the work. Inspection services by City employees shall be provided for a fee of \$48.00 plus, \$16.00 per device.

(H) Fire Hydrant Test, Inspection and Repairs Fees

Service	Effective January 1, 2013
Hydrant Flow Test Inspection	\$150.00

Temporary Hydrant Meter	Effective January 1, 2013
Setup/Retrieval	\$100.00
Move	\$65.00
Deposit – Meter Replacement Cost	\$850.00
Damaged Hydrant Meter Repair	Labor + Materials
Water Curbs Stop Repair	Labor + Materials

Part 4. Other Rate Adjustment Authorizations:

Pursuant to Government Code section 53756, section 22-60(B) (C) and (D) are amended and restated in their entirety as follows:

(B) Each applicable rate provided in Ordinance No. ____ shall adjust at the same percentage as the percentage or magnitude change in the rates or charges that the City pays to each and every third party water supplier (e.g., United Water Conservation District, Calleguas Municipal Water District, etc.) and management agency from whom the City purchases some or all its water supplies, or to whom the City pays a groundwater extraction, replenishment or pump charge, as those rates and charges are calculated and applied in the Rate Study. Any rate provided in Ordinance No. ____ that is not impacted by rates or charges imposed by City purchases of water from third party suppliers, or payment of groundwater extraction, replenishment or pump charges, shall not be subject to adjustment for these costs. Such adjustments shall be effective concurrent with the date of any adjustments in rates and charges applicable to and imposed on the City as described in this subsection.

(C) Annually on July 1 of each year, the rates provided in Ordinance No. ____ shall automatically adjust to reflect the prior year, April to April, annual percentage change in the Consumer Price Index – All Urban Consumers, Los Angeles – Riverside – Orange County, California, published by the U.S. Bureau of Labor Statistics. For example, on July 1, 2016, the inflation adjustment percent is to be calculated based on the percentage change from April 2015 to April 2016 for the above referenced index.

(D) When the City Council declares the existence of a water shortage condition pursuant to City of Oxnard, Municipal Code Section 22-154, the water rates and charges provided in Ordinance No. ____ that are based on water use shall be adjusted to reflect the level of severity and corresponding mandatory water conservation percentage reflected in the water shortage condition declaration. For example, if the Council declares a Stage 2 water

shortage condition with a mandatory water use reduction goal of 20%, then the rates provided in Ordinance No. _____ that are based on water use, shall be concurrently adjusted upward by the same percentage – 20%. This adjustment shall be initiated as of the effective date of the water shortage declaration and terminate as of the date of the termination of that water shortage declaration.

Part 5. Severability. If any provision of this ordinance, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.

Part 6. 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 7. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) 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. Ordinance No. _____ was first read on _____, 2016, finally adopted on _____, 2016, to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED this _____ day of _____ 2016, by the following vote:

AYES: Councilmembers

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
ESTABLISHING WASTEWATER SYSTEM USER FEES AND CHARGES

WHEREAS, the regulations of the Federal Environmental Protection Agency (EPA) and the California State Water Resources Control Board (SWRCB) Revenue Program Guidelines require that the City of Oxnard's wastewater service charges conform to grant specifications for fair and equitable user fees; and

WHEREAS, the EPA and SWRCB revenue programs require the City to conduct periodic rate adjustment studies and to implement the recommendations thereof, to keep municipal wastewater services on a self-supporting basis; and

WHEREAS, pursuant to Chapter 19 of the Oxnard City Code, Ordinance No. 2860 was adopted the 18th of September, 2012, to set forth the City's wastewater system fees, charges, and user rates in accordance with the provisions of the City Code and EPA/SWRCB guidelines; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study). The Rate Study assesses the Wastewater Enterprise operation, maintenance, repair, replacement, and capital improvement program budgets and requirements, which collectively are incorporated into the recommended rates provided in this ordinance, so that the proportional cost of providing wastewater treatment and disposal service to the City's various customer classes are allocated consistently with all applicable legal requirements. The Rate Study and all the studies, plans and documents relied upon and incorporated in the Rate Study provide the basis for the rates and charges set forth herein; and

WHEREAS, this ordinance reflects the Rate Study to provide updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, this ordinance includes a provision for the automatic adjustment of rates based on inflation and changes in certain third-party costs. The proposed rates displayed as effective beginning March 1, 2016, show the pre-authorized rates applicable March 1, 2016. However, the actual rates effective March 1, 2016 may vary based on the implementation of any automatic rate adjustments as may be authorized as provided in Ordinance 2860, prior to the effective date of this ordinance; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

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

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:

Attachment 3
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- a. Meeting operating expenses, including the increased cost of chemicals and energy sources, biosolids management, more stringent regulatory requirements, debt service, and Wastewater Division employee wages and fringe benefits; and
- b. Purchasing and leasing supplies, equipment, and materials associated with the provision of wastewater service; and
- c. Meeting financial reserve needs and requirements; and
- d. Obtaining funds for capital projects necessary to maintain wastewater service within the City service area, including repair and replacement of the extensive collection and disposal systems and treatment plant; and
- e. Obtaining funds necessary to maintain those intracity transfers as are authorized.

2. The basis for the foregoing claim of exemption is found in the Rate Study.

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

Part 1. The fees, charges and rates set forth below shall be charged and collected for the use of and for other privileges and services relating to the Regional Wastewater Treatment System of the City of Oxnard:

A. Regional Treatment and Disposal Facility User Charges

The monthly rate for regional users (Oxnard, Port Hueneme, Naval Base Ventura County (Port Hueneme and Point Mugu)) of the facility shall be calculated by the "Regional User Charge Formula" as follows:

$$RMUC = e (Vm) + f (Bm) + g (Sm)$$

Where:

RMUC = regional monthly user charge in dollars

Vm = monthly wastewater discharge in millions of gallons (volume)

Bm = monthly biological oxygen demand (BOD) discharge in thousands of pounds

Sm = monthly suspended solids (SS) discharge in thousands of pounds

e, f and g are unit cost coefficients established as follows:

Service		Effective October 18, 2012	Effective January 1, 2013	Effective October 1, 2013
Monthly Wastewater Discharge/Millions of Gallons	e =	\$1,037.46	\$1,099.70	\$1,165.69
Monthly BOD Discharge/Thousands of Pounds	f =	\$117.53	\$124.59	\$132.06

Monthly SS Discharge/Thousands of Pounds	g =	\$172.24	\$182.58	\$193.53
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B. City of Oxnard User Charge for Wastewater System

The rate for City user classes or individual users of the wastewater system shall be calculated by the "City of Oxnard User Charge Formula" (the Oxnard Formula) as follows:

$$\text{OMUC} = p (\text{Vm}) + q (\text{Bm}) + r (\text{Sm})$$

Where:

OMUC = Oxnard monthly user charge in dollars

Vm = monthly wastewater discharge in millions of gallons

Bm = monthly BOD discharge in thousands of pounds

Sm = monthly SS discharge in thousands of pounds

p, q and r are unit cost coefficients established as follows:

Service		Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Monthly Wastewater Discharge/Millions of Gallons	p =	\$2,908.78	\$3,199.66	\$3,455.64	\$3,732.10	\$4,030.67
Monthly BOD Discharge/Thousands of Pounds	q =	\$662.79	\$729.07	\$787.40	\$850.40	\$918.44
Monthly SS Discharge/Thousands of Pounds	r =	\$524.18	\$576.60	\$622.73	\$672.55	\$726.36

1. Formula Users (Industrial & Commercial)

The monthly user charge for formula users shall be calculated using the Oxnard Formula. Industrial and commercial users billed by Oxnard Formula shall be those so designated by the Public Works Director. For those formula users that do not provide metered wastewater flow data, the wastewater flow shall be assumed to be 90% of water consumed. For those users that provide engineering data acceptable to the Public Works Director showing a different percentage, the wastewater flows will be based on that data.

2. Non-Formula Users (Industrial, Commercial & Governmental)

The monthly user charge for non-residential users of the system that are not classified as formula users by the Public Works Director shall be as follows. The rate per hundred cubic feet (HCF) of water used is based on the assumption that a percent of

the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time:

a. Commercial/School Wastewater Use (Percentage Wastewater Return = 85%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50 HCF/Month	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
2	> 50 to 930 HCF/Month	\$4.14	\$4.56	\$4.93	\$5.33	\$5.76
3	> 930 HCF/Month	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49

b. Restaurant Wastewater Use (Percentage Wastewater Return = 80%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 20 HCF/Month	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
2	> 20 to 160 HCF/Month	\$4.14	\$4.56	\$4.93	\$5.33	\$5.76
3	> 160 HCF/Month	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49

c. Laundry/Laundromat Wastewater Use (Percentage Wastewater Return = 90%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 105 HCF/Month	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
2	> 105 to 525 HCF/Month	\$3.66	\$4.03	\$4.36	\$4.71	\$5.09
3	> 525 HCF/Month	\$4.57	\$5.03	\$5.44	\$5.88	\$6.36

3. Non-Formula Users - Residential

Residential wastewater service is deemed to begin when water service begins. Monthly residential user charges by type of dwelling units are as follows. The rate per hundred cubic feet (HCF) of water used is based on the assumption that a percentage of the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time:

- a. Single Family Residential Wastewater Use (Percentage Wastewater Return = 80%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 9 HCF/Month	\$1.85	\$2.04	\$2.21	\$2.39	\$2.59
2	> 9 to 18 HCF/Month	\$2.06	\$2.27	\$2.46	\$2.66	\$2.88
3	> 18 HCF/Month	\$2.87	\$3.16	\$3.42	\$3.70	\$4.00

- b. Single Family Residential Wastewater Use; Large Lots (lot size of over 7,000 square feet) (Percentage Wastewater Return = 60%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 16 HCF/Month	\$1.85	\$2.04	\$2.21	\$2.39	\$2.59
2	> 16 to 25 HCF/Month	\$2.06	\$2.27	\$2.46	\$2.66	\$2.88
3	> 25 HCF/Month	\$2.87	\$3.16	\$3.42	\$3.70	\$4.00

- c. Multi-Family, Multi-Unit Residential Wastewater Use (Percentage Wastewater Return = 90%). Tiers for Multi-Family and Multi-Unit Residential are variable and are determined by multiplying each tier allotment by the number of dwelling units:

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 6 HCF/Month	\$1.50	\$1.65	\$1.79	\$1.94	\$2.10
2	> 6 to 12 HCF/Month	\$1.68	\$1.85	\$2.00	\$2.16	\$2.34
3	> 12 HCF/Month	\$2.34	\$2.58	\$2.79	\$3.02	\$3.27

4. Monthly Base Rates

In addition to monthly rates based on water use (per HCF) as set forth above, the following customer classes shall pay monthly meter rates:

Service		Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Single Family		\$28.45	\$31.30	\$33.81	\$36.52	\$39.45
Multi-family/Unit:	1 to 6 Units	\$20.81	\$22.90	\$24.74	\$26.72	\$28.86
	7+ Units	\$10.37	\$11.41	\$12.33	\$13.32	\$14.39

5. Minimum Monthly Fees

The following customer classes shall pay the greater of the applicable monthly rates set forth in the table below, or the monthly rates based on the actual water use (per HCF) as set forth above:

Service	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Commercial	\$18.90	\$20.79	\$22.46	\$24.26	\$26.21
Restaurant	\$17.53	\$19.29	\$20.84	\$22.51	\$24.32
Laundry/Laundromat	\$87.00	\$95.70	\$103.36	\$111.63	\$120.57
School	\$66.36	\$73.00	\$78.84	\$85.15	\$91.97

6. Non-metered Water Users

Except as provided in subsection B3 for residential water users, other non-metered water users, including commercial and industrial users, shall pay a monthly rate as determined by the Public Works Director based upon the monthly rate charged a metered water user of comparable size and character of use, provided, however, that the minimum monthly charge shall be the same as that charged for a multi-family dwelling unit.

Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
\$48.85	\$53.74	\$58.04	\$62.69	\$67.71

7. Wastewater System Rate for Wastewater Treated by Another Agency

Where wastewater is collected by the City and is accepted by another agency for transmission, treatment and disposal, the monthly wastewater rates shall be equal to the rate charged by such agency for transmission, treatment and disposal of such wastewater, anything to the contrary herein notwithstanding.

8. Additional Charges for Outside the City Users of City Wastewater System

Those outside the City users of the Las Posas sewer line shall be charged a monthly rate for wastewater service as follows. Wastewater service is deemed to begin when water service begins. The rate per hundred cubic feet (HCF) of water used is based on the assumption that 85 percent of commercial and 60 percent of residential water consumed is returned to the wastewater system. The Public Works Director shall have the right to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time:

a. Monthly Rates for User Charge Formula – Outside City

Service	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Single Family Residential per	\$77.32	\$82.91	\$88.02	\$93.44	\$99.31
Multi-family Residential per	\$53.99	\$57.85	\$61.43	\$65.25	\$69.31

b. Monthly Rates for Las Posas Commercial/Institutional Wastewater Use

Tier	Service	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50 HCF/Month	\$6.39	\$6.83	\$7.24	\$7.66	\$8.12
2	> 50 to 930 HCF/Month	\$7.99	\$8.53	\$9.03	\$9.56	\$10.13
3	> 930 HCF/Month	\$15.98	\$17.05	\$18.02	\$19.06	\$20.19

C. Industrial and Liquid Waste Sampling, Analysis and Flow Measurement

Dischargers whose wastewater charges are individually calculated using the Oxnard Formula shall be responsible for costs of required sampling, analysis and flow measurement associated therewith as provided in Chapter 19 of the Oxnard City Code. If sampling, analysis and flow data are not provided to the City as required, the Public Works Director shall cause monitoring to be performed or an estimate made to enable charges to be rendered. The discharger shall be billed for these extra costs.

D. Charges for Unusual or Non-Compatible Wastewater

A charge for unusual or non-compatible waste constituents of such quality or character as to impose upon the City unusual operation and/or maintenance or capital costs whether or not related to total flow volume, biochemical oxygen demand, or suspended solids, shall be set by the Public Works Director and paid by the discharger. These charges shall be reasonably calculated to defray costs attributable to such wastes.

E. Fee for Appeal

For each appeal to the City Council of a ruling by the Public Works Director a fee of \$100 will be charged.

F. Industrial Wastewater Discharge Permits

The Industrial Wastewater Discharge Permits (permit) specified in Chapter 19 of the Oxnard City Code shall be granted for a specific time period, not to exceed five years. Application for permit and permit renewal shall be made in accordance with Chapter 19. All users classified as significant industrial wastewater users according to Chapter 19 shall be assessed a fee of \$2,500 per year per permit. All other industrial users shall be assessed a fee of \$100 per year per permit. In addition to the permit fee, new applicants for a permit shall be assessed a one time new application processing fee of \$100.

G. Billing Procedure for Monthly Service Charge for Use of City Wastewater System

Bills shall be computed according to the rates then in effect and the number of days in the service period at each rate.

H. Other Pre-Authorized Adjustments.

1. Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust as follows: (1) each applicable rate provided herein shall adjust at the same percentage as the percentage change in the rates that the City pays to power providers that supply electricity and natural gas sources to power the wastewater collection, treatment and disposal systems, as those rates are calculated in the Rate Study. Any rate provided herein that is not impacted by rates or charges imposed by City used power suppliers shall not be subject to adjustment for these costs. Such adjustments shall be effective concurrent with the date of any adjustments in rates that the City pays to power providers that supply electricity and natural gas sources to power the wastewater collection, treatment and disposal systems; and (2) annually on July 1 of each year, the rates provided herein shall automatically adjust to reflect the prior year, April to April, annual percentage change in the Consumer Price Index – All Urban Consumers, Los Angeles – Riverside – Orange County, California, published by the U.S. Bureau of Labor Statistics. For example, on July 1, 2016, the inflation adjustment percent is to be calculated based on the percentage change from April 2015 to April 2016 for the above referenced index.

2. When the City Council declares the existence of a water shortage condition pursuant to City of Oxnard, Municipal Code Section 22-154, the wastewater treatment rates and charges provided herein that are based on water use shall be adjusted to reflect the level of severity and corresponding mandatory water conservation percentage reflected in the water shortage condition declaration. For example, if the Council declares a Stage 2 water shortage condition with a mandatory water use reduction goal of 20%, then the rates provided herein that are based on water use, shall be concurrently adjusted upward by the same percentage – 20%. This adjustment shall be initiated as of the effective date of the water shortage declaration and terminate as of the date of the termination of that water shortage declaration.

Part 2. The provisions of this ordinance shall be applicable to all service provided or charges incurred on and after March 1, 2016. Upon the effective date of this Ordinance, Ordinance No. 2860 is repealed.

Part 3. If for any reason this ordinance is held invalid or unenforceable, the City Council intends that the ordinance provisions which would have been repealed by this ordinance shall remain in effect as if this ordinance had not been adopted.

Part 4. If for any reason any part of this ordinance is held invalid or unenforceable, the City Council intends that the remaining parts of this ordinance remain in effect.

Part 5. This ordinance shall be uncodified.

Part 6. 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 7. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) 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. Ordinance No. _____ was first read on _____, 2016, finally adopted on _____, 2016, to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED this _____ day of _____ 2016, by the following vote:

AYES:

NOES:

ABSENT:

[See signatures on next page.]

Attachment 3
Page 9 of 10

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING AND ESTABLISHING SOLID WASTE SYSTEM USER FEES
AND CHARGES

WHEREAS, the City Council has adopted Chapter 19 of the Code of the City of Oxnard to regulate solid waste collection and disposal of the City's solid waste; and

WHEREAS, the Solid Waste Fund (Environmental Resources Division) is a self-supporting enterprise fund that depends on the revenues derived from services rendered for solid waste collection, processing, disposal and street sweeping; and

WHEREAS, on September 18, 2012, the City Council approved Ordinance No. 2861 establishing solid waste system user fees and charges; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study). The Rate Study assesses the Environmental Resources Enterprise operation, maintenance, repair, replacement, and capital improvement program budgets and requirements, which collectively are incorporated into the recommended rates provided in this ordinance, so that the proportional cost of providing solid waste system service to the City's various customer classes are allocated consistently with all applicable legal requirements. The Rate Study and all the studies, plans and documents relied upon and incorporated in the Rate Study provide the basis for the rates and charges set forth herein; and

WHEREAS, this ordinance reflects updated cost allocation evaluated in the Rate Study and includes certain supplemental fees and charges for specific special collection services available upon request throughout the City; and

WHEREAS, this ordinance includes provision for the automatic adjustment of rates based on inflation and changes in certain third party costs. The proposed rates displayed as effective beginning March 1, 2016, show the pre-authorized rates applicable March 1, 2016. However, the actual rates effective March 1, 2016 may vary based on the implementation of any automatic rate adjustments as may be authorized as provided in Ordinance 2861, prior to the effective date of this ordinance; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

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

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:
 - a. Meeting operating expenses, including the increased cost of solid waste disposal, and Public Works Department – Environmental Resources Section employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of solid waste system service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain solid waste system service within the City service area, including repair and replacement of aging facilities, equipment and trucks, and retrofitting trucks with diesel exhaust particulate filters to meet increased regulatory emissions requirements, none of which expand the solid waste system.
2. The basis for the foregoing claim of exemption is found in the Rate Study.

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

Part 1. Monthly Rates

The fees, charges and rates set forth below shall be charged and collected for the use of and for the privileges and services relating to the Solid Waste System of the City of Oxnard.

A. Residential dwellings

Weekly residential service in dwellings not using mechanical front-end loaded containers:

Customer	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Single Family Variable Service [individually billed single and multiple unit dwellings that generate lesser amounts of refuse, recyclables and green waste or have medical disabilities that limit ability to maneuver larger containers (64 gallon refuse, 64 gallon recycle and 64 gallon green waste containers)]	\$25.57	\$26.34	\$27.13	\$27.94	\$28.78
Single Family Standard Service [individually billed single and multiple unit dwellings (64 or 96 gallon refuse, 96 gallon recycle and 96 gallon green waste containers)]	\$31.96	\$32.92	\$33.91	\$34.93	\$35.98
Jointly Billed Multiple-unit Dwellings (such as apartments, duplexes, triplexes, boarding houses, mobile home parks, hotels or motels): First Unit *	\$31.96	\$32.92	\$33.91	\$34.93	\$35.98
Second Unit *	\$28.77	\$29.63	\$30.52	\$31.44	\$32.38
Third Unit *	\$27.18	\$28.00	\$28.84	\$29.71	\$30.60
Each Unit in Excess of Three *	\$25.57	\$26.34	\$27.13	\$27.94	\$28.78
Each Extra 64-gallon Container (Refuse)	\$11.73	\$12.08	\$12.44	\$12.81	\$13.19
Each Extra 96-gallon Container (Refuse)	\$15.10	\$15.55	\$16.02	\$16.50	\$17.00
Each Extra 64-gallon Container (Green Waste)	\$14.98	\$15.43	\$15.89	\$16.37	\$16.86
Each Extra 64-gallon Container (Recycling)	\$6.04	\$6.22	\$6.41	\$6.60	\$6.80
Each Extra 96-gallon Container (Green Waste)	\$18.72	\$19.28	\$19.86	\$20.46	\$21.07
Each Extra 96-gallon Container (Recycling)	\$7.55	\$7.78	\$8.01	\$8.25	\$8.50

*Based on capacity for Single Family Standard Service.

B. Commercial and Industrial Users; Not Using Mechanical Front-End Loaded Containers

1. Weekly collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

Customer	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
One 96-gallon Container	\$44.83	\$46.17	\$47.56	\$48.99	\$50.46
Two 96-gallon Containers	\$78.39	\$80.74	\$83.16	\$85.65	\$88.22
Three 96-gallon Containers	\$100.76	\$103.78	\$106.89	\$110.10	\$113.40
Four 96-gallon Containers	\$123.15	\$126.84	\$130.65	\$134.57	\$138.61
Five 96-gallon Containers	\$145.52	\$149.89	\$154.39	\$159.02	\$163.79
Five 96-gallon Containers (2 collections per week)	\$254.62	\$262.26	\$270.13	\$278.23	\$286.58

2. Weekly recyclables and green waste collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

Customer	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
One 96-gallon Refuse Container	\$22.44	\$23.11	\$23.80	\$24.51	\$25.25

3. Weekly and daily refuse collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
<i>One Collection per Week</i>					
2-cubic yard	\$136.97	\$141.08	\$145.31	\$149.67	\$154.16
2-cubic yard shared	\$68.48	\$70.53	\$72.65	\$74.83	\$77.07
2-cubic yard compactor	\$293.51	\$302.32	\$311.39	\$320.73	\$330.35
4-cubic yard	\$238.27	\$245.42	\$252.78	\$260.36	\$268.17
4-cubic yard shared	\$119.12	\$122.69	\$126.37	\$130.16	\$134.06
4-cubic yard compactor	\$479.98	\$494.38	\$509.21	\$524.49	\$540.22

<i>Two Collections per Week</i>					
2-cubic yard	\$239.72	\$246.91	\$254.32	\$261.95	\$269.81
2-cubic yard shared	\$119.85	\$123.45	\$127.15	\$130.96	\$134.89
2-cubic yard compactor	\$513.65	\$529.06	\$544.93	\$561.28	\$578.12
4-cubic yard	\$416.95	\$429.46	\$442.34	\$455.61	\$469.28
4-cubic yard shared	\$208.48	\$214.73	\$221.17	\$227.81	\$234.64
4-cubic yard compactor	\$839.95	\$865.15	\$891.10	\$917.83	\$945.36
<i>Three Collections per Week</i>					
2-cubic yard	\$308.18	\$317.43	\$326.95	\$336.76	\$346.86
2-cubic yard shared	\$154.11	\$158.73	\$163.49	\$168.39	\$173.44
2-cubic yard compactor	\$660.39	\$680.20	\$700.61	\$721.63	\$743.28
4-cubic yard	\$536.08	\$552.16	\$568.72	\$585.78	\$603.35
4-cubic yard shared	\$268.05	\$276.09	\$284.37	\$292.90	\$301.69
4-cubic yard compactor	\$1,079.94	\$1,112.34	\$1,145.71	\$1,180.08	\$1,215.48
<i>Four Collections per Week</i>					
2-cubic yard	\$376.66	\$387.96	\$399.60	\$411.59	\$423.94
2-cubic yard shared	\$188.35	\$194.00	\$199.82	\$205.81	\$211.98
2-cubic yard compactor	\$807.15	\$831.36	\$856.30	\$881.99	\$908.45
4-cubic yard	\$655.21	\$674.87	\$695.12	\$715.97	\$737.45
4-cubic yard shared	\$327.60	\$337.43	\$347.55	\$357.98	\$368.72
4-cubic yard compactor	\$1,319.92	\$1,359.52	\$1,400.31	\$1,442.32	\$1,485.59
<i>Five Collections per Week</i>					
2-cubic yard	\$445.17	\$458.53	\$472.29	\$486.46	\$501.05
2-cubic yard shared	\$222.58	\$229.26	\$236.14	\$243.22	\$250.52
2-cubic yard compactor	\$953.91	\$982.53	\$1,012.01	\$1,042.37	\$1,073.64
4-cubic yard	\$774.34	\$797.57	\$821.50	\$846.15	\$871.53
4-cubic yard shared	\$387.18	\$398.80	\$410.76	\$423.08	\$435.77
4-cubic yard compactor	\$1,559.91	\$1,606.71	\$1,654.91	\$1,704.56	\$1,755.70
<i>Six Collections per Week</i>					
2-cubic yard	\$513.65	\$529.06	\$544.93	\$561.28	\$578.12
2-cubic yard shared	\$256.83	\$264.53	\$272.47	\$280.64	\$289.06
2-cubic yard compactor	\$1,100.66	\$1,133.68	\$1,167.69	\$1,202.72	\$1,238.80
4-cubic yard	\$893.48	\$920.28	\$947.89	\$976.33	\$1,005.62
4-cubic yard shared	\$446.74	\$460.14	\$473.94	\$488.16	\$502.80
4-cubic yard compactor	\$1,799.90	\$1,853.90	\$1,909.52	\$1,966.81	\$2,025.81
<i>Each Container In Excess of the Regular Service Level on an Established Account</i>					
2-cubic yard	\$58.20	\$59.95	\$61.75	\$63.60	\$65.51
4-cubic yard	\$101.46	\$104.50	\$107.64	\$110.87	\$114.20

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4. Weekly and daily recyclables and green waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
<i>One Collection per Week</i>					
2-cubic yard	\$66.56	\$68.56	\$70.62	\$72.74	\$74.92
2-cubic yard shared	\$33.27	\$34.27	\$35.30	\$36.36	\$37.45
2-cubic yard compactor	\$142.62	\$146.90	\$151.31	\$155.85	\$160.53
4-cubic yard	\$115.76	\$119.23	\$122.81	\$126.49	\$130.28
4-cubic yard shared	\$57.89	\$59.63	\$61.42	\$63.26	\$65.16
4-cubic yard compactor	\$233.22	\$240.22	\$247.43	\$254.85	\$262.50
<i>Two Collections per Week</i>					
2-cubic yard	\$116.47	\$119.96	\$123.56	\$127.27	\$131.09
2-cubic yard shared	\$58.24	\$59.99	\$61.79	\$63.64	\$65.55
2-cubic yard compactor	\$249.59	\$257.08	\$264.79	\$272.73	\$280.91
4-cubic yard	\$202.61	\$208.69	\$214.95	\$221.40	\$228.04
4-cubic yard shared	\$101.30	\$104.34	\$107.47	\$110.69	\$114.01
4-cubic yard compactor	\$408.15	\$420.39	\$433.00	\$445.99	\$459.37
<i>Three Collections per Week</i>					
2-cubic yard	\$149.76	\$154.25	\$158.88	\$163.65	\$168.56
2-cubic yard shared	\$74.88	\$77.13	\$79.44	\$81.82	\$84.27
2-cubic yard compactor	\$320.90	\$330.53	\$340.45	\$350.66	\$361.18
4-cubic yard	\$260.50	\$268.32	\$276.37	\$284.66	\$293.20
4-cubic yard shared	\$130.25	\$134.16	\$138.18	\$142.33	\$146.60
4-cubic yard compactor	\$524.76	\$540.50	\$556.72	\$573.42	\$590.62
<i>Four Collections Per Week</i>					
2-cubic yard	\$183.03	\$188.52	\$194.18	\$200.01	\$206.01
2-cubic yard shared	\$91.51	\$94.26	\$97.09	\$100.00	\$103.00
2-cubic yard compactor	\$392.21	\$403.98	\$416.10	\$428.58	\$441.44
4-cubic yard	\$318.37	\$327.92	\$337.76	\$347.89	\$358.33
4-cubic yard shared	\$159.19	\$163.97	\$168.89	\$173.96	\$179.18
4-cubic yard compactor	\$641.37	\$660.61	\$680.43	\$700.84	\$721.87

<i>Five Collections Per Week</i>					
2-cubic yard	\$216.31	\$222.80	\$229.48	\$236.36	\$243.45
2-cubic yard shared	\$108.15	\$111.39	\$114.73	\$118.17	\$121.72
2-cubic yard compactor	\$463.51	\$477.42	\$491.74	\$506.49	\$521.68
4-cubic yard	\$376.26	\$387.55	\$399.18	\$411.16	\$423.49
4-cubic yard shared	\$188.14	\$193.78	\$199.59	\$205.58	\$211.75
4-cubic yard compactor	\$757.69	\$780.42	\$803.83	\$827.94	\$852.78
<i>Six Collections Per Week</i>					
2-cubic yard	\$249.59	\$257.08	\$264.79	\$272.73	\$280.91
2-cubic yard shared	\$124.78	\$128.52	\$132.38	\$136.35	\$140.44
2-cubic yard compactor	\$534.82	\$550.86	\$567.39	\$584.41	\$601.94
4-cubic yard	\$434.15	\$447.17	\$460.59	\$474.41	\$488.64
4-cubic yard shared	\$217.06	\$223.57	\$230.28	\$237.19	\$244.31
4-cubic yard compactor	\$874.60	\$900.84	\$927.87	\$955.71	\$984.38
<i>Each Recyclables or Green Waste Container In Excess of the Regular Service Level on an Established Account</i>					
2-cubic yard	\$29.10	\$29.97	\$30.87	\$31.80	\$32.75
4-cubic yard	\$50.73	\$52.25	\$53.82	\$55.43	\$57.09

5. Per pickup charge for businesses regularly using roll-off containers. In addition to the fees for use of the container(s) presented below, the user shall pay all disposal fees. Minimum pickup is twice per month. If use is for less than one month, user shall pay a container rental fee of \$20.00 per day, plus all disposal fees:

Refuse Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
10-cubic yard	\$157.67	\$162.40	\$167.27	\$172.29	\$177.46
13.4-cubic yard	\$157.67	\$162.40	\$167.27	\$172.29	\$177.46
20-cubic yard compactor	\$205.84	\$212.02	\$218.38	\$224.93	\$231.68
30-cubic yard	\$206.60	\$212.80	\$219.18	\$225.76	\$232.53
30-cubic yard compactor	\$233.79	\$240.80	\$248.02	\$255.46	\$263.12
Two 30-cubic yard single pickup	\$396.90	\$408.81	\$421.07	\$433.70	\$446.71
40-cubic yard	\$254.93	\$262.58	\$270.46	\$278.57	\$286.93
40-cubic yard compactor	\$288.16	\$296.80	\$305.70	\$314.87	\$324.32

Recyclables and Green Waste Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
10-cubic yard	\$78.84	\$81.21	\$83.65	\$86.16	\$88.74
13.4-cubic yard	\$78.84	\$81.21	\$83.65	\$86.16	\$88.74
20-cubic yard compactor	\$102.81	\$105.89	\$109.07	\$112.34	\$115.71
30-cubic yard	\$103.31	\$106.41	\$109.60	\$112.89	\$116.28
30-cubic yard compactor	\$116.89	\$120.40	\$124.01	\$127.73	\$131.56
Two 30-cubic yard single pickup	\$198.45	\$204.40	\$210.53	\$216.85	\$223.36
40-cubic yard	\$127.46	\$131.28	\$135.22	\$139.28	\$143.46
40-cubic yard compactor	\$144.08	\$148.40	\$152.85	\$157.44	\$162.16

6. Walking Floor Transfer Trailer. Each customer making use of a walking floor transfer trailer shall pay the following per pickup fee, along with all disposal charges:

Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
\$396.90	\$408.81	\$421.07	\$433.70	\$446.71

Part 2. Special Collection Services and Fees

Special collection services are available for each class of user or type of service upon request and dependent upon the availability of containers for service.

A. Special Collection Services

For large, bulk items that will not fit in a container, contact the Environmental Resources Division at (805) 385-8060 to request a special pick-up. A cost will be quoted according to size and quantity of items. The minimum charge will be \$35.00. Charges will be placed on the next month's utility bill. Special collection debris includes refrigerators, sofas, washing machines, water heaters, furniture, accumulated materials, and other bulky items except for large commercial-type items.

B. Mechanical Loading Special Services

1. Commercial Size Special Service (2 and 4 cubic yards)

Commercial containers are available for special collection service. A delivery fee of \$15.00 shall be charged per container. Commercial container special services shall be provided at the following rates, not including the disposal fee, for a maximum of fourteen days, for an established account.

Container Size	Charge Per Refuse Pickup
2-cubic yard	\$50.00
4-cubic yard	\$75.00

2. Industrial Size Special Service (10 - 40 Yards)

Industrial-type containers are available for special collection service. A delivery fee of \$15.00 shall be charged per container. Industrial container special services shall be provided at the following rates for a maximum of seven days, for an established account. In addition, the user shall pay all disposal fees.

Container Size	Per Pickup Charge
10-yard	\$102.30
13.4-yard	\$102.30
30-yard	\$137.88
40-yard	\$172.35
(2) 30-yard	\$275.76

3. Commercial, Industrial and Multi-Unit Residential Food Waste Collection

Charges for weekly and daily commercial, industrial and multi-unit residential food waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers shall be as follows:

Container Size *	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Three Collections Per Week					
64-gallon Container	\$65.71	\$67.68	\$69.71	\$71.80	\$73.95
Four Collections Per Week					
64-gallon Container	\$82.51	\$84.99	\$87.54	\$90.17	\$92.88
Five Collections Per Week					
64-gallon Container	\$97.36	\$100.28	\$103.29	\$106.39	\$109.58
Six Collections Per Week					
64-gallon Container	\$111.96	\$115.32	\$118.78	\$122.34	\$126.01

* Additional bins are charged by multiplying the rate for a single container with the corresponding collection frequency.

C. Freon Extraction Fee

Service	Per Unit
Residential Type Size (refrigerators and air conditioners)	\$20.00
Commercial Type Large Size	\$35.00

D. Lost or Damaged (Burned) Container

Service	Per Unit
Residential 95-gallon container	\$51.25
Residential 65-gallon container	\$47.35
Commercial 2-cubic yard	\$445.12
Commercial 4-cubic yard	\$542.80
Industrial 1-cubic yard	\$585.00
Industrial 13.4 cubic yard	\$635.00
Industrial 30-cubic yard	\$700.00
Industrial 4-cubic yard	\$750.00

E. Tire Collection – Size

Service	Per Unit Tire Charge
36-inches and under	\$5.00
36 to 60 inches	\$30.00
Over 60 inches	\$200.00

F. Commercial Container Cleaning

At the user's request, the City will steam clean commercial containers of 2-cubic yard and 4-cubic yard sizes. The City will also steam clean commercial compactors. The City will pick up the container or compactor, steam clean the container or compactor at the City Yard, and return the container or compactor to the user location. The charge shall be:

Container Type & Size	Per Unit
Commercial 2-cubic yard	\$40.00
Commercial 4-cubic yard	\$60.00
Commercial Compactor	\$110.00
Trash Enclosures	\$110.00

G. Commercial Container Security-Locking Device

At the user's request, the City will provide a security locking device for 2-cubic yard and 4-cubic yard containers. The fee shall be \$60.00 for each locking device per container, covering materials and installation.

H. Commercial Container Casters

A fee of \$20.00 per caster shall be charged to the user for a damaged caster on a 2-cubic yard container or a 4-cubic yard container.

I. Industrial Container Casters

A fee of \$30.00 per caster shall be charged to the user for a damaged caster on a 13.4-cubic yard container or a 30-cubic yard container.

J. Change of Service Level

A fee of \$5.00 shall be charged to the user for each request of a change of service level.

K. Overweight Container

A surcharge of 40% to the user's regular service shall be charged to the user for an overweight container in excess of the posted rate on the container.

L. Return Truck Trip

A fee of \$40.00 shall be charged to the user for each return trip due to a commercial or industrial container relocation, blocked access to the container, improper filling, contamination, or other causes that prevent the safe pickup of the container due to customer error or misuse.

Part 3. Service Levels for Residential Automated Collections

A. Basic Levels

Single-family dwelling units with individual curbside refuse pickup shall each receive a 96-gallon automated refuse container, a 96-gallon automated recycle container, and a 96-gallon automated green waste container that will be serviced weekly. Minimum service level shall be one 64-gallon automated refuse container, a 64-gallon automated recycle container, and a 64-gallon automated green waste container once per week.

B. Service Above Basic Levels

A special service collection fee of \$12.00 shall be charged for collection when requested by a resident for reasons not the fault of the collection personnel, including but not limited to: late set-out of container, overfilling of container, refuse in recycle container, refuse or recycled in green waste container, green waste in recycle container, or blocked access or other causes that prevent safe pickup.

Part 4A. Del Norte Regional Recycling and Transfer Charges for Regular Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of and for the privileges and services relating to use of the Del Norte Regional Recycling and Transfer Station (DNRRTS) to process regular materials.

A. By Weight

Material	Per Ton Charge
Refuse	\$47.00 to \$70.00
Green waste	\$47.00 to \$70.00
Mixed recyclables	\$ 0.00 to \$30.00
Construction and demolition debris	\$50.00 to \$70.00

B. By Load - Self-Haul Vehicle

Material	Per Ton Charge
Refuse	\$25.00 to \$30.00 up to 1/2 ton
Refuse	\$47.00 to \$70.00 per 1/2 ton or more

Part 4B. DNRRTS Charges for Special Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of, and for the privileges and services relating to the use of the DNRRTS to process special materials.

Material	Charge
Hard to handle or bulky items	\$100.00 per ton
Special handling	\$65.00 per ton
Special pull-offs	\$75.00 each plus disposal fee
Uncovered loads capable of producing litter	\$5.00/ton surcharge in addition to applicable charge for material disposal
Tires: less than 36-inches	\$5.00 each or \$100.00/ton
Tires: 36 inches to 60 inches	\$30.00 each
Tires: over 60 inches	\$200.00 each
Freon extraction (refrigerators and air conditioners)	\$20.00 each, plus disposal fee
Appliances	\$15.00 each

Part 4C. DNRRTS Charges for Other Special Materials

The actual cost shall be charged and collected for the use of and for the privileges and services relating to the use of the DNRRTS to process other special materials not listed in Part 4B. Except as otherwise provided by the City Council, such actual cost shall be based on the rate of \$60.00 per hour.

Part 4D. In addition to charges for regular materials in subsection A and B of Part 4A, the DNRRTS shall charge a host fee of \$2.00 per ton of solid waste collected outside Oxnard city limits and delivered to DNRRTS.

Part 4E. Administration Regulations

The City Manager or designee may adopt administrative regulations to implement this ordinance.

Part 5. Billing Procedure for Monthly Service Charge for Use of the City's Solid Waste System.

Bills for solid waste services shall be computed according to the rates then in effect and the number of days in the service period at each rate.

Part 6. Other Pre-Authorized Adjustments. Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust as follows: (1) each applicable rate provided herein shall adjust at the same percentage as the percentage change in the rates that the City pays to landfill operators for disposal of solid waste collected through the City's Solid Waste Disposal System, as those rates are calculated in the Rate Study. Any rate provided herein that is not impacted by rates or charges imposed by City used landfill operators shall not be subject to adjustment for these costs. Such adjustments shall be effective concurrent with the date of any adjustments in rates the City pays to landfill operators for disposal of solid waste collected through the City's Solid Waste Disposal System; and (2) annually on July 1 of each year, the rates provided herein shall automatically adjust to reflect the prior year, April to April, annual percentage change in the Consumer Price Index – All Urban Consumers, Los Angeles – Riverside – Orange County, California, published by the U.S. Bureau of Labor Statistics. For example, on July 1, 2016, the inflation adjustment percent is to be calculated based on the percentage change from April 2015 to April 2016 for the above referenced index.

Part 7. The provisions of this ordinance shall be applicable to all solid waste services provided or charges incurred on and after March 1, 2016. Ordinance No. 2861 is repealed by this ordinance, effective _____, 2016.

Part 8. If any term, condition or provision of this ordinance is held to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Part 9. If for any reason this ordinance is held invalid or unable to be implemented according to its terms, the City Council intends that Ordinance No. 2861, which would have been repealed by this ordinance, shall remain in effect as if this ordinance had not been adopted.

Part 10. This ordinance shall be uncoded.

Ordinance No. _____
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Part 11. 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 12. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) 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. Ordinance No. _____ was first read on _____, 2016, finally adopted on _____, 2016, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED on this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney



CITY COUNCIL
AGENDA REPORT

TYPE OF ITEM: Report

AGENDA ITEM NO.: L-1

DATE: January 19, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Kymberly Horner, Economic Development Director
Community Development Department

SUBJECT: Adoption of the First Annual Recognized Obligation Payment Schedule for the Period of July 1, 2016 – June 30, 2017

CONTACT: Kymberly Horner, Economic Development Director
Kymberly.horner@ci.oxnard.ca.us, 385-7407

RECOMMENDATION

That the Community Development Commission Successor Agency (“Successor Agency”) adopt a Resolution approving the first Annual Recognized Obligation Payment Schedule (ROPS) 16-17 covering the period of July 1, 2016 – June 30, 2017.

BACKGROUND

Current law requires a Successor Agency to prepare an Oversight Board-approved ROPS for every six (6)-month fiscal period (HSC Section 34177). However, SB 107 terminates this ROPS timeline as of December 31, 2015 and instead will require annual ROPS reporting. Hence, all successor agencies must submit their ROPS no later than February 1, 2016 for the period beginning July 1, 2016 and ending June 30, 2017. SB 107 continues the civil penalty of ten thousand dollars (\$10,000) for every day a successor agency is past due on ROPS submission. The Department of Finance (“DOF”) shall make its determinations by April 15, 2016 and each April 15 thereafter. Within five (5) business days of a determination, a Successor Agency may request a meet and confer with the exception of items that are subject to litigation disputing DOF’s related or previous determination.

Furthermore, beginning January 1, 2016, SB 107 allows for Successor agencies to submit a Last and Final ROPS in certain situations where the remaining debt of a successor agency is limited to administrative costs and enforceable obligation payments, all remaining obligations have been previously listed on a ROPS approved by DOF, and the Successor Agency is not a party to any ongoing

litigation. Upon approval by DOF, the Last and Final ROPS will establish the maximum amount of redevelopment property tax trust funds to be distributed to the successor agency for each remaining fiscal year, until all obligations are fully paid.

Another change relating to the ROPS will commence on October 1, 2018 (and every October 1 thereafter), when the differences between actual payments and the past estimated obligations on prior ROPS must be submitted by successor agencies to the County Auditor-Controller for review. The County Auditor-Controller must then provide DOF with a review of these differences no later than February 1, 2019 and every February 1 thereafter (HSC 34186 [c])

The Recognized Obligation Payment Schedule (ROPS)

The “Detail” section of the ROPS is, for the most part, a document pre-populated by the DOF. Line items from previous ROPS are carried over by the DOF to create a new template for the new ROPS cycle. The information listed in Columns A-H of the Detail section of the ROPS has been carried forward from the prior ROPS. Line items highlighted in red on the ROPS are items disallowed by DOF as set forth in a letter dated November 18, 2015 for the ROPS 15-16B (January 1, 2016 – June 30, 2016). However, these items remain on the ROPS for one of two reasons: (i) the agency would like for DOF to reconsider its determination, provided that the agency is able to demonstrate that appropriate requirements and conditions have been met; or (ii) the items may not be eligible for the forthcoming ROPS but may be funded in subsequent reporting periods.

Dissolution of Successor Agency

Once all enforceable obligations are retired or paid off, all real property has been disposed of, and all outstanding litigation has been resolved, SB 107 now requires the Successor Agency to submit a request to its Oversight Board with a copy to the County Auditor-Controller to formally dissolve the Successor Agency (HSC 34187[b]). The Oversight Board has thirty (30) days to approve the request and submit it to the DOF. If a redevelopment agency was not allocated property tax revenue, then the Successor Agency was required by November 1, 2015 to submit a request to dissolve the Successor Agency to its Oversight Board. Again, the Oversight Board has thirty (30) days to approve the request and submit it to the DOF.

In either of these two scenarios, the DOF then has thirty (30) days to approve or deny a request to dissolve. Within one hundred (100) days of a DOF approval for a Successor Agency to dissolve, the Successor Agency must dispose of all remaining assets as directed by the Oversight Board and notify the Oversight Board once this step is accomplished. Next, the Oversight Board verifies completion of this step and then within fourteen (14) days of its verification must adopt a final resolution of dissolution for the Successor Agency. Once a Successor Agency is finally dissolved, the legislative body of the City or County that formed the redevelopment agency will become the legislative body of any existing community facilities district formed by the redevelopment agency.

California Environmental Quality Act (CEQA)

The actions set forth in the recommended accompanying resolution, as summarized above, are exempt under section 15378 (b)(4) of the State CEQA Guidelines in that the actions do not constitute a “project,” but instead are required to continue a governmental funding mechanism for enforceable

obligations of the former Community Development Commission and to perform the statutorily mandated unwinding of the assets, liabilities and functions of the former Community Development Commission pursuant to the Dissolution Act.

Summary

AB 1484 greatly expanded the review period and authority of the DOF and significantly changed the ROPS review and approval process. Furthermore, amendments to section 34179(h) of the Health and Safety Code give the DOF the authority to eliminate or modify any item on the ROPS being reviewed under Section 34179 prior to the DOF approval.

SB 107 terminates the every six (6)-month ROPS timeline as of December 31, 2015 and instead requires an annual ROPS reporting. Hence, all successor agencies must submit their ROPS no later than February 1, 2016 for the period beginning July 1, 2016 and ending June 30, 2017.

If a Successor Agency does not timely submit a ROPS pursuant to the deadlines set forth in AB 1484 and now reaffirmed in SB 107, then the Sponsoring Entity may be subject to a \$10,000 per day civil penalty for each day the ROPS is delinquent. In addition, failure of a Successor Agency to submit a ROPS within 10 days of the deadline may result in a 25% reduction of a Successor Agency's maximum administrative cost allowance for the period covered by the delinquent ROPS (per Health and Safety Code section 434177 (m)(2)).

After its adoption, the ROPS is required to be posted on the City's website and provided to the County Auditor-Controller, the California State Controller and the DOF. The ROPS must then be certified by the Ventura County Auditor-Controller and approved by the Oversight Board and by the DOF. The attached resolution authorizes Staff to administratively amend the ROPS as a result of action by the Oversight Board and/or the California Department of Finance.

The Successor Agency reserves all rights to challenge the validity and/or application of any or all provisions of AB1X 26, AB 1484, and SB 107, in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS.

FINANCIAL IMPACT

Approval of ROPS 16-17 will facilitate the ability of the Successor Agency to continue payment of the enforceable obligations of the former Community Development Commission and is among the reasonable measures required to be taken to avoid triggering an event of default under any enforceable obligations. Failure to approve and submit the ROPS 16-17 by the deadlines required by AB 1484 and SB 107 will result in \$10,000 per day civil penalties.

ATTACHMENTS

Attachment #1 – Resolution

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

RESOLUTION NO. 19

RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION
SUCCESSOR AGENCY ADOPTING THE FIRST ANNUAL RECOGNIZED OBLIGATION
PAYMENT SCHEDULE (ROPS 16-17) FOR JULY 1, 2016 – JUNE 30, 2017

WHEREAS, Assembly Bill x1 26 (“AB 26”) and AB x1 27 (“AB 27”) were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, among other things, AB 26 amends Sections 33500, 33501, 33607.5 and 33607.7 of the California Health and Safety Code and adds Part 1.8 and Part 1.85 to Division 24 of the California Health and Safety Code; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, subject to all reservations herein stated, the Community Development Commission was dissolved as of February 1, 2012 such that the Community Development Commission shall be deemed a former redevelopment agency under Health and Safety Code section 34173(a); and

WHEREAS, Health and Safety Code section 34173(a) designates successor agencies as successor entities to former redevelopment agencies; and

WHEREAS, on January 10, 2012, by Resolution 14,135, the City Council of the City of Oxnard declared itself as the successor agency upon the dissolution of the Community Development Commission, subject to all reservations stated in such resolution; and

WHEREAS, the California Supreme Court in California Redevelopment Association v. Matosantos, Case No. S194861 upheld the constitutionality of ABx1 26 and established May 1, 2012 as the date by which the draft Recognized Obligation Payment Schedule (“ROPS”) must be prepared; and

WHEREAS, California Health and Safety Code Sections 34171(h) and 34177(m) provide that a successor agency must prepare a ROPS every six months after the initial ROPS period; and

WHEREAS, SB 107 terminates the every six months ROPS timeline as of December 31, 2015 and instead requires annual ROPS reporting starting with the first annual ROPS 16-17 for the period beginning July 1, 2016 and ending June 30, 2017; and

WHEREAS, on April 24, 2012 the Successor Agency adopted a Draft ROPS; and

WHEREAS, on April 25, 2012 the Oversight Board to the Oxnard Community Development Commission Successor Agency directed Successor Agency Staff to amend the ROPS to incorporate the State Department of Finance’s revised ROPS format; and

WHEREAS, on May 8, 2012 a revised Amended ROPS I was adopted by the Successor Agency and identified enforceable obligations for the period of February 1, 2012 through June 30, 2012; and

WHEREAS, on May 8, 2012 a ROPS II was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2012 through December 31, 2012; and

WHEREAS, on July 22, 2012 a ROPS III was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2013 through June 30, 2013; and

WHEREAS, on February 12, 2013 a ROPS IV (13-14A) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2013 through December 31, 2013; and

WHEREAS, on September 10, 2013 a ROPS V (13-14B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2014 through June 30, 2014; and

WHEREAS, on February 11, 2014 a ROPS VI (14-15A) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2014 through December 31, 2014; and

WHEREAS, on September 9, 2014 a ROPS VII (14-15B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2015 through June 30, 2015; and

WHEREAS, on February 24, 2015 a ROPS VIII (15-16A) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2015 through December 31, 2015; and

WHEREAS, on September 1, 2015 a ROPS IX (15-16B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 2016 through June 30, 2016.

WHEREAS, the proposed first annual ROPS (16-17) identifies each enforceable obligation on which payments will be required during the period of July 1, 2016 through June 30, 2017.

NOW, THEREFORE, THE OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Oxnard Community Development Commission Successor Agency hereby finds and determines that the foregoing recitals are true and correct.

Section 2. All legal prerequisites to the adoption of this Resolution have occurred.

Section 3. The attached Proposed ROPS is hereby adopted.

Section 4. Successor Agency staff is hereby authorized to administratively amend the ROPS in order to modify, adjust or remove line items pending the outcome of

review by the Oversight Board, the County Auditor-Controller, and/or the California Department of Finance and to format the ROPS to conform with State Department of Finance requirements not yet published, and to take all necessary and appropriate actions to prepare and submit the ROPS, provided, however, that neither such authorization nor such removal shall be deemed to be, nor are they intended as, an acknowledgment of the validity of ABx1 26, AB 1484, and SB 107 or such action by the Oversight Board, the County Auditor-Controller and/or the California Department of Finance. The Successor Agency reserves all rights to challenge the validity and/or application of any or all provisions of ABx1 26, AB 1484, and SB 107 in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS.

Section 5. This Resolution shall take effect immediately upon its adoption.

Section 6. The Successor Agency's Secretary Designate shall certify as to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 19th day of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Chairman

ATTEST:

Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:



Stephen M. Fischer, Interim General Counsel

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Attachment #1
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Recognized Obligation Payment Schedule (ROPS 16-17) - Summary
Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: Oxnard
County: Ventura

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds Funding	-	-	-
C	Reserve Balance Funding	-	-	-
D	Other Funding	-	-	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 10,788,358	\$ 1,421,819	\$ 12,210,177
F	Non-Administrative Costs	10,610,097	1,253,558	11,863,655
G	Administrative Costs	178,261	168,261	346,522
H	Current Period Enforceable Obligations (A+E):	\$ 10,788,358	\$ 1,421,819	\$ 12,210,177

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named successor
agency.

Name Title
/s/_____
Signature Date

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Oxnard Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [CASH BALANCE TIPS SHEET](#).

A	B	C	D	E	F	G	H	I
	Cash Balance Information by ROPS Period	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
ROPS 15-16A Actuals (07/01/15 - 12/31/15)								
1	Beginning Available Cash Balance (Actual 07/01/15)	9,956,410			2,742,174	117,816	2,860,044	
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015	509				69,155	7,853,918	ROPS 15-16A enforceable obligations exceeds property tax increment by approx. \$350,795
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)				2,492,971	-	9,243,233	
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							
5	ROPS 15-16A RPTTF Balances Remaining	No entry required					618,285	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 9,956,919	\$ -	\$ -	\$ 249,203	\$ 186,971	\$ 852,445	
ROPS 15-16B Estimate (01/01/16 - 06/30/16)								
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 9,956,919	\$ -	\$ -	\$ 249,203	\$ 186,971	\$ 1,821,525	ROPS 15-16B Item #99, Shortfall from County from ROPS VIII - \$350,795. Beginning available cash adjusted to reflect prior period true up.
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016	500				50,000	5,048,233	
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)					151,512	6,251,472	
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 9,957,419	\$ -	\$ -	\$ 249,203	\$ 85,459	\$ 618,286	

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Oxnard Recognized Obligation Payment Schedule (ROPS 16-17) - Notes July 1, 2016 through June 30, 2017

Item # Notes/Comments