

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the Library, 251 South "A" Street and the City Clerk's Office, 300 West Third Street, 4th Floor during customary business hours. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting, at the end of this agenda. The agenda reports are on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
*OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
* OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Regular Meeting
Council Chambers, 305 West Third Street
June 21, 2016
4:30 P.M. – Appointment Item
6:00 P.M. – Regular Meeting

A. ROLL CALL/POSTING OF AGENDA

*The Oxnard Financing Authority and Oxnard Community Development Commission Successor Agency will not meet because there are no items requiring consideration at this time.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States

E. APPOINTMENT ITEMS - 4:30 P.M.

1. SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2014-2015 (25/65)

RECOMMENDATION: Receive, consider and file the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2015.

Legislative Body: CC

Contact: Dave Millican

Phone: 385-7475

F. CEREMONIAL CALENDAR - 6:00 P.M.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. 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.

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

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

H. 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.

I. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS**J. 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.

K. 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.

L. INFORMATION CONSENT AGENDA**Finance Department**

1. **SUBJECT:** FY 2016-17 Property Tax Rate for Voter Approved Obligations

RECOMMENDATION: That City Council adopts a resolution establishing the FY 16-17 tax rates on property in the City of Oxnard for the payment of voter-approved obligations.

Legislative Body: CC

Contact: Dave Millican

Phone: 385-7430

M. PUBLIC HEARINGS**Finance Department**

1. **SUBJECT:** Levy of Fiscal Year 2016-2017 Assessments in Mandalay Beach Maintenance District. (5/10)

RECOMMENDATION: That City Council: 1) Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2016-2017 assessments for the Mandalay Beach Maintenance District; and 2) Adopt a resolution fixing the special assessments in the Mandalay Beach Maintenance District for Fiscal Year 2016-2017.

Legislative Body: CC

Contact: Dave Millican

Phone: 385-7475

2. **SUBJECT:** Waterway Maintenance District Assessments - Fiscal Year 2016-2017. (5/10)

RECOMMENDATION: That City Council: 1) Hold a public hearing regarding proposed assessments for the Waterway Maintenance District for Fiscal Year 2016-2017, and 2) Adopt a resolution for Fiscal Year 2016-2017 fixing assessments for the Waterway Maintenance District.

Legislative Body: CC

Contact: Dave Millican

Phone: 385-7475

3. **SUBJECT:** Adoption of Resolution Approving Engineer's Report and Ordering the Levy and Collection of Assessments for Fiscal Year 2016-2017 Within Landscape Maintenance Districts No. 1 through 3 and 7 through 60. (5/10)

RECOMMENDATION: That City Council: 1) Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2016-2017 assessments in Landscape Maintenance Districts No. 1-3 and 7-60, and; 2) Adopt a resolution approving the Landscaping and Lighting Assessment Districts Fiscal Year 2016-2017 Consolidated Engineer's Report and ordering the levy and collection of assessments for Fiscal Year 2016-2017 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972.

Legislative Body: CC

Contact: Dave Millican

Phone: 385-7475

City Manager Department

4. SUBJECT: FY 2016-2017 Operating and Capital Budget Public Hearing. (20/40)

RECOMMENDATION: That City Council and the Oxnard Housing Authority conduct a public hearing on the Fiscal Year 2016-17 operating and capital budgets for the City of Oxnard and Oxnard Housing Authority.

Legislative Body: CC/HA

Contact: Greg Nyhoff

Phone: 385-7430

Police Department

5. SUBJECT: JAG FY 2016 Grant. (5/10)

RECOMMENDATION: That City Council adopt a resolution: 1) Authorizing the City Manager to execute and submit an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$112,635 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2016 Local Solicitation; 2) Authorizing the City Manager to execute a Memorandum of Understanding (City of Oxnard Agreement A-7885) with the County of Ventura and the Cities of San Buenaventura, Simi Valley and Thousand Oaks designating the City of Oxnard as the lead agency and fiscal agent for the JAG; 3) Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award; 4) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve administrative budget adjustments for the use of JAG funds upon award; and 5) Authorizing the Chief of Police or designee to submit all program related progress or status reports.

Legislative Body: CC

Contact: Jeri Williams

Phone: 385-7624

N. REPORTS

City Clerk Department

1. SUBJECT: Resolutions to Call November 8, 2016 Election, Ordering Submissions of a Ballot Measure for Extension of the Expiration of SOAR and Receive Certification of Sufficiency for Wastewater Initiative Petition. (10/20)

RECOMMENDATION: That the City Council: 1) Adopt a resolution: calling and giving notice of a regular municipal election to be held on November 8, 2016, for the election of certain officers; consenting to and requesting election consolidation with the County of Ventura; requesting the County Clerk to render services and supplies; and authorizing the Board of Supervisors to canvass the returns; 2) Adopt a resolution establishing rules to govern submission by candidates of candidate statements; 3) Adopt a resolution ordering the submission of a ballot measure to provide for extension of the expiration of the Save Open Space and Agricultural Resources (SOAR) ordinance from

December 31, 2020, to December 31, 2030, ordering the submission of a ballot measure to provide for extension of the expiration of the SOAR ordinance from December 31, 2020, to December 31, 2050, and directing the City Attorney to prepare impartial analyses of both of these measures; and 4) Regarding the Wastewater Rate Repeal Initiative, take one of the following steps required by the Elections Code: a) Adopt the ordinance, without alteration, at this meeting or within 10 days; b) Immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election. To select this option, the Council needs to adopt the fourth resolution, ordering the submission of a ballot measure to repeal the City's 2016 wastewater rates and directing the City Attorney to prepare an impartial analysis of the measure. Refer the proposed initiative to any City agency or agencies for a report; and c) If the City Council selects this option, the Council needs to specify what information it desires in that report and the date of the presentation of the report, which can be no later than Thursday, July 14, 2016.

Legislative Body: CC

Contact: Daniel Martinez

Phone: 385-7803

Housing Department

2. SUBJECT: Section 8 Housing Choice Voucher Program Budget for Fiscal Year 2017. (5/10)
RECOMMENDATION: That the Board of Commissioners of the Housing Authority of the City of Oxnard 1) adopt a resolution approving and adopting the recommended \$17,353,320 operating budget for the Section 8 Housing Choice Voucher Program ("Section 8") for fiscal year 2017 and, 2) approve and authorize the use of \$143,999 of unrestricted cash/investments to fund the projected deficit.

Legislative Body: HA

Contact: Arturo Casillas

Phone: 385-8094

3. SUBJECT: Low Rent Public Housing Budget for Fiscal Year 2017. (5/10)
RECOMMENDATION: That the Board of Commissioners of the Housing Authority of the City of Oxnard 1) adopt a resolution approving and adopting the recommended \$7,574,053 operating budget for the Low Rent Public Housing program ("LRPH") for fiscal year 2017, as presented for each project area and, 2) approve and authorize the use of \$420,204 of unrestricted cash/investments to fund the projected deficit.

Legislative Body: HA

Contact: Arturo Casillas

Phone: 385-8094

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: Report
AGENDA ITEM NO.: 1

DATE: June 21, 2016

TO: City Council

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

FROM: Dave Millican, Chief Financial Officer

SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2014-2015 (30/75)

CONTACT: Dave Millican, Finance
Dave.Millican@oxnard.org, 385-7475

RECOMMENDATION:

Receive, consider and file the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2015.

BACKGROUND

The CAFR has been delayed for six months beyond its normal completion date for these reasons.

1. Lack of compliance with legal accounting requirements and poor accounting practices limited management's and City's new independent auditors ability to rely on internal controls to provide assurance that all material items were properly reported in the report.
2. A comprehensive review, reconciliation and analysis of the City's financial records was performed to provide assurance that all material items were reported. Despite this effort records relating to capital assets were so flawed as to render them unauditable.
3. Turnover and unplanned absences in key financial management positions increased the time needed to understand and document major financial issues. Permanent files maintained in the department system did not adequately support amounts recorded in the City's accounts, requiring extensive research.

This effort was fully supported by the City Council in its authorizations of resources to supplement staff with experts to assist in the comprehensive analysis, to increase permanent staff levels in the Finance Department and to commit hours of meeting time to receive and consider information relating to financial matters.

DISCUSSION

The CAFR is a complex document with hundreds of pages of information and explanation. Two elements of the CAFR provide an overview of the report, The Letter of Transmittal and Management's Discussion and Analysis, which follows the Auditor's Opinion. Those sections are separately copied and attached to this staff report for interested parties who want an overview of the report.

This year extensive correction of accounting records resulted in many prior period adjustments, prior period adjustments also resulted from implementation of the Governmental Accounting Standards Board's (GASB) new standard on pension accounting and reporting. As a result comparison with the Fiscal 2014 CAFR is of limited use. However, Management's Discussion and Analysis provides comparative information. Fiscal 2014 balances were not restated because the changes would have required another effort comparable to the analysis for the Fiscal 2015 CAFR comparative information is of limited use.

In consultation with the independent auditor, staff has moved the assets, liabilities and results of operations of the Municipal Golf Course Fund and the Performing Arts and Convention Center (PACC) into the General Fund. This was done because neither operation recovers capital costs through customer charges and each has required subsidies for many years. In addition, only a fraction of the debt service recorded in the golf course enterprise fund was actually attributable to acquisition and development of the golf course. This transfer affects comparisons between Governmental Activities amounts in both Fiscal 2014 and 2015 and between the General Fund and proprietary funds in those years.

It is important to realize that this report does not change the City's financial condition. It provides a more accurate and realistic view of that condition. The City is complex. There are more than 8,000 active accounts and 175 funds. Tens of thousands of transactions are posted each year and its operating environment encompasses multiple service business models.

Audit Opinion: The auditor's opinion is complicated by the fact that the capital asset systems are unauditable. That problem is the source of the auditor's qualification of their opinion. Although the City has only booked assets that it can identify, weak system controls and missing records made it impossible to determine whether all capital costs associated with confirmed projects have been identified or whether some costs not booked as capital assets may in fact be associated with projects that have not been confirmed.

As a result, the opinion is qualified for CAFR accounting presentations where capital assets are significant, especially for full accrual presentations in the government-wide and business type

Comprehensive Annual Financial Report for Fiscal Year 2014-2015

June 21, 2016

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activities funds. In the General Fund and other governmental funds that use modified accrual accounting capital assets are not reported and the opinions are unqualified.

Next steps: The Single Audit report for state and federal grant awards will be completed in time for discussion at the July 13, 2016 Fiscal Policies Task Force Meeting. That report will identify and provide recommendations for significant and material weaknesses in internal controls. The agenda will also have a presentation on goals and objectives for the Chief Financial Officer and the Finance Department. Other reports on Measure O and the golf course will follow in July.

The teamwork required to produce the CAFR and Budget at the same time was exemplary and the effort and commitment exhibited in this effort result from the commitment of employees and consultants helping the City.

FINANCIAL IMPACT

The recommended action to receive and file the Fiscal Year 2014-15 CAFR has no financial impact.

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: June 21, 2016

TO: City Council

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

FROM: Maria Hurtado, Assistant City Manager

SUBJECT: FY 2016-17 Property Tax Rate for Voter Approved Obligations

CONTACT: Mike More, Finance
Mike.More@oxnard.org, 385-7480

RECOMMENDATION:

That City Council adopts a resolution establishing the FY 16-17 tax rates on property in the City of Oxnard for the payment of voter-approved obligations.

BACKGROUND

A special municipal election held on October 23, 1951 authorized the City to enroll its fire and police safety employees in the California State Employees' Retirement System (renamed the Public Employees' Retirement System (PERS)), and obligated the City to pay the annual costs of participation in the retirement system. Each year, the City Council adopts a resolution establishing the annual tax rate on property in the City of Oxnard for the payment of this voter-approved obligation, which is exempt from the one percent (1%) tax limitation established by Proposition 13. This tax is referred to as the "Carman Override" based upon the California Supreme Court case *Carman v. Alvord* in which the court ruled that voter approved pension costs constituted debt that could be supported by a tax levy in excess of the 1% maximum allowed by Proposition 13. Only 24 out of 486 cities in the State of California have access to this Carman Override Tax.

Management Partners, in its Phase I Assessment Report dated March 11, 2015, noted that an actuarial review was necessary in order to determine the amount of retirement costs that should be included in the Carman Override Tax levy for FY 2015-16. The City hired Bartell Associates, LLC, to complete this actuarial review. Based upon Management Partners' analysis, the eligible

FY 2016-17 Property Tax Rate for Voter Approved Obligations

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PERS rates of Police and Fire employees' salaries that can be paid by the Carman Override Tax are 30.578% and 34.925%, respectively. Based on the percentages above, the total amount for FY 2016-17 that can be paid by the Carman Override Tax is \$10,368,659.

The Public Safety Retirement Tax in FY 2015-16 generated a total of \$12,815,999 due to a higher-than-expected net assessed valuation of \$16,476,480,801, in part generating excess revenue of \$2,305,879.

A total amount of \$2,553,965 will be credited against the required revenue in FY 2016-17 to produce a lower net tax rate. The formula used for determining that credit for FY 2016-17 is as follows:

Beginning Cash Balance (Fund 119) @ July 1, 2015	\$ 678,085
Plus: Actual Revenue Received Through April 30, 2016	12,815,999
Less: Budgeted Expenditures FY 2015-16	(10,510,119)
Less: Reserve for Cash Flow (One Pay Period's Expenditures)	<u>(450,000)</u>
 Total Amount to Apply Against Budgeted Expenditures FY 2016-17	 <u>\$ 2,553,965</u>

Based upon final Net Secured Assessed Valuation (AV) in FY 2015-16 in District I (see below) of \$16,476,480,801, the total tax rate to generate \$7,814,694 (e.g., \$10,368,659 less a credit of \$2,553,965) to contribute toward eligible Police and Fire retirement costs is \$0.047429 per \$100 of AV. As an example, for every \$100,000 in assessed valuation, a property owner will pay \$47.43, compared to \$67.56 in FY 2015-16. The maximum tax rate for the Carman Override Tax is \$0.076637 per \$100 of AV.

The recommended budget for FY 2016-17 will include approximately 100 fire positions and 255 police positions covered under the voter approved authorization.

Tax Districts

The City has two districts, District I and District IV. District IV consists of property that in December 1969 was annexed to the City, but not to District I. The City's tax rate for voter-approved obligations applied only in District I.

All annexations to the City now also require annexation to Tax District I, making the territory liable for voter-approved indebtedness of the City.

FINANCIAL IMPACT

The estimated retirement cost of FY 2016-17 for 328 public safety employees is \$18,011,793. A net amount of \$7,814,694 of this amount is being levied through the Carman Override Tax after a credit of \$2,553,965, resulting in a tax rate of \$0.047429 per \$100 of AV. The remaining balance of \$7,643,134 is budgeted in other operating funds for FY 2016-17.

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ATTACHMENTS:

FY 2016-17 Property Tax Rate for Voter Approved Obligations

June 21, 2016

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Attachment No 1 - Resolution Property Tax Rate (FY16-17)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ESTABLISHING THE FISCAL YEAR 2016-17 PROPERTY TAX RATE
FOR VOTER APPROVED OBLIGATIONS

WHEREAS, Section 2237.2 of the Revenue and Taxation Code requires that within 90 days of the end of the fiscal year, the City report to the County Controller the tax rate and total revenues expected to be generated in the current fiscal year for voter approved obligations; and

WHEREAS, the City's adopted budget for the Fiscal Year 2016-17 appropriates monies required to pay voter approved obligations of the City; and

WHEREAS, the Ventura County Auditor-Controller provided an estimated assessed valuation of City tax districts for tax rate purposes.

NOW, THEREFORE, the City Council of the City of Oxnard hereby determines and resolves that the following amounts of revenue from property taxes are required for the current fiscal year to pay the City's obligation for public safety retirement expenditures:

	Total Property Taxes From Current Tax Rates On Secured Roll Assessed Values
Public Safety Retirement Fund	
Total Public Safety Retirement for FY 2016-17	<u>\$18,011,793</u>
 Total Property Taxes from Current Tax Rates on Secured Roll Assessed Values	 <u>\$7,814,694</u>

The City Council of the City of Oxnard further resolves that for the purpose of raising such revenue the rates of taxation for the different portions of the City are hereby fixed and taxes are hereby levied on the taxable property in the City for the fiscal year beginning July 1, 2016, in the number of dollars upon each one hundred dollars of the assessed value of the property as assessed by the County Assessor and equalized by the Board of Equalization of the County of Ventura as set forth in the following table. The taxes levied upon property in each portion of the City hereinafter described and designated by a tax district number is at the rate set in the column headed by the tax district number which is prefixed to the description of such portion of the City as hereinafter stated.

TAX DISTRICT I

All territory included within the boundaries of the City, as originally incorporated, and all territory annexed to the City by action of the City Council by annexation proceedings, excepting there from Annexation No. 69-9.

Resolution No.

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TAX DISTRICT IV

All territory annexed to the City by action of the City Council as described in Ordinance No. 1255, adopted November 12, 1969, to become effective December 12, 1969, known and referred to Annexation No. 69-9 (Rancho La Ribera).

	DISTRICT I	DISTRICT IV
Public Safety Retirement Fund		
Tax Rate Required (Per Mil)	0.047429	-0-
Total Tax District Tax Rates (Per Mil)	0.047429	-0-

The City Council of the City of Oxnard further resolves that the foregoing tax rate is determined to be necessary to provide revenues required for the stated purpose during the period specified; that the City Council does hereby levy this sum on the property in such tax districts for Fiscal Year 2016-17; that in accordance with Government Code Section 36936.1, the City Clerk is instructed to cause this resolution to be published one time in the newspaper within 15 days after adoption; and that the City Clerk is instructed to transmit immediately to the County Auditor a certified copy of this resolution.

PASSED AND ADOPTED this ____ day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: 1

DATE: June 21, 2016

TO: City Council

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

FROM: Maria Hurtado, Assistant City Manager

SUBJECT: Levy of Fiscal Year 2016-2017 Assessments in Mandalay Beach Maintenance District

CONTACT: Mike More, Finance
Mike.More@oxnard.org, 385-7480

RECOMMENDATION:

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2016-2017 assessments for the Mandalay Beach Maintenance District.
2. Adopt a resolution fixing the special assessments in the Mandalay Beach Maintenance District for Fiscal Year 2016-2017.

BACKGROUND

On November 22, 1983, the Mandalay Beach Maintenance District ("District") was formed pursuant to the Improvement Act of 1911, in order to recover the cost of the City's maintenance of a 36-acre beach area, plus landscaping on public rights-of-way within Tract No. 2923. The formation of the District was required as a condition to development imposed by the Coastal Commission and as a provision of a development agreement with the City. The assessments are exempt from Article XIII D of the California Constitution by reason of Section 5 thereof. The City's responsibility to maintain the above-mentioned areas became effective on July 1, 1986. On July 5, 1988, City Council adopted Resolution No. 9,500, which shifted the bulk of the District's beach maintenance costs from residents of The Colony to the Mandalay Beach Resort Hotel. The

Levy of Fiscal Year 2016-2017 Assessments in Mandalay Beach Maintenance District

June 21, 2016

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total assessment levy for Fiscal Year 2016-2017 is unchanged from Fiscal Year 2015-2016 at \$39,446, and is computed as follows:

1. LANDSCAPE MAINTENANCE

The District maintains 66,660 square feet of public landscaping. This includes landscape areas along Falkirk Avenue, Harbor Boulevard, Mandalay Beach Road, Costa del Oro, and the bikeway/greenbelt along the southerly property line. The City's recommended budget for landscaping maintenance costs for Fiscal Year 2016-2017 is \$21,346. Based on an agreement between the residential developers and the Mandalay Beach Resort Hotel executed in February 1984, 75.4 percent of the \$21,346 cost is allocated to The Colony residential development (\$16,095), and 24.6 percent to the Hotel (\$5,251).

2. BEACH MAINTENANCE

Prior agreements between the City and the developers, based on the relative length of beach area fronting the hotel and the public beach park property, call for the District to bear 60 percent of the beach maintenance cost. Of this cost, based on Resolution No. 9,500, 75.4 percent is paid by the Hotel and 24.6 percent by The Colony. The remaining 40 percent is borne by the City as part of the total operating cost of Oxnard Beach Park. The annual beach maintenance cost is as follows:

	<u>District</u>	<u>City</u>
Annual Cleaning Costs	\$ 30,092	\$30,092
Percent Share	<u>x 60%</u>	<u>x 40%</u>
FY 2016-2017 District and City Costs	\$ 18,055	<u>\$12,037</u>
County Collection Fee	<u>45</u>	
District's Total Beach Maintenance Cost	<u>\$18,100</u>	
Hotel's portion (75.4%)	\$13,647	
Colony's portion (24.6%)	<u>4,453</u>	
District's Total Beach Maintenance Cost	\$18,100	

The cost to the District for both landscaping (\$21,346) and beach maintenance (\$18,100) is \$39,446.

3. CONCLUSION

The Hotel property owner, which occupies assessor's parcel number 191-0-380-105, will be assessed \$18,898 (24.6%, or \$5,251, for landscape maintenance and 75.4%, or \$13,647, for beach maintenance).

Levy of Fiscal Year 2016-2017 Assessments in Mandalay Beach Maintenance District

June 21, 2016

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The Colony, whose individual parcel numbers are shown in Attachment No.1, will be assessed \$20,548 (75.4%, or \$16,095, for landscape maintenance and 24.6%, or \$4,453, for beach maintenance). The 440 individual property owners within The Colony will each be assessed \$46.70 for Fiscal Year 2016-2017, which is equal to the assessments for Fiscal Year 2015-2016.

FINANCIAL IMPACT

The City will assess property owners in Fiscal Year 2016-2017 to pay landscape maintenance costs and 60 percent of beach maintenance costs for the Mandalay Beach Maintenance District. The City's portion of the beach maintenance, 40 percent, will be included in the Fiscal Year 2016-2017 budget.

ATTACHMENTS:

Attachment A - 2016-2017 MANDALAY BEACH RESOLUTION

Attachment B - Exhibit A to Resolution - Mandalay Beach APN's

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD LEVYING A SPECIAL ASSESSMENT TAX FOR
FISCAL YEAR 2016-2017 WITHIN THE MANDALAY BEACH
MAINTENANCE DISTRICT

WHEREAS, by Resolution No. 8586, adopted November 22, 1983, the City Council formed the Mandalay Beach Maintenance District ("the District") pursuant to the maintenance district provisions of the Improvement Act of 1911 (Streets and Highways Code section 5820 et. seq.); and

WHEREAS, formation of the District was required as a condition to development imposed by the California Coastal Commission and also as part of a development agreement between the City and the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, the City Council is required by Streets and Highways Code section 5830 to estimate the cost of maintaining and operating the improvements within the District, to decide whether the cost of such maintenance and operation shall be borne wholly or partially by the District, and to levy a special assessment tax within the District sufficient to raise the money to pay for such cost; and

WHEREAS, the City Council wishes to levy such assessments for FY 2016-2017 in an amount sufficient to cover all of the expense of maintaining the landscaping and to cover 60% of the expense of maintaining the beach area, with the City paying the remaining 40% of the latter expense; and

WHEREAS, assessments existed in the District throughout FY 2015-2016, and such assessments are not proposed to increase in FY 2016-2017; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water, flood control, drainage systems and vector control, inasmuch as the beach is public right of way that serves much as a street, manages water and is part of the flood control and drainage systems in the District, and the landscaping is located in or adjacent to sidewalks, streets and other public rights of way and maintenance of the landscaping involves irrigation and vector control; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof; and

WHEREAS, a description of the improvements and the proposed special assessments on real property in the district is contained in the agenda report dated June 21, 2016 on file with the City Clerk ("the agenda report").

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

1. The City Council estimates the cost of maintaining and operating the improvements within the District for FY 2016-2017 at \$51,483, with \$39,446 to be paid from assessments and \$12,037 to be paid by the City, as more particularly set out in the agenda report. The \$39,446 is allocated as follows:

100% of landscape maintenance costs	\$21,346
60% of beach maintenance costs	<u>18,100</u>
Total	\$39,446

2. The \$39,446 is apportioned among the property owners within the District, as follows:

24.6% of landscape maintenance costs to hotel parcel (APN #191-0-380-105)
75.4% of landscape maintenance costs to Colony condominium parcels (440 APNs)
24.6% of beach maintenance costs to Colony condominium parcels (440 APNs)
75.4% of beach maintenance costs to hotel parcel (APN #191-0-380-105)

3. The City Council levies a special assessment tax for FY 2016-2017 on the real property in the District as follows and attached herein as “EXHIBIT A – Mandalay Beach Assessments”:

APN #191-0-380-105	\$18,898
\$46.70 on each of 440 Colony APNs	\$20,548

4. In accordance with Government Code section 36936.1, the City Clerk is instructed to cause this resolution to be published one time in a newspaper of general circulation within the City within 15 days after adoption.

5. In accordance with Government Code section 53901, the City Clerk is instructed to immediately file with the Ventura County Auditor a certified copy of this resolution.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Stephen M. Fischer, City Attorney

**EXHIBIT A
MANDALAY BEACH ASSESSMENTS**

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910380105	12	49	\$ 18,898.00	1910430165	12	49	\$ 46.70
1910390015	12	49	\$ 46.70	1910430175	12	49	\$ 46.70
1910390025	12	49	\$ 46.70	1910430185	12	49	\$ 46.70
1910390035	12	49	\$ 46.70	1910430195	12	49	\$ 46.70
1910390045	12	49	\$ 46.70	1910430205	12	49	\$ 46.70
1910390055	12	49	\$ 46.70	1910430215	12	49	\$ 46.70
1910390065	12	49	\$ 46.70	1910430225	12	49	\$ 46.70
1910390075	12	49	\$ 46.70	1910430235	12	49	\$ 46.70
1910390085	12	49	\$ 46.70	1910430245	12	49	\$ 46.70
1910390095	12	49	\$ 46.70	1910430255	12	49	\$ 46.70
1910390105	12	49	\$ 46.70	1910430265	12	49	\$ 46.70
1910390115	12	49	\$ 46.70	1910430275	12	49	\$ 46.70
1910390125	12	49	\$ 46.70	1910430285	12	49	\$ 46.70
1910390135	12	49	\$ 46.70	1910430295	12	49	\$ 46.70
1910390145	12	49	\$ 46.70	1910430305	12	49	\$ 46.70
1910390155	12	49	\$ 46.70	1910430315	12	49	\$ 46.70
1910390165	12	49	\$ 46.70	1910430325	12	49	\$ 46.70
1910390175	12	49	\$ 46.70	1910430335	12	49	\$ 46.70
1910390185	12	49	\$ 46.70	1910430345	12	49	\$ 46.70
1910390195	12	49	\$ 46.70	1910430355	12	49	\$ 46.70
1910390205	12	49	\$ 46.70	1910430365	12	49	\$ 46.70
1910390215	12	49	\$ 46.70	1910430375	12	49	\$ 46.70
1910390225	12	49	\$ 46.70	1910430385	12	49	\$ 46.70
1910390235	12	49	\$ 46.70	1910430395	12	49	\$ 46.70
1910390245	12	49	\$ 46.70	1910430405	12	49	\$ 46.70
1910390255	12	49	\$ 46.70	1910430415	12	49	\$ 46.70
1910390265	12	49	\$ 46.70	1910430425	12	49	\$ 46.70
1910390275	12	49	\$ 46.70	1910430435	12	49	\$ 46.70
1910390285	12	49	\$ 46.70	1910430445	12	49	\$ 46.70
1910390295	12	49	\$ 46.70	1910430455	12	49	\$ 46.70
1910390305	12	49	\$ 46.70	1910430465	12	49	\$ 46.70
1910390315	12	49	\$ 46.70	1910430475	12	49	\$ 46.70
1910390325	12	49	\$ 46.70	1910430485	12	49	\$ 46.70
1910390335	12	49	\$ 46.70	1910430495	12	49	\$ 46.70
1910390345	12	49	\$ 46.70	1910430505	12	49	\$ 46.70
1910390355	12	49	\$ 46.70	1910430515	12	49	\$ 46.70
1910390365	12	49	\$ 46.70	1910430525	12	49	\$ 46.70
1910390375	12	49	\$ 46.70	1910430535	12	49	\$ 46.70
1910390385	12	49	\$ 46.70	1910430545	12	49	\$ 46.70
1910390395	12	49	\$ 46.70	1910430555	12	49	\$ 46.70
1910390405	12	49	\$ 46.70	1910430565	12	49	\$ 46.70
1910390415	12	49	\$ 46.70	1910430575	12	49	\$ 46.70
1910390425	12	49	\$ 46.70	1910430585	12	49	\$ 46.70
1910390435	12	49	\$ 46.70	1910430595	12	49	\$ 46.70
1910390445	12	49	\$ 46.70	1910430605	12	49	\$ 46.70
1910390455	12	49	\$ 46.70	1910430615	12	49	\$ 46.70
1910390465	12	49	\$ 46.70	1910430625	12	49	\$ 46.70
1910390475	12	49	\$ 46.70	1910430635	12	49	\$ 46.70
1910390485	12	49	\$ 46.70	1910430645	12	49	\$ 46.70
1910390495	12	49	\$ 46.70	1910430655	12	49	\$ 46.70
1910390505	12	49	\$ 46.70	1910430665	12	49	\$ 46.70
1910390515	12	49	\$ 46.70	1910430675	12	49	\$ 46.70
1910390525	12	49	\$ 46.70	1910430685	12	49	\$ 46.70
1910390535	12	49	\$ 46.70	1910430695	12	49	\$ 46.70
1910390545	12	49	\$ 46.70	1910430705	12	49	\$ 46.70

EXHIBIT A
MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910390555	12	49	\$ 46.70	1910430715	12	49	\$ 46.70
1910390565	12	49	\$ 46.70	1910430725	12	49	\$ 46.70
1910390575	12	49	\$ 46.70	1910440015	12	49	\$ 46.70
1910390585	12	49	\$ 46.70	1910440025	12	49	\$ 46.70
1910390595	12	49	\$ 46.70	1910440035	12	49	\$ 46.70
1910390605	12	49	\$ 46.70	1910440045	12	49	\$ 46.70
1910390615	12	49	\$ 46.70	1910440055	12	49	\$ 46.70
1910390625	12	49	\$ 46.70	1910440065	12	49	\$ 46.70
1910390635	12	49	\$ 46.70	1910440075	12	49	\$ 46.70
1910390645	12	49	\$ 46.70	1910440085	12	49	\$ 46.70
1910390655	12	49	\$ 46.70	1910440095	12	49	\$ 46.70
1910390665	12	49	\$ 46.70	1910440105	12	49	\$ 46.70
1910390675	12	49	\$ 46.70	1910440115	12	49	\$ 46.70
1910390685	12	49	\$ 46.70	1910440125	12	49	\$ 46.70
1910390695	12	49	\$ 46.70	1910440135	12	49	\$ 46.70
1910390705	12	49	\$ 46.70	1910440145	12	49	\$ 46.70
1910390715	12	49	\$ 46.70	1910440155	12	49	\$ 46.70
1910390725	12	49	\$ 46.70	1910440165	12	49	\$ 46.70
1910390735	12	49	\$ 46.70	1910440175	12	49	\$ 46.70
1910390745	12	49	\$ 46.70	1910440185	12	49	\$ 46.70
1910390755	12	49	\$ 46.70	1910440195	12	49	\$ 46.70
1910390765	12	49	\$ 46.70	1910440205	12	49	\$ 46.70
1910390775	12	49	\$ 46.70	1910440215	12	49	\$ 46.70
1910390785	12	49	\$ 46.70	1910440225	12	49	\$ 46.70
1910390795	12	49	\$ 46.70	1910440235	12	49	\$ 46.70
1910390805	12	49	\$ 46.70	1910440245	12	49	\$ 46.70
1910390815	12	49	\$ 46.70	1910440255	12	49	\$ 46.70
1910390825	12	49	\$ 46.70	1910440265	12	49	\$ 46.70
1910390835	12	49	\$ 46.70	1910440275	12	49	\$ 46.70
1910390845	12	49	\$ 46.70	1910440285	12	49	\$ 46.70
1910390855	12	49	\$ 46.70	1910440295	12	49	\$ 46.70
1910390865	12	49	\$ 46.70	1910440305	12	49	\$ 46.70
1910390875	12	49	\$ 46.70	1910440315	12	49	\$ 46.70
1910390885	12	49	\$ 46.70	1910440325	12	49	\$ 46.70
1910390895	12	49	\$ 46.70	1910440335	12	49	\$ 46.70
1910390905	12	49	\$ 46.70	1910440345	12	49	\$ 46.70
1910390915	12	49	\$ 46.70	1910440355	12	49	\$ 46.70
1910390925	12	49	\$ 46.70	1910440365	12	49	\$ 46.70
1910390935	12	49	\$ 46.70	1910440375	12	49	\$ 46.70
1910390945	12	49	\$ 46.70	1910440385	12	49	\$ 46.70
1910390955	12	49	\$ 46.70	1910440395	12	49	\$ 46.70
1910390965	12	49	\$ 46.70	1910440405	12	49	\$ 46.70
1910390975	12	49	\$ 46.70	1910440415	12	49	\$ 46.70
1910390985	12	49	\$ 46.70	1910440425	12	49	\$ 46.70
1910400015	12	49	\$ 46.70	1910440435	12	49	\$ 46.70
1910400025	12	49	\$ 46.70	1910440445	12	49	\$ 46.70
1910400035	12	49	\$ 46.70	1910440455	12	49	\$ 46.70
1910400045	12	49	\$ 46.70	1910440465	12	49	\$ 46.70
1910400055	12	49	\$ 46.70	1910440475	12	49	\$ 46.70
1910400065	12	49	\$ 46.70	1910440485	12	49	\$ 46.70
1910400075	12	49	\$ 46.70	1910440495	12	49	\$ 46.70
1910400085	12	49	\$ 46.70	1910440505	12	49	\$ 46.70
1910400095	12	49	\$ 46.70	1910440515	12	49	\$ 46.70
1910400105	12	49	\$ 46.70	1910440525	12	49	\$ 46.70
1910400115	12	49	\$ 46.70	1910440535	12	49	\$ 46.70

**EXHIBIT A
MANDALAY BEACH ASSESSMENTS**

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910400125	12	49	\$ 46.70	1910440545	12	49	\$ 46.70
1910400135	12	49	\$ 46.70	1910440555	12	49	\$ 46.70
1910400145	12	49	\$ 46.70	1910440565	12	49	\$ 46.70
1910400155	12	49	\$ 46.70	1910440575	12	49	\$ 46.70
1910400165	12	49	\$ 46.70	1910440585	12	49	\$ 46.70
1910400175	12	49	\$ 46.70	1910440595	12	49	\$ 46.70
1910400185	12	49	\$ 46.70	1910440605	12	49	\$ 46.70
1910400195	12	49	\$ 46.70	1910440615	12	49	\$ 46.70
1910400205	12	49	\$ 46.70	1910440625	12	49	\$ 46.70
1910400215	12	49	\$ 46.70	1910440635	12	49	\$ 46.70
1910400225	12	49	\$ 46.70	1910440645	12	49	\$ 46.70
1910400235	12	49	\$ 46.70	1910440655	12	49	\$ 46.70
1910400245	12	49	\$ 46.70	1910440665	12	49	\$ 46.70
1910400255	12	49	\$ 46.70	1910440675	12	49	\$ 46.70
1910400265	12	49	\$ 46.70	1910440685	12	49	\$ 46.70
1910400275	12	49	\$ 46.70	1910450015	12	49	\$ 46.70
1910400285	12	49	\$ 46.70	1910450025	12	49	\$ 46.70
1910400295	12	49	\$ 46.70	1910450035	12	49	\$ 46.70
1910400305	12	49	\$ 46.70	1910450045	12	49	\$ 46.70
1910400315	12	49	\$ 46.70	1910450055	12	49	\$ 46.70
1910400325	12	49	\$ 46.70	1910450065	12	49	\$ 46.70
1910400335	12	49	\$ 46.70	1910450075	12	49	\$ 46.70
1910400345	12	49	\$ 46.70	1910450085	12	49	\$ 46.70
1910400355	12	49	\$ 46.70	1910450095	12	49	\$ 46.70
1910400365	12	49	\$ 46.70	1910450105	12	49	\$ 46.70
1910400375	12	49	\$ 46.70	1910450115	12	49	\$ 46.70
1910400385	12	49	\$ 46.70	1910450125	12	49	\$ 46.70
1910400395	12	49	\$ 46.70	1910450135	12	49	\$ 46.70
1910400405	12	49	\$ 46.70	1910450145	12	49	\$ 46.70
1910400415	12	49	\$ 46.70	1910450155	12	49	\$ 46.70
1910400425	12	49	\$ 46.70	1910450165	12	49	\$ 46.70
1910400435	12	49	\$ 46.70	1910450175	12	49	\$ 46.70
1910400445	12	49	\$ 46.70	1910450185	12	49	\$ 46.70
1910400455	12	49	\$ 46.70	1910450195	12	49	\$ 46.70
1910400465	12	49	\$ 46.70	1910450205	12	49	\$ 46.70
1910400475	12	49	\$ 46.70	1910460015	12	49	\$ 46.70
1910400485	12	49	\$ 46.70	1910460025	12	49	\$ 46.70
1910400495	12	49	\$ 46.70	1910460035	12	49	\$ 46.70
1910400505	12	49	\$ 46.70	1910460045	12	49	\$ 46.70
1910400515	12	49	\$ 46.70	1910460055	12	49	\$ 46.70
1910400525	12	49	\$ 46.70	1910460065	12	49	\$ 46.70
1910400535	12	49	\$ 46.70	1910460075	12	49	\$ 46.70
1910400545	12	49	\$ 46.70	1910460085	12	49	\$ 46.70
1910400555	12	49	\$ 46.70	1910460095	12	49	\$ 46.70
1910400565	12	49	\$ 46.70	1910460105	12	49	\$ 46.70
1910400575	12	49	\$ 46.70	1910460115	12	49	\$ 46.70
1910400585	12	49	\$ 46.70	1910460125	12	49	\$ 46.70
1910400595	12	49	\$ 46.70	1910460135	12	49	\$ 46.70
1910400605	12	49	\$ 46.70	1910460145	12	49	\$ 46.70
1910400615	12	49	\$ 46.70	1910460155	12	49	\$ 46.70
1910400625	12	49	\$ 46.70	1910460165	12	49	\$ 46.70
1910410015	12	49	\$ 46.70	1910460175	12	49	\$ 46.70
1910410025	12	49	\$ 46.70	1910460185	12	49	\$ 46.70
1910410035	12	49	\$ 46.70	1910460195	12	49	\$ 46.70
1910410045	12	49	\$ 46.70	1910460205	12	49	\$ 46.70
1910410055	12	49	\$ 46.70	1910460215	12	49	\$ 46.70
1910410065	12	49	\$ 46.70	1910460225	12	49	\$ 46.70
1910410075	12	49	\$ 46.70	1910460235	12	49	\$ 46.70
1910410085	12	49	\$ 46.70	1910460245	12	49	\$ 46.70
1910410095	12	49	\$ 46.70	1910460265	12	49	\$ 46.70
1910410105	12	49	\$ 46.70	1910460275	12	49	\$ 46.70
1910410115	12	49	\$ 46.70	1910460285	12	49	\$ 46.70

EXHIBIT A
MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910410125	12	49	\$ 46.70	1910460295	12	49	\$ 46.70
1910410135	12	49	\$ 46.70	1910460305	12	49	\$ 46.70
1910410145	12	49	\$ 46.70	1910460315	12	49	\$ 46.70
1910410155	12	49	\$ 46.70	1910460325	12	49	\$ 46.70
1910410165	12	49	\$ 46.70	1910460335	12	49	\$ 46.70
1910410175	12	49	\$ 46.70	1910460345	12	49	\$ 46.70
1910410185	12	49	\$ 46.70	1910460355	12	49	\$ 46.70
1910410195	12	49	\$ 46.70	1910460365	12	49	\$ 46.70
1910410205	12	49	\$ 46.70	1910460375	12	49	\$ 46.70
1910410215	12	49	\$ 46.70	1910460385	12	49	\$ 46.70
1910410225	12	49	\$ 46.70	1910460395	12	49	\$ 46.70
1910410235	12	49	\$ 46.70	1910460405	12	49	\$ 46.70
1910410245	12	49	\$ 46.70	1910460415	12	49	\$ 46.70
1910410255	12	49	\$ 46.70	1910460425	12	49	\$ 46.70
1910410265	12	49	\$ 46.70	1910460435	12	49	\$ 46.70
1910410275	12	49	\$ 46.70	1910460445	12	49	\$ 46.70
1910410285	12	49	\$ 46.70	1910460455	12	49	\$ 46.70
1910410295	12	49	\$ 46.70	1910460465	12	49	\$ 46.70
1910410305	12	49	\$ 46.70	1910460475	12	49	\$ 46.70
1910410315	12	49	\$ 46.70	1910460485	12	49	\$ 46.70
1910410325	12	49	\$ 46.70	1910460495	12	49	\$ 46.70
1910410335	12	49	\$ 46.70	1910460505	12	49	\$ 46.70
1910410345	12	49	\$ 46.70	1910460515	12	49	\$ 46.70
1910410355	12	49	\$ 46.70	1910460525	12	49	\$ 46.70
1910410365	12	49	\$ 46.70	1910460535	12	49	\$ 46.70
1910410375	12	49	\$ 46.70	1910460545	12	49	\$ 46.70
1910410385	12	49	\$ 46.70	1910460555	12	49	\$ 46.70
1910410395	12	49	\$ 46.70	1910460565	12	49	\$ 46.70
1910410405	12	49	\$ 46.70	1910460575	12	49	\$ 46.70
1910410415	12	49	\$ 46.70	1910460585	12	49	\$ 46.70
1910410425	12	49	\$ 46.70	1910460595	12	49	\$ 46.70
1910410435	12	49	\$ 46.70	1910460605	12	49	\$ 46.70
1910410445	12	49	\$ 46.70	1910460615	12	49	\$ 46.70
1910410455	12	49	\$ 46.70	1910460625	12	49	\$ 46.70
1910410465	12	49	\$ 46.70	1910460635	12	49	\$ 46.70
1910410475	12	49	\$ 46.70	1910460645	12	49	\$ 46.70
1910410485	12	49	\$ 46.70	1910460655	12	49	\$ 46.70
1910430015	12	49	\$ 46.70	1910460665	12	49	\$ 46.70
1910430025	12	49	\$ 46.70	1910460675	12	49	\$ 46.70
1910430035	12	49	\$ 46.70	1910460685	12	49	\$ 46.70
1910430045	12	49	\$ 46.70	1910460695	12	49	\$ 46.70
1910430055	12	49	\$ 46.70	1910460705	12	49	\$ 46.70
1910430065	12	49	\$ 46.70	1910460715	12	49	\$ 46.70
1910430075	12	49	\$ 46.70	1910460725	12	49	\$ 46.70
1910430085	12	49	\$ 46.70	1910460735	12	49	\$ 46.70
1910430095	12	49	\$ 46.70				
1910430105	12	49	\$ 46.70				
1910430115	12	49	\$ 46.70				
1910430125	12	49	\$ 46.70				
1910430135	12	49	\$ 46.70				
1910430145	12	49	\$ 46.70				
1910430155	12	49	\$ 46.70				



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: 2

DATE: June 21, 2016

TO: City Council

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

FROM: Maria Hurtado, Assistant City Manager

SUBJECT: Waterway Maintenance District Assessments - Fiscal Year 2016-2017

CONTACT: Mike More, Finance
Mike.More@oxnard.org, 385-7480

RECOMMENDATION:

That City Council:

1. Hold a public hearing regarding proposed assessments for the Waterway Maintenance District for Fiscal Year 2016-2017, and
2. Adopt a resolution for Fiscal Year 2016-2017 fixing assessments for the Waterway Maintenance District.

BACKGROUND

The assessment district for the maintenance of the waterways and landscaping on public rights-of-way within Mandalay Bay was established on June 16, 1970 by Resolution No. 5,144. In contrast to the City's 56 landscape maintenance districts formed under the 1972 Landscaping and Lighting District Act, this waterways district was formed pursuant to the Improvement Act of 1911 in order to recover the City's cost of maintenance of waterways and landscaping on public rights-of-way within Mandalay Bay. Assessments are levied according to the procedures set out in section 5820 et seq. of the Streets and Highways Code (the Improvement Act of 1911). The assessments are exempt from Article XIID of the California Constitution by reason of section 5 thereof.

Waterway Maintenance District Assessments - Fiscal Year 2016-2017

June 21, 2016

Page 2

The recommended resolution fixes the assessments to be collected for Fiscal Year 2016-2017. After City Council adopts the resolution, assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of Fiscal Year 2016-2017 assessments.

The proposed rates and methodology for Fiscal Year 2016-2017 remain as they were for Fiscal Year 2015-2016, with a total assessment levy of \$491,835. Maintenance costs for Fiscal Year 2016-17 are projected to be apportioned as follows:

LANDSCAPE MAINTENANCE

The City's recommended budget for landscaping maintenance costs for Fiscal Year 2016-17 is \$142,906.

WATERWAY MAINTENANCE

The City's recommended budget for waterway maintenance costs for Fiscal Year 2016-2017 is \$342,590.

DELINQUENCY AND COUNTY FEE

The City's recommended budget for delinquency expense and County fees for Fiscal Year 2016-2017 will remain \$6,339.

FINANCIAL IMPACT

The estimated cost of maintenance in Fiscal Year 2016-2017 for the Waterway Maintenance District is equal to the assessments of \$491,835. This amount will be assessed to the property owners in the district and will be placed on the Ventura County tax roll in Fiscal Year 2016-2017, the same as in prior years.

ATTACHMENTS:

Attachment No. 1 - Resolution

Attachment No. 2- Exhibit A to Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION FIXING ASSESSMENTS ON PROPERTY
IN THE WATERWAY MAINTENANCE DISTRICT
FOR FISCAL YEAR 2016-2017

WHEREAS, by Resolution No. 5144, adopted June 16, 1970, the City Council formed the Waterway Maintenance District (“the District”) pursuant to the maintenance district provisions of the Improvement Act of 1911 (Streets and Highways Code Section 5820 et seq.); and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, the City Council is required by Streets and Highways Code section 5830 to estimate the cost of maintaining and operating the improvements within the District, to decide whether the cost of such maintenance and operations shall be borne wholly or partially by the District, and to fix assessments within the District sufficient to raise the money to pay for such cost; and

WHEREAS, assessments existed in the District throughout 2015-2016, and such assessments are not proposed to increase in 2016-2017; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water, flood control, drainage systems and vector control, inasmuch as the waterway serves much as a street, manages water and is part of the flood control and drainage systems in the District; the landscaping is located in or adjacent to sidewalks, streets and other public rights of way and maintenance of the landscaping involves irrigation and vector control; and the other improvements maintained with assessments, such as parking areas and fences, are located in or adjacent to sidewalks, streets and the waterway; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIID of the California Constitution, by reason of section 5 thereof.

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

1. The budget for fiscal year 2016-2017 for the Waterway Maintenance Assessment District is hereby approved as follows:

Landscape Maintenance	\$142,906	
Waterway Maintenance	<u>342,590</u>	
	\$485,496	
Total Budget Requirements		\$ 485,496
Plus: Delinquency		\$ 4,935
Plus: County Fee		<u>\$ 1,404</u>
Net Required from Assessment:		<u>\$ 491,835</u>
County Assessment Roll	\$491,835	
Assessment Required		<u>\$ 491,835</u>

2. The cost of \$491,835 for maintaining and operating channels, parking and landscaping shall be borne by the District.
3. Assessments for the purpose of raising budgeted funds of \$491,835 for the District for the fiscal year beginning July 1, 2016, as shown in paragraph 1 on the line entitled, "Assessment Required," are hereby fixed as set forth in the assessment roll attached hereto and made a part hereof (Exhibit A), showing the assessment for each parcel according to the benefit received by each parcel, as determined by the engineer's report approved by the City Council on May 10, 1988.
4. The City Clerk is instructed to have copies of this resolution available for public review for 5 days within 15 days after its adoption at the City Clerk's Office and the Circulation Desk in the Library.
5. The City Clerk is instructed to file with the Ventura County Auditor within 60 days from July 1, 2016 a certified copy of this resolution, as provided in Government Code Section 53901.

PASSED AND ADOPTED this ____ day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Stephen Fischer, City Attorney

EXHIBIT A

Parcel No.	Amount
1880011015	\$657.32
1880011025	\$634.64
1880011035	\$634.64
1880011045	\$679.98
1880011055	\$679.98
1880012015	\$657.32
1880012025	\$634.64
1880012035	\$657.32
1880012045	\$679.98
1880012055	\$679.98
1880012065	\$679.98
1880012075	\$657.32
1880012085	\$657.32
1880013015	\$725.30
1880013025	\$679.98
1880013035	\$679.98
1880013045	\$679.98
1880013055	\$679.98
1880013065	\$679.98
1880013115	\$725.30
1880013125	\$725.30
1880013135	\$725.30
1880013145	\$725.30
1880013155	\$725.30
1880013205	\$679.98
1880013215	\$679.98
1880013225	\$679.98
1880013235	\$679.98
1880013245	\$679.98
1880013255	\$679.98
1880013265	\$679.98
1880013275	\$679.98
1880014015	\$770.64
1880014025	\$1,014.50
1880014035	\$815.98
1880014045	\$793.30
1880014055	\$793.30
1880014065	\$793.30
1880014075	\$1,019.96
1880014085	\$725.30
1880015015	\$725.30
1880015025	\$679.98
1880015035	\$679.98
1880015045	\$679.98
1880015055	\$679.98
1880015065	\$679.98
1880015075	\$725.30
1880015085	\$1,019.96
1880015095	\$793.30
1880015105	\$815.98
1880015115	\$793.30

1880015125	\$793.30
1880015135	\$1,019.96
1880015145	\$725.30
1880015155	\$679.98
1880015165	\$679.98
1880015175	\$679.98
1880015185	\$679.98
1880015195	\$679.98
1880015205	\$725.30
1880021015	\$702.64
1880021025	\$702.64
1880021035	\$702.64
1880021045	\$702.64
1880021095	\$702.64
1880021105	\$702.64
1880021115	\$725.30
1880021125	\$702.64
1880021135	\$702.64
1880021145	\$702.64
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1880021265	\$725.30
1880021275	\$702.64
1880021285	\$702.64
1880021295	\$679.98
1880021305	\$702.64
1880021315	\$679.98
1880021325	\$770.64
1880021335	\$770.64
1880021345	\$679.98
1880021355	\$272.00
1880021365	\$634.64
1880021375	\$272.00
1880021385	\$430.66
1880021395	\$611.98
1880021405	\$90.66
1880021435	\$861.30
1880021445	\$1,019.96
1880022015	\$702.64
1880022025	\$679.98
1880022035	\$679.98
1880022045	\$679.98
1880022055	\$679.98
1880022065	\$679.98
1880022075	\$679.98
1880022085	\$679.98
1880022095	\$679.98
1880022105	\$702.64
1880023015	\$679.98

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1880023045	\$702.64
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1880023095	\$702.64
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1880024115	\$679.98
1880024125	\$702.64
1880024135	\$702.64
1880031025	\$697.98
1880031035	\$634.64
1880031045	\$634.64
1880031055	\$634.64
1880032015	\$725.30
1880032025	\$679.98
1880032035	\$679.98
1880032045	\$679.98
1880032055	\$702.64
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1880032075	\$951.96
1880032085	\$725.30
1880032095	\$725.30
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1880034055	\$702.64
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1880034085	\$747.98
1880034095	\$725.30
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1880034125	\$770.64
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1880035075	\$453.32
1880035085	\$453.32
1880035095	\$521.32
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1880036025	\$679.98
1880036035	\$679.98
1880036045	\$702.64
1880036055	\$725.30
1880036065	\$951.96
1880036075	\$725.30
1880036085	\$725.30
1880036095	\$725.30
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1880036115	\$657.32
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1880037055	\$702.64
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1880042035	\$634.64
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1880043075	\$725.30
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1880043205	\$725.30
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1880044065	\$679.98
1880044075	\$725.30
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1880044095	\$725.30
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1880044195	\$702.64
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1880100135	\$453.32
1880100145	\$453.32
1880100155	\$679.98
1880100165	\$453.32
1880100175	\$453.32
1880100185	\$543.98
1880100195	\$543.98

1880100205	\$453.32
1880100215	\$430.66
1880100225	\$679.98
1880100235	\$453.32
1880100245	\$453.32
1880100255	\$453.32
1880100265	\$453.32
1880100275	\$453.32
1880100285	\$453.32
1880100295	\$453.32
1880100305	\$453.32
1880100315	\$453.32
1880100325	\$498.64
1880100335	\$679.98
1880100345	\$498.64
1880100355	\$498.64
1880100365	\$543.98
1880100375	\$543.98
1880100385	\$498.64
1880100395	\$498.64
1880100405	\$679.98
1880100415	\$498.64
1880100425	\$453.32
1880100435	\$453.32
1880100445	\$453.32
1880100455	\$453.32
1880100565	\$679.98
1880100575	\$498.64
1880100585	\$589.32
1880100605	\$453.32
1880100615	\$453.32
1880100625	\$453.32
1880100635	\$453.32
1880100645	\$498.64
1880120085	\$1,349.46
1880120095	\$940.42
1880130015	\$371.70
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1880150185	\$371.70
1880150195	\$371.70
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1880150215	\$371.70
1880150225	\$371.70
1880150235	\$371.70
1880150245	\$371.70
1880150255	\$371.70
1880150265	\$371.70
1880150275	\$371.70
1880150285	\$371.70
1880150295	\$371.70
1880150305	\$371.70
1880150315	\$371.70
1880150325	\$371.70
1880150335	\$371.70
1880150345	\$371.70
1880150355	\$371.70
	\$491,835.28



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: 3

DATE: June 21, 2016

TO: City Council

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

FROM: Maria Hurtado, Assistant City Manager

SUBJECT: Adoption of Resolution Approving Engineer's Report and Ordering the Levy and Collection of Assessments for Fiscal Year 2016-2017 Within Landscape Maintenance Districts No. 1 through 3 and 7 through 60

CONTACT: Mike More, Finance
Mike.More@oxnard.org, 385-7480

RECOMMENDATION:

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2016-2017 assessments in Landscape Maintenance Districts No. 1-3 and 7-60, and
2. Adopt a resolution approving the Landscaping and Lighting Assessment Districts Fiscal Year 2016-2017 Consolidated Engineer's Report and ordering the levy and collection of assessments for Fiscal Year 2016-2017 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972.

BACKGROUND

On June 7, 2016, City Council received a report on Landscape Maintenance Districts No. 1-3 and 7-60 concerning the costs of services in each district and the proposed assessments to be levied within the districts. City Council adopted Resolution No. 14,926 which initiated proceedings to levy assessments for Fiscal Year 2016-2017, and Resolution No. 14,927 which declared intent to levy the special assessments, preliminarily approved the Consolidated Engineer's Report for the 56 districts, and set a public hearing for June 21, 2016.

With the assistance of NBS, and as a result of NBS' audits, staff has calculated assessment rates and expenditures for maintenance of public landscaping in the 56 landscape maintenance districts. The 2016/17 levy and budget includes the following scenarios: 1) a subsidy for underfunded districts to maintain current service levels for 6 months (7/1/2016 – 12/31/2016) in order for property owners to have the opportunity to choose between reducing the maintenance level to correspond with the existing revenue or increasing their annual levy amount to match current maintenance costs, and 2) beginning January 1, 2017 the maintenance responsibility of the exterior landscaping and medians along arterials is transferred to the City thus reducing maintenance expenses designated to the districts. The City may be able to minimize the reduction in the level of service or subsidy if the City-maintained work is bid out.

Following the City Council's action at the public hearing on June 21, 2016, the assessment data will be delivered to the County Auditor-Controller's Office and processed for the collection of assessments in Fiscal Year 2016-2017. This action must take place prior to July 1, 2016.

FINANCIAL IMPACT

The recommendation will result in the City's ability to provide landscape maintenance services in the City's landscape maintenance districts. In Fiscal Year 2014-2015, the General Fund subsidized the landscape maintenance districts a combined \$3.1 million to eliminate negative cash balances in various districts that had accumulated over a number of years. In Fiscal Year 2015-2016, the General Fund subsidy was reduced to \$600,000. For Fiscal Year 2016-2017, an analysis of the general benefit contribution for the districts was performed and presented to City Council on June 7, 2016. The Fiscal Year 2016-17 General Fund contribution for general benefit is \$292,773. An additional \$66,327 General Fund subsidy is needed to maintain the current level of service through December 31, 2016. The total Fiscal Year 2016/17 General Fund contribution and subsidy is \$359,100, with the anticipation that the City will begin to assume responsibility for the maintenance costs of the exterior landscaping and medians along arterials beginning January 1, 2017.

ATTACHMENTS:

Attachment No. 1 - Resolution NOTE: Attachment No. 2 - Engineers Report will be provided under separate cover.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2016-2017 WITHIN THE CITY'S LANDSCAPE MAINTENANCE DISTRICTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on June 7, 2016, City Council adopted Resolution No. 14,927, declaring its intention to levy and collect assessments for Fiscal Year 2016-2017 within the City's fifty-six Landscape Maintenance Districts (the "Districts") pursuant to the provision of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code*, in order to pay the costs of maintaining the improvements therein; and

WHEREAS, Resolution No. 14,926 set a public hearing for June 21, 2016, on the levy of the proposed assessments; and

WHEREAS, NBS has filed with the City Clerk the Annual Engineer's Report (the "Report") concerning the cost of maintaining the improvements in such Districts for Fiscal Year 2016-2017 and this City Council is satisfied with all matters as contained in the Engineer's Report as now submitted for final consideration and approval; and

WHEREAS, notice of said hearing was given pursuant to Section 22626 and duly published as required by Sections 22552 and 22553 of said Code; and

WHEREAS, said Public Hearing was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

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

1. The City Council approves the Engineer's Report.
2. A full and detailed description of the improvements, the boundaries of the Districts and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Districts as contained in the Engineer's Report on file with the City Clerk which is made a part by reference. The assessment proposed in the Report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
3. The City Council hereby orders the improvements, maintenance and services to be performed as described in the Report.

4. The adoption of this resolution shall constitute the levy of assessments for Fiscal Year 2016-2017 within the Districts.
5. The City Clerk or their designee is hereby authorized and directed to file the assessments with the Ventura County Auditor upon adoption of this resolution.

PASSED AND ADOPTED this 21st day of June 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: 4

DATE: June 21, 2016

TO: City Council

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

FROM: Greg Nyhoff, City Manager

SUBJECT: Fiscal Year 2016-2017 Operating and Capital Budget Public Hearing

CONTACT: Greg Nyhoff, City Manager
Greg.Nyhoff@oxnard.org, 385-7430

RECOMMENDATION:

That City Council and the Oxnard Housing Authority conduct a public hearing on the Fiscal Year 2016-17 operating and capital budgets for the City of Oxnard and Oxnard Housing Authority.

DISCUSSION

On June 14 and 15, the City Council conducted study sessions on the budget for FY2016-17, including receiving my budget recommendations. At the meetings, City Council discussed many aspects of the budget, including understanding City program augmentations that tie into the Council Priorities as well as the discussion of the projected Fund Operating Reserve. The budget adoption is scheduled for June 28th.

The citywide FY2016-17 proposed budget is over \$385 million and attached is the City Manager's message.

FINANCIAL IMPACT

Conducting this public hearing on the budget does not have a financial impact until such time as the City Council adopts the budget.

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**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: 5

DATE: June 21, 2016

TO: City Council

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

FROM: Jeri Williams, Police Chief

SUBJECT: JAG FY 2016 Grant

CONTACT: Eric Sonstegard, Police Department
Eric.Sonstegard@oxnard.org, 385-8290

RECOMMENDATION:

That City Council adopt a resolution:

1. Authorizing the City Manager to execute and submit an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$112,635 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2016 Local Solicitation.
2. Authorizing the City Manager to execute a Memorandum of Understanding (City of Oxnard Agreement A-7885) with the County of Ventura and the Cities of San Buenaventura, Simi Valley and Thousand Oaks designating the City of Oxnard as the lead agency and fiscal agent for the JAG.
3. Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award.
4. Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve administrative budget adjustments for the use of JAG funds upon award.
5. Authorizing the Chief of Police or designee to submit all program related progress or status reports.

BACKGROUND

JAG FY 2016 Grant

June 21, 2016

Page 2

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures. A recent JAG funding allocation list provided by the Bureau of Justice Assistance (BJA) announced that the combined award amounts for agencies within Ventura County totals \$112,635. Of this amount, the City of Oxnard is eligible to receive an award of \$57,038. Matching fund is not required.

BJA requires that a joint application be submitted by agencies within Ventura County. The City of Oxnard, whose award amount is 51% of the overall JAG award eligibility among Ventura County and its cities, will serve as the grant's lead agency. The lead agency will submit the application on behalf of all parties, and will receive the award and then disburse it to other grantees within Ventura County. The City of Oxnard intends to reallocate five percent (5%), or \$5,632 of the total countywide award eligibility to the City of Oxnard for costs related to administering the grant.

Of the \$112,635 in countywide JAG funding, the awards will be distributed as follows:

Agency	Agency Base Award Eligibility	Lead Agency Administration Fee (5%)	Agency Adjusted Award Amount
VENTURA COUNTY	\$10,645	\$532	\$10,113
OXNARD CITY	\$57,038	\$2,852	\$54,186
SAN BUENAVENTURA CITY	\$22,623	\$1,131	\$21,492
SIMI VALLEY CITY	\$11,018	\$551	\$10,467
THOUSAND OAKS CITY	\$11,311	\$566	\$10,745
CITY OF OXNARD ADMINISTRATION FEE			\$5,632
	\$112,635	\$5,632	\$112,635

Funds from this grant can be used to improve or enhance law enforcement programs and preserve and/or create jobs, which may include equipment/supplies, training, personnel, and/or contractual support. Grantees may utilize JAG funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. The grant's monies may not supplant or replace funds that have been appropriated for the same purpose.

The Oxnard Police Department intends to apply its \$54,186 share of JAG funding towards the following projects:

Portable radios \$30,000

Crime Analytics software \$24,186

The application deadline for JAG grant funding is June 30, 2016.

JAG FY 2016 Grant
June 21, 2016
Page 3

FINANCIAL IMPACT

Approval of this recommendation will have no effect on the General Fund Operating Reserve. This grant does not require any matching contribution. The funding will serve to supplement public safety and will not supplant existing effort.

ATTACHMENTS:

Attachment A - JAG FY16 Resolution

Attachment B - JAG FY16 App

Attachment C - 2016 JAG MOU

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING
SUBMITTAL OF GRANT APPLICATION AND APPROVING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING DESIGNATING THE CITY OF OXNARD
AS THE LEAD AGENCY AND FISCAL AGENT FOR GRANT FUNDS**

WHEREAS, City Council Resolution No. 12,053 sets out the procedure by which City staff may submit grant applications, following approval by resolution of the City Council; and

WHEREAS, U.S. Department of Justice grant funds in the amount of \$112,635 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program has been allocated to law enforcement agencies within the County of Ventura; and

WHEREAS, a joint application for JAG funds must be submitted by law enforcement agencies within the County of Ventura; and

WHEREAS, the County of Ventura and the Cities of San Buenaventura, Simi Valley and Thousand Oaks have designated the City of Oxnard as the lead agency and fiscal agent for the JAG; and

WHEREAS, the Police Department has requested that City Council approve the submittal of a joint application to the U.S. Department of Justice for \$112,635 in JAG funds, with the City's portion to be used for portable radios and crime analysis software enhancements.

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

1. The City Manager is authorized to execute and submit a grant application for the Edward Byrne Memorial Assistance Grant (JAG) Formula Program.
2. The City Manager is authorized to execute a Memorandum of Understanding with the County of Ventura and the City of San Buenaventura, designating the City of Oxnard as the lead agency and fiscal agent for the JAG.
3. The City Manager or designee is authorized to execute grant agreements.
4. The Chief Financial Officer or designee is authorized to submit financial reports and grant claims and approve administrative budget adjustments for the use of grant funds.

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5. The Chief of Police or designee is authorized to submit all program related progress or status reports.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Stephen M. Fischer, City Attorney

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
5. APPLICANT INFORMATION			
Legal Name City of Oxnard		Organizational Unit Oxnard Police Department	
Address 305 West 3rd Street Oxnard, California 93030-5790		Name and telephone number of the person to be contacted on matters involving this application Van Atta, Amy (805) 385-8369	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 95-6000756		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA Edward Byrne Memorial Justice Assistance TITLE: Grant Program		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Ventura County's Edward Byrne Memorial Justice Assistance Grant Program 2016	
12. AREAS AFFECTED BY PROJECT Ventura County			
13. PROPOSED PROJECT Start Date: October 01, 2015 End Date: September 30, 2019		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project CA24 CA25 CA26 CA33	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$112,635	Program is not covered by E.O. 12372	
Applicant	\$0		
State	\$0		
Local	\$0		
Other	\$0		
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	

TOTAL

\$112,635

N

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.

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**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
ABSTRACT NARRATIVE
ATTACHMENT 1**

The City of Oxnard shall serve as the lead agency for the following Ventura County agencies: County of Ventura; cities of: Oxnard, San Buenaventura, Simi Valley and Thousand Oaks. The agencies are submitting this Edward Byrne Justice Assistance Grant (JAG) FY 2016 Local Solicitation application with the intention of utilizing funds to improve local law enforcement efforts. The agencies share the goals of using the requested grant funding to avoid reductions and eliminations of vital equipment and supply purchases to enhance public safety. The goal of addressing crime in the community will be assisted with the various equipment and supplies expenditures proposed. The strategies used are having each participating agency assess its needs and submit them to the City of Oxnard. The major deliverables are the timely purchases and payments necessary to enhance each agency. The coordination plans are each agencies timely submission for reimbursement of their approved expenditures to the City of Oxnard. The agencies will be given deadlines for their submissions to the City of Oxnard so the necessary reporting requirements will be adhered to in a timely manner through the Grants staff.

The top five project identifiers associated with this grant funding are the following:

1. Computer software/hardware – crime analysis software
2. Vehicles (Other) – off-road motorcycle
3. Body worn cameras
4. Policing – GPS, radar, night vision goggles
5. Communications – portable radios

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
PROGRAM NARRATIVE
ATTACHMENT 2**

The five (5) Ventura County agencies jointly applying for this grant will utilize funding for enhancement items, including: portable radios, radar units, crime analysis software enhancements, an off-road motorcycle, body-worn cameras, and traffic control GPS units. The various expenditures are needed to improve the safety and quality of life of the residents and visitors of Ventura County. The grant funding will be distributed as follows:

Jurisdiction Name	5% Fee	Supplies	Other	Total
Ventura County	532	10,113	-	10,645
Oxnard City	2,852	30,000	24,186	57,038
San Buenaventura City	1,131	10,185	11,307	22,623
Simi Valley City	551	-	10,467	11,018
Thousand Oaks City	566	10,745	-	11,311
Total	5,632	85,511	21,492	112,635

Total Allocation \$112,635

The City of Oxnard, as lead agency, will be charging a 5% administrative fee. The administrative fee will be used to offset the salary for Oxnard Police Department employee Amy Van Atta, Grants Specialist II, who will be responsible for collecting data for quarterly and final reports as well as processing all reimbursements for grant funded purchases to disparate agencies. She will act as the point of contact for modification requests, compliance questions and other needs that may arise throughout the grant period.

The expenditures will be segregated by the City of Oxnard Grants Division with an assigned grant/project number and account numbers specifically allocated to this grant. The activities will begin upon approval of the grant application. The various agencies will track their performance objectives and submit them to the City of Oxnard prior to each reporting period.

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
BUDGET AND BUDGET NARRATIVE
ATTACHMENT 3**

Budget Summary

Jurisdiction Name	5% Fee	Supplies	Other	Total
Ventura County	532	10,113	-	10,645
Oxnard City	2,852	30,000	24,186	57,038
San Buenaventura City	1,131	10,185	11,307	22,623
Simi Valley City	551	-	10,467	11,018
Thousand Oaks City	566	10,745	-	11,311
Total	5,632	85,511	21,492	112,635

Total Allocation \$112,635

Budget Narrative

The Ventura County agencies are requesting grant funding for the following items, described by category:

Supplies

Oxnard: Nine (9) portable radios \$30,000

The Oxnard Police Department is in the process of replacing aging radios that are no longer in production and cannot be repaired. The replacement radios are costly and only a few radios are able to be purchased each fiscal year. Grant funding will allow the department to deploy additional radios to patrol officers, increasing FCC compliance and safe, reliable communication.

Thousand Oaks: Two (2) Opticom traffic control GPS units \$6,481

The Opticom system, developed by Global Traffic Technologies, uses GPS and infrared systems to provide safe and controlled passage of emergency vehicles through signalized intersections using externally developed components.

One (1) radar and accessories \$2,678

A radar will allow uniformed patrol deputies to enforce speed limits.

Two (2) privacy shields for crime scenes \$1,373

Privacy screens are portable and easy to set-up and take down. The screens will be used to protect the integrity of a major/fatal traffic collision or crime scene.

Two (2) GPS navigators \$213

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
BUDGET AND BUDGET NARRATIVE
ATTACHMENT 3**

GPS navigators will be used by deputies, SSTs and Cadets to locate addresses and collision scenes safely and efficiently with a reasonable response time.

San Buenaventura:	Fifteen (15) body-worn camera systems	\$6,600
	Fifteen (15) belt clips/holsters for BWC	\$525
	Two (2) evidence.com docks	\$2,990
	Two (2) dock wall mounts	\$70

In 2015, Ventura Police Department (VPD) implemented a body worn camera policy for the entire police force. Currently 127 officers have their own camera assigned to them. The VPD typically makes in excess of 5,000 arrests and conducts thousands of other enforcement activities each year. Each of these incidents will require evident in the form of video that must be included as part of the District Attorney's Office review. By programming each camera to an individual officer, individual accountability and the tagging of videos will be greatly enhanced. At the conclusion of each shift the camera will be placed in a docking station that will upload all evidence while simultaneously charging the cameras to the full extent. This will allow each camera to be fully charged by the time the officer returns for their next shift. VPD is expected to hire an additional 12 Officers over the next year. Purchasing 15 cameras and accessories will allow for the outfitting of the new officers and replacement of broken cameras and extras for training.

Ventura County:	Two (2) night vision goggles	\$8,906
	Two (2) ATN Corp, clip on power supply	\$346

Deputies assigned to West County Patrol Stations have a diverse geographical area to patrol. Their regular beat assignments include rugged mountainous back-country, expansive open farm-land, and sandy beaches fronting the Pacific Ocean. Each of these areas experience specific public safety needs that are difficult to meet using conventional methods (patrol car, foot patrol). Hundreds of hikers, backpackers, and motorcyclists are injured or lost in the Ventura County back county each year. The open farmlands experience high motor vehicle theft, grand theft, and injurious assaults monthly. The beaches have been prime landing areas for panga boats involved in illicit drug and human trafficking crimes. The purchase of night vision goggles would enhance the deputies' abilities to find the lost, preempt the farmland crime, and intercede in panga boat operations by giving them the equipment needed in extreme low light to no light conditions. This equipment enhances the public's safety and aids in crime prevention, apprehension and prosecution.

One (1) Pistol locker	\$861
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Deputies require a secure location to lock their duty weapons while interviewing and processing arrested persons. Doing so prevents arrested persons from disarming the deputy and using the weapon to harm others or themselves. The installation of compact lockers near the processing/interview area will allow deputies to safely secure their weapons while in close quarters with an arrested person, and also provide a place to secure an arrested person's personal property (cell phone, wallet, keys, purse) until booking at a the jail facility.

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
BUDGET AND BUDGET NARRATIVE
ATTACHMENT 3**

Other

Oxnard:	Crime Analytics Software	\$24,186
---------	--------------------------	----------

The Advanced Crime Analytics software is a powerful investigative analytics tool for investigators that helps prevent and solve crime faster by rapidly revealing actionable intelligence hidden in data. This joint project is part of a regionalized approach to Intelligence-Led Policing that will have all county law enforcement agencies working together towards preventing and solving a wide range of crimes.

San Buenaventura:	Twelve (12) Evidence.com Storage Plan	\$8,427
	Twelve (12) Evidence.com licenses	\$2,880

The purchase of BWC requires license and data storage.

Simi Valley:	Off-road motorcycle	\$10,400
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The Simi Valley Police Department proposes that the funding be directed towards the addition of an off-road motorcycle to supplement the off-road search and response team.

The Police Department currently has two off-road motorcycles that are used several times per month to attempt to locate lost or stranded hikers, or other people who have taken to the hills that surround Simi Valley and need emergency help.

The off-road team bikes are equipped with AED lifesaving devices in order to aid the injured when located. During recent searches, it would have cut down the response time to have had the ability to deploy a third officer on an off-road motorcycle which would have expanded the search capability of the team. In addition to search and rescue type operations, the off-road team helps manage the attendance and fireworks enforcement associated with the July 4th yearly extravaganza; as well as to curb the illegal off-road activity within the City. We have had one fatality collision occur due to illegal off-road vehicles in the City and another officer would enhance our enforcement efforts. With the support of the JAG Grant funding, the Police Department would like to bolster and better support the current capability of the off-road team. The addition of this critical piece of equipment will allow the Police Department to better respond to emergencies beyond the capability of our normal patrol fleet, improve the quality of service rendered to the community and curtail illegal activity in the hills surrounding the City.

Administrative Fee

The City of Oxnard shall receive 5% (\$5,632) of the total award amount to cover costs in administering the grant during the grant period. The fee is an allowable cost per the grant application. The rate charged is half the allowable rate of 10%. The City of Oxnard charges the 5% fee to all agencies to help cover the cost of Amy Van Atta, Grants Specialist II, of Oxnard Police Department. Ms. Van Atta assists

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
BUDGET AND BUDGET NARRATIVE
ATTACHMENT 3**

agencies with the application process, any budget modifications required, quarterly reporting and the processing of claims. The 5% only represents a fraction of the actual time spent on the JAG grant management. The agencies involved do not have a dedicated grants person and find the 5% fee to be of great value to the successful expenditure of grant funds.

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
DISCLOSURE OF PENDING APPLICATIONS
ATTACHMENT 4**

The Oxnard Police Department is not currently designated high risk by another federal grant making agency.

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
REVIEW NARRATIVE
ATTACHMENT 5**

A public notice was published in Vida on May 26, 2016 to announce the opportunity to comment on this grant application. Copies of the grant application were made available for public review on the City of Oxnard's website: www.oxnard.org and hardcopies were made available at the Oxnard Police Department on May 30, 2016. The grant application was made available to the public and was heard before the Oxnard City Council on Tuesday, June 21, 2016.

**CITY OF OXNARD
VENTURA COUNTY'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT FY2016 LOCAL SOLICITATION
DISCLOSURE OF PENDING APPLICATIONS
ATTACHMENT 6**

The City of Oxnard and the following Ventura County agencies: County of Ventura; cities of: Oxnard, San Buenaventura, Simi Valley and Thousand Oaks do not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative, and worksheet in the application under this solicitation.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

1. Type of Federal Action: ☒ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance		2. Status of Federal Action: ☒ a. bid/offer/application ☐ b. initial award ☐ c. post-award		3. Report Type: ☒ a. initial filing ☐ b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: ☒ Prime ☐ Subawardee Tier _____, if known: City of Oxnard, Oxnard Police Department 251 South C Street Oxnard, CA 93030 Congressional District, if known: 19, 27			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:		
6. Federal Department/Agency: Department of Justice			7. Federal Program Name/Description: Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY16 Local Solicitation CFDA Number, if applicable: 16.738		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ 112,635.00		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): Mike Arnold & Associates 1127 Eleventh Street, Suite 820 Sacramento, CA 95814			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): O'Donnell, John - Murray, Montgomery, & O'Donnell 101 Constitution Avenue, NW 9th Floor Washington, DC 20001		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: <u>Jeri Williams</u> Print Name: <u>Jeri Williams</u> Title: <u>Chief of Police</u> Telephone No.: <u>(805) 385-7624</u> Date: <u>6/10/2016</u>		
Federal Use Only:					Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

For: Amy Van Atta From: Manuel Muñoz / Vida Newspaper
RE: Legal Notice Requested. Please Confirm By Fax at 805 483-6233 By Email: vidanews@aol.com
Size: 5 x Col 6.5"

PUBLIC NOTICE

2016 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

The Oxnard Police Department is requesting public comment from all Oxnard residents on its application for funding under the U.S. Department of Justice 2016 Edward Byrne Memorial Justice Assistance Local Solicitation Grant (JAG) Program. The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs.

The City of Oxnard will act as lead agency in administering the JAG Program for the County of Ventura and the Cities of San Buenaventura, Simi Valley, and Thousand Oaks. All parties are eligible to receive a combined total of \$112,635 in grant funding through the 2016 JAG Program. The Oxnard Police Department is eligible to receive an allocation of \$54,186 of the combined total plus a fee of \$5,632 to locally administer the Program. BJA Application No. 2016-H2984-CA-DJ is available for public review and inspection at the Oxnard Police Department during normal business hours.

All comments should be forwarded in writing by June 20, 2016 to:

Oxnard Police Department
251 South C Street
Oxnard, California 93030
Attention: Mary Diamond
(805) 385-7612



Published VCVN Date: 05/26/16

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF OXNARD, CALIFORNIA, ON ONE HAND, AND THE COUNTY OF VENTURA,
CALIFORNIA, AND THE CITIES OF SAN BUENAVENTURA, SIMI VALLEY, AND THOUSAND OAKS,
CALIFORNIA, ON THE OTHER HAND**

**Edward Byrne Memorial Justice Assistance Grant Formula Program ("JAG"):
FY 2016 Local Solicitation**

This Agreement ("**Agreement**") is made and entered into on this 1st day of June, 2016, in the State of California, County of Ventura, by and between the City of Oxnard ("**Oxnard**"), on one hand; and on the other hand: the County of Ventura ("**County**"), and the Cities of San Buenaventura, Simi Valley, and Thousand Oaks all entities within the County of Ventura, California.

WHEREAS, each party to this Agreement, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each party to this Agreement finds that the performance of this Agreement is in the best interest of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under the Agreement: and

WHEREAS, all parties to this Agreement believe it to be in their best interests to procure JAG funds.

NOW THEREFORE, the parties entering into this Agreement stipulate/agree as follows:

Section 1.

All parties stipulate that Oxnard shall serve as the lead agency for this grant project. The lead agency shall serve as the fiscal agent for this grant and will submit a joint application on behalf of the parties to this Agreement. Oxnard shall assume the role of coordinating the application and administration of the grant.

Section 2.

The JAG allocation list is established by the Bureau of Justice Assistance (BJA) and indicates the amount for which each unit of local government is eligible to apply. The amounts prescribed in this allocation list shall be referred to hereinafter as agency "Base Award Eligibility". The Base Award Eligibility figures are listed in the table in Section 3, below.

Oxnard shall apply a fee of five percent (5%) to each agency's Base Award Eligibility. This percentage shall be applied to costs related to administering the grant during its four year reporting period. Five percent shall be deducted from each party's Base Award Eligibility amount and allocated to Oxnard. The modified agency award amounts are reflected in the "Adjusted Award" portion of the table in Section 3, below.

Section 3.

The parties agree that Oxnard shall allocate the \$112,635 JAG award in the following manner to the parties entering into this Agreement as follows:

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

Agency	Agency Base Award Eligibility	Lead Agency Administration Fee (5%)	Agency Adjusted Award Amount
VENTURA COUNTY	\$10,645	\$532	\$10,113
OXNARD CITY	\$57,038	\$2,852	\$54,186
SAN BUENAVENTURA CITY	\$22,623	\$1,131	\$21,492
SIMI VALLEY CITY	\$11,018	\$551	\$10,467
THOUSAND OAKS CITY	\$11,311	\$566	\$10,745
CITY OF OXNARD ADMINISTRATION FEE			\$5,632
	\$112,635	\$5,632	\$112,635

Section 4.

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs
- Prosecution and court programs, including indigent defense
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)

Section 5.

All parties to this Agreement shall develop individualized spending plans as to each party's respective grant allocation. JAG funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

Section 6.

Awards to individual agencies of at least \$25,000 must be spent within four years, and the award period for grants in that amount will be from October 1, 2015 through September 30, 2019.

Awards to individual agencies of less than \$25,000 must be spent within two years, and the award period for grants in that amount will be from October 1, 2015 through September 30, 2017.

All parties to this Agreement should anticipate that awards under this grant are one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional Department of Justice funding.

Section 7.

Parties to this Agreement are aware that each unit of local government may draw down any or all JAG funds after acceptance of the award. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If parties to this Agreement draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

Parties to this Agreement understand that recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in meeting reporting requirements.

Section 8.

No JAG funds may be expended outside of the JAG program areas. Even within the program areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Additionally, JAG funds may not be used directly or indirectly to pay for any of the following items unless BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters)
- Unmanned aerial vehicles/unmanned aircraft, aircraft system, or aerial vehicles (UA/UAS/UAV)
- Luxury items
- Real estate
- Construction projects (other than penal or correctional institutions)
- Segway, Golf Cart, ATV or similar
- Armored Vehicles
- Bus and/or RV (Recreational Vehicle)
- Truck
- Van
- SUV (Non-police cruiser)
- Any similar matters

Section 9.

All parties to this Agreement shall designate a point of contact for matters pertaining to the JAG grant, and shall notify Oxnard in the event of any changes. A list of contact persons is attached to this Agreement as **Exhibit A.**

Section 10.

All parties to this Agreement shall provide financial reporting documentation, as prescribed in the terms of the JAG grant, to Oxnard in a timely manner.

All parties to this Agreement must certify that they will satisfy the reporting requirement, which requires detailed reporting (including reporting on sub-awards) not later than ten calendar days after the end of each calendar quarter. In order for the lead agency (Oxnard) to meet this demand, all parties must submit their quarterly reports to Oxnard within four days after the end of each calendar quarter beginning October of 2015.

Section 11.

Nothing in the performance of this Agreement shall impose any liability for claims against Oxnard other than claims for which liability may be imposed by the California Tort Claims Act.

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

Section 12.

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by any other party.

Section 13.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 14.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 15.

All parties agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

Section 16.

The parties agree that this Agreement will be considered signed when the signature of the party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects having the same effect as an original signature.

Agreed to on this 1st of June, 2016.

CITY OF OXNARD

COUNTY OF VENTURA

Greg Nyhoff, City Manager

Michael Powers, County Executive Officer

**CITY OF SAN BUENAVENTURA
VALLEY**

CITY OF SIMI

Mark Watkins, City Manager

Eric Levitt, City Manager

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

CITY OF THOUSAND OAKS

Scott Mitnick, City Manager

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:

Stephen M. Fischer, City Attorney

Risk Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Jeri Williams, Oxnard Chief of Police

Andy H. Viets, San Buenaventura City Attorney

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

EXHIBIT "A"
CONTACT LIST FOR: JUSTICE ASSISTANCE GRANT PROGRAM AWARD ("JAG"):
FY 2016 LOCAL SOLICITATION

CITY OF OXNARD

Mary Diamond
Financial Services Manager
Oxnard Police Department

251 South "C" Street
Oxnard, CA 93030

(805) 385-7612
mary.diamond@oxnardpd.org

Eric Sonstegard
Assistant Police Chief
Oxnard Police Department

251 South "C" Street
Oxnard, CA 93030

(805) 385-7801
eric.sonstegard@oxnardpd.org

Amy Van Atta
Grants Specialist
Oxnard Police Department

251 South "C" Street
Oxnard, CA 93030

(805) 385-8369
amy.vanatta@oxnardpd.org

COUNTY OF VENTURA

OFFICE OF THE SHERIFF

Patricia Salas
Captain
Ventura County Sheriff's Department

800 South Victoria Avenue
Ventura, CA 93009

(805) 654-2881
patti.salas@ventura.org

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

EXHIBIT "A"
CONTACT LIST FOR: JUSTICE ASSISTANCE GRANT PROGRAM AWARD ("JAG"):
FY 2016 LOCAL SOLICITATION

CITY OF SAN BUENAVENTURA

Ken Corney
Chief of Police
Ventura Police Department

1425 Dowell Drive
Ventura, CA 93003

(805) 339-4400
kcorney@venturapd.org

Roger Wang
Business Services Officer
Ventura Police Department

1425 Dowell Drive
Ventura, CA 93003

(805) 339-4421
rwang@venturapd.org

CITY OF SIMI VALLEY

Eric Levitt
City Manager
City of Simi Valley

2929 Tapo Canyon Road
Simi Valley, CA 93063

(805) 583-6701
elevitt@simivalley.org

David Livingstone
Lieutenant
Simi Valley Police Department

3901 Alamo Street
Simi Valley, CA 93063

(805) 583-6914
dlivings@simivalley.org

Suzanne Daunt
Senior Management Analyst
Simi Valley Police Department

3901 Alamo Street
Simi Valley, CA 93063

(805) 583-6915
sdaunt@simivalley.org

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

EXHIBIT "A"
CONTACT LIST FOR: JUSTICE ASSISTANCE GRANT PROGRAM AWARD ("JAG"):
FY 2016 LOCAL SOLICITATION

CITY OF THOUSAND OAKS

VENTURA COUNTY SHERIFF'S OFFICE

James Fryhoff
Captain
Ventura County Sheriff's Department

2101 East Olsen Road
Thousand Oaks, CA 91360

(805) 494-8248
James.fryhoff@ventura.org



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329
Expires 12/31/2018

The financial management system of each non-Federal entity must provide for the following

- Retention requirements for records
- Requests for transfer of records
- Methods for collection, transmission and storage of information
- Access to records
- Restrictions on public access to records

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.

(3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means

(7) Written procedures for determining the allowability of costs.

APPLICANT ORGANIZATIONAL INFORMATION

1. Name of Organization and Address: City of Oxnard

300 West Third Street
Oxnard, CA 93030

2. Authorized Representative's Name and Title: Maria Hurtado, Interim Chief Financial Officer

3. Phone: 805 - 385 - 7478 ext.

4. Fax: 805 - 385 - 7595

5. Email: Maria.Hurtado@oxnard.org

6. Year Established:
1903

7. Employer Identification Number (EIN):
95 - 6000756

8. DUNS Number:
8 - 179 - 214

9. Type of Organization:

☒ State ☐ Municipality ☐ Non-Profit ☐ Higher Education ☐ Tribal ☐ For-Profit ☐ Other



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329
Expires 12/31/2018

AUDIT INFORMATION

An audit is conducted using generally accepted auditing standards (GAAS) or Generally Accepted Governmental Auditing Standards (GAGAS) and results in an audit report with an opinion.

10. The organization has had the undergone the following types of audit(s) (Please check all that apply):

☒ OMB A-133 Single Audit ☒ Financial Statement Audit ☐ Defense Contract Agency Audit (DCAA)

☐ None

☐ Programmatic Audit & Agency: _____

☐ Other Audit & Agency: _____

11. Fiscal Year of Last Audit:
2014

Name of Audit Agency/Firm:
White, Nelson, Diehl, Evans

AUDITOR'S OPINION:

12. On the most recent audit, what was the auditor's opinion?

☒ Unqualified Opinion ☐ Qualified Opinion ☐ Disclaimer, Going Concern or Adverse Opinions

Please enter the number of findings:

Please enter the amount of questioned costs:

Were material weaknesses noted in either the Financial Statement or Single Audit? ☐ Yes ☒ No

ACCOUNTING SYSTEM

13. Which of the following best describes your accounting system:

☐ Manual ☒ Automated ☐ Combination

14. Does the accounting system identify the receipt and expenditure of program funds separately for each grant?

☒ Yes ☐ No ☐ Not Sure

15. Does the accounting system provide for the recording of expenditures for each grant/contract by budget cost categories shown in the approved budget?

☒ Yes ☐ No ☐ Not Sure

16. Does your accounting system have the capability to document the recording of cost sharing or match for each grant? Can you determine if documentation is available to support recorded match or cost share?

☒ Yes ☐ No ☐ Not Sure

17. Are time distribution records maintained for each employee that specifically identify effort charged to a particular grant or cost objective?

☒ Yes ☐ No ☐ Not Sure

18. Does the accounting/financial system include budgetary controls to preclude incurring obligations or costs in excess of total funds available or by budget cost category (e.g. Personnel, Travel, etc.)?

☒ Yes ☐ No ☐ Not Sure

19. Is the organization familiar with the existing Federal regulation and guidelines containing the Cost Principles and procedures for the determination and allowance of costs in connection with Federal grants?

☒ Yes ☐ No ☐ Not Sure



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329
Expires 12/31/2018

PROPERTY STANDARDS, PROCUREMENT STANDARDS, AND TRAVEL POLICIES	
PROPERTY STANDARDS	
20. Does your property management system(s) provide for maintaining: (1) a description of the equipment; (2) an identification number; (3) source of the property, including the award number; (4) where title vests; (5) acquisition date; (6) federal share of property cost; (7) location and condition of the property; (8) acquisition cost; & (9) ultimate disposition information?	☒ Yes ☐ No ☐ Not Sure
PROCUREMENT STANDARDS	
21. Does your organization maintain written procurement procedures which (1) avoid unnecessary purchases; (2) provide an analysis of lease and purchase alternatives; and (3) provide a process for soliciting goods and services?	☒ Yes ☐ No ☐ Not Sure
22. Does your procurement system provide for the conduct to determine selection on a competitive basis and documentation of cost or price analysis for each procurement action?	☒ Yes ☐ No ☐ Not Sure
23. Does your procurement system include provisions for checking the "Excluded Parties List" system for suspended or debarred sub-grantees and contractors, prior to award? https://www.sam.gov/	☐ Yes ☒ No ☐ Not Sure
TRAVEL POLICY	
24. Does your organization: (a) maintain a standard travel policy? ☒ Yes ☐ No (b) adhere to the Federal Travel Regulation? (FTR) ☒ Yes ☐ No	
SUBRECIPIENT MANAGEMENT AND MONITORING	
25. (For Pass-through entities only). Does your organization have controls in place to monitor activities of subrecipients, as necessary, to determine that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of the award and that performance goals are achieved (2 CFR200)?	☒ Yes ☐ No ☐ Not Sure ☐ N/A (Your organization does not make subawards.)
STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS AND APPLICANT CERTIFICATION	
I certify that the above information is complete and correct to the best of my knowledge. This document must be certified by the organization's Authorized Representative, Executive Director, Chief Financial Officer, Chairman of the Board of Directors or similar position.	
Name: Maria Hurtado	Date: 6/27/2016
Title: ☐ Executive Director ☒ Chief Financial Officer ☐ Chairman ☐ Other: _____	
Phone: 805 - 385 - 7478 ext.	

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF OXNARD, CALIFORNIA, ON ONE HAND, AND THE COUNTY OF VENTURA,
CALIFORNIA, AND THE CITIES OF SAN BUENAVENTURA, SIMI VALLEY, AND THOUSAND OAKS,
CALIFORNIA, ON THE OTHER HAND**

**Edward Byrne Memorial Justice Assistance Grant Formula Program ("JAG"):
FY 2016 Local Solicitation**

This Agreement ("**Agreement**") is made and entered into on this 1st day of June, 2016, in the State of California, County of Ventura, by and between the City of Oxnard ("**Oxnard**"), on one hand; and on the other hand: the County of Ventura ("**County**"), and the Cities of San Buenaventura, Simi Valley, and Thousand Oaks all entities within the County of Ventura, California.

WHEREAS, each party to this Agreement, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each party to this Agreement finds that the performance of this Agreement is in the best interest of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under the Agreement: and

WHEREAS, all parties to this Agreement believe it to be in their best interests to procure JAG funds.

NOW THEREFORE, the parties entering into this Agreement stipulate/agree as follows:

Section 1.

All parties stipulate that Oxnard shall serve as the lead agency for this grant project. The lead agency shall serve as the fiscal agent for this grant and will submit a joint application on behalf of the parties to this Agreement. Oxnard shall assume the role of coordinating the application and administration of the grant.

Section 2.

The JAG allocation list is established by the Bureau of Justice Assistance (BJA) and indicates the amount for which each unit of local government is eligible to apply. The amounts prescribed in this allocation list shall be referred to hereinafter as agency "Base Award Eligibility". The Base Award Eligibility figures are listed in the table in Section 3, below.

Oxnard shall apply a fee of five percent (5%) to ~~each~~ agency's Base Award Eligibility. This percentage shall be applied to costs related to administering the grant during its four year reporting period. Five percent shall be deducted from each party's Base Award Eligibility amount and allocated to Oxnard. The modified agency award amounts are reflected in the "Adjusted Award" portion of the table in Section 3, below.

Section 3.

The parties agree that Oxnard shall allocate the \$112,635 JAG award in the following manner to the parties entering into this Agreement as follows:

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Agency	Agency Base Award Eligibility	Lead Agency Administration Fee (5%)	Agency Adjusted Award Amount
VENTURA COUNTY	\$10,645	\$532	\$10,113
OXNARD CITY	\$57,038	\$2,852	\$54,186
SAN BUENAVENTURA CITY	\$22,623	\$1,131	\$21,492
SIMI VALLEY CITY	\$11,018	\$551	\$10,467
THOUSAND OAKS CITY	\$11,311	\$566	\$10,745
CITY OF OXNARD ADMINISTRATION FEE			\$5,632
	\$112,635	\$5,632	\$112,635

Section 4.

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs
- Prosecution and court programs, including indigent defense
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)

Section 5.

All parties to this Agreement shall develop individualized spending plans as to each party's respective grant allocation. JAG funds must be used to supplement existing funds for program activities and cannot replace or supplant nonfederal funds that have been appropriated for the same purpose.

Section 6.

Awards to individual agencies of at least \$25,000 must be spent within four years, and the award period for grants in that amount will be from October 1, 2015 through September 30, 2019.

Comment [CTO1]: Are these dates right or do they need to be updated?

Awards to individual agencies of less than \$25,000 must be spent within two years, and the award period for grants in that amount will be from October 1, 2015 through September 30, 2017.

All parties to this Agreement should anticipate that awards under this grant are one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional Department of Justice funding.

Section 7.

Parties to this Agreement are aware that each unit of local government may draw down any or all JAG funds after acceptance of the award. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If parties to this Agreement draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

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Parties to this Agreement understand that recipients of funds, however, should be aware that the authority to retain such advance funding may be withdrawn should the recipient persistently remain delinquent in meeting reporting requirements.

Section 8.

No JAG funds may be expended outside of the JAG program areas. Even within the program areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Additionally, JAG funds may not be used directly or indirectly to pay for any of the following items unless BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters)
- Unmanned aerial vehicles/unmanned aircraft, aircraft system, or aerial vehicles (UA/UAS/UAV)
- Luxury items
- Real estate
- Construction projects (other than penal or correctional institutions)
- Segway, Golf Cart, ATV or similar
- Armored Vehicles
- Bus and/or RV (Recreational Vehicle)
- Truck
- Van
- SUV (Non-police cruiser)
- Any similar matters

Section 9.

All parties to this Agreement shall designate a point of contact for matters pertaining to the JAG grant, and shall notify Oxnard in the event of any changes. A list of contact persons is attached to this Agreement as **Exhibit A**.

Section 10.

All parties to this Agreement shall provide financial reporting documentation, as prescribed in the terms of the JAG grant, to Oxnard in a timely manner.

All parties to this Agreement must certify that they will satisfy the reporting requirement, which requires detailed reporting (including reporting on sub-awards) not later than ten calendar days after the end of each calendar quarter. In order for the lead agency (Oxnard) to meet this demand, all parties must submit their quarterly reports to Oxnard within four days after the end of each calendar quarter beginning October of 2015.

Comment [CTO2]: Should this be 2016?

Section 11.

Nothing in the performance of this Agreement shall impose any liability for claims against Oxnard other than claims for which liability may be imposed by the California Tort Claims Act.

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
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Section 12.

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by any other party.

Section 13.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 14.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 15.

All parties agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

Section 16.

The parties agree that this Agreement will be considered signed when the signature of the party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects having the same effect as an original signature.

Agreed to on this 1st of June, 2016.

CITY OF OXNARD

COUNTY OF VENTURA

Greg Nyhoff, City Manager

Michael Powers, County Executive Officer

CITY OF SAN BUENAVENTURA

CITY OF SIMI VALLEY

Mark Watkins, City Manager

Eric Levitt, City Manager

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

CITY OF THOUSAND OAKS

Scott Mitnick, City Manager

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:

Stephen M. Fischer, City Attorney

Risk Manager

APPROVED AS TO CONTENT:

Jeri Williams, Oxnard Chief of Police

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

EXHIBIT "A"
CONTACT LIST FOR: JUSTICE ASSISTANCE GRANT PROGRAM AWARD ("JAG"):
FY 2016 LOCAL SOLICITATION

CITY OF OXNARD

Mary Diamond
Financial Services Manager
Oxnard Police Department

251 South "C" Street
Oxnard, CA 93030

(805) 385-7612
mary.diamond@oxnardpd.org

Eric Sonstegard
Assistant Police Chief
Oxnard Police Department

251 South "C" Street
Oxnard, CA 93030

(805) 385-7801
eric.sonstegard@oxnardpd.org

Amy Van Atta
Grants Specialist
Oxnard Police Department

251 South "C" Street
Oxnard, CA 93030

(805) 385-8369
amy.vanatta@oxnardpd.org

COUNTY OF VENTURA

OFFICE OF THE SHERIFF

Patricia Salas
Captain
Ventura County Sheriff's Department

800 South Victoria Avenue
Ventura, CA 93009

(805) 654-2881
patti.salas@ventura.org

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

EXHIBIT "A"
CONTACT LIST FOR: JUSTICE ASSISTANCE GRANT PROGRAM AWARD ("JAG"):
FY 2016 LOCAL SOLICITATION

CITY OF SAN BUENAVENTURA

Ken Corney
Chief of Police
Ventura Police Department

1425 Dowell Drive
Ventura, CA 93003

(805) 339-4400
kcorney@venturapd.org

Roger Wang
Business Services Officer
Ventura Police Department

1425 Dowell Drive
Ventura, CA 93003

(805) 339-4421
rwang@venturapd.org

CITY OF SIMI VALLEY

Eric Levitt
City Manager
City of Simi Valley

2929 Tapo Canyon Road
Simi Valley, CA 93063

(805) 583-6701
elevitt@simivalley.org

David Livingstone
Lieutenant
Simi Valley Police Department

3901 Alamo Street
Simi Valley, CA 93063

(805) 583-6914
dlivings@simivalley.org

Suzanne Daunt
Senior Management Analyst
Simi Valley Police Department

3901 Alamo Street
Simi Valley, CA 93063

(805) 583-6915
sdaunt@simivalley.org

JAG APPLICATION NUMBER: 2016-H2984-CA-DJ
City of Oxnard Agreement # A-7885

EXHIBIT "A"
CONTACT LIST FOR: JUSTICE ASSISTANCE GRANT PROGRAM AWARD ("JAG"):
FY 2016 LOCAL SOLICITATION

CITY OF THOUSAND OAKS

VENTURA COUNTY SHERIFF'S OFFICE

James Fryhoff
Captain
Ventura County Sheriff's Department

2101 East Olsen Road
Thousand Oaks, CA 91360

(805) 494-8248
James.fryhoff@ventura.org



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 1

DATE: June 21, 2016

TO: City Council

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

FROM: Daniel Martinez, City Clerk

SUBJECT: Resolutions to Call November 8, 2016 Election, Ordering Submissions of Ballot Measures for Extension of the Expiration of SOAR and Wastewater Initiative Petition Direction.

CONTACT: Daniel Martinez, City Clerk
Daniel.Martinez@oxnard.org, 385-7803

RECOMMENDATION:

That the City Council:

1. Adopt a resolution: calling and giving notice of a regular municipal election to be held on November 8, 2016, for the election of certain officers; consenting to and requesting election consolidation with the County of Ventura; requesting the County Clerk to render services and supplies; and authorizing the Board of Supervisors to canvass the returns.
2. Adopt a resolution establishing rules to govern submission by candidates of candidate statements.
3. Adopt a resolution ordering the submission of a ballot measure to provide for extension of the expiration of the Save Open Space and Agricultural Resources (SOAR) ordinance from December 31, 2020, to December 31, 2030, ordering the submission of a ballot measure to provide for extension of the expiration of the SOAR ordinance from December 31, 2020, to December 31, 2050, and directing the City Attorney to prepare impartial analyses of both of these measures.
4. Regarding the Wastewater Rate Repeal Initiative, take one of the following steps required by the Elections Code:
 - a. Adopt the ordinance, without alteration, at this meeting or within 10 days.
 - b. Immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election. To select this option, the Council needs to adopt the fourth resolution, ordering the submission of a ballot measure to repeal the City's

2016 wastewater rates and directing the City Attorney to prepare an impartial analysis of the measure.

- c. If the Council requests a report, the Council must set a report presentation date, which can be no later than July 21, 2016, which is 30 days after the City Clerk certifies to the City Council as to the sufficiency of the petition as required by Elections Code section 9111(b). Once the report is presented, the Council must either adopt the ordinance, without alteration, within ten (10) days or immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election.

DISCUSSION

CALLING THE MUNICIPAL ELECTION, CONSOLIDATING THE ELECTION WITH THE COUNTY, AND ESTABLISHING RULES FOR CANDIDATE STATEMENTS

As required by State law, the City Council is required to adopt a resolution calling and giving notice of the City's regular municipal election on November 8, 2016. That election is being held for the purpose of electing a Mayor for a term of two years, two Councilmembers for terms of four years, one City Treasurer for a term of four years and one City Clerk for a term of four years. Additionally, the City Council must consent to and request election consolidation with the County of Ventura (County) if the Council does not want the City to have to run its own election. If the City consolidates with the County, the County Clerk would render all services and supplies, and the City would reimburse the County only for the City's portion of those services and supplies. Additionally, if the Council wishes to consolidate the election with the County, the Council must authorize the County Board of Supervisors to canvass the returns. This is all listed in the first resolution (Attachment A).

The second resolution (Attachment B) establishes rules to govern the submission by candidates of candidate statements. These rules are in the Elections Code, so this resolution is also standard for any election where there are candidates running for an elected position.

SOAR MEASURE SUNSET DATE EXTENSION BALLOT MEASURES

On November 3, 1998, the voters of the City enacted the uncodified Oxnard Save Open Space and Agricultural Resources (SOAR) ordinance. The SOAR Ordinance established and adopted the City Urban Restriction Boundary (CURB) line, which defines what areas of land may be considered for future annexation, urban development, or both and procedures for amending the CURB line. The ordinance is included in the 2030 General Plan.

There are currently nine SOAR ordinances in the County, and seven of these ordinances are set to expire on December 31, 2020. The City's SOAR ordinance is one of those seven that is set to expire in 2020. On February 9, 2016, the City Council conducted a study session and provided

Resolutions to Call November 8, 2016 Election

June 21, 2016

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preliminary comments concerning the Ventura County SOAR's request for an amended CURB line and some SOAR Ordinance amendments. On March 15, 2016, the City Council received a report and provided direction to staff regarding placing an amendment to SOAR before the City's voters at the November 8, 2016, statewide general election. Staff presented possible options to put a SOAR ordinance on the ballot. The City Council directed staff to place a measure on the ballot, which would extend the current SOAR ordinance to December 31, 2030.

On April 12, 2016, the City Council, after further discussion, directed staff to place two SOAR ballot measures on the November 8, 2016 ballot: one expiring on December 31, 2030, and the other expiring on December 31, 2050. This allows the voters to determine which time extension they prefer.

There is no other substantive change to the City's SOAR ordinance. Thus, the third resolution (Attachment C) orders the submission of both SOAR ballot measures—one extending the expiration date to December 31, 2030, and the other extending the expiration date to December 31, 2050. The full text of the ballot measure to extend the effective date of the SOAR ordinance from December 31, 2020, to December 31, 2030 is Exhibit A to Attachment C. The full text of the ballot measure to extend the effective date of the SOAR ordinance from December 31, 2020, to December 31, 2050 is Exhibit B to Attachment C. This resolution also directs the City Attorney to prepare an impartial analysis of both measures, as required by state law.

The extension of the SOAR ordinance, to either 2030 or 2050, has been reviewed for compliance with the California Environmental Quality Act (CEQA) (Attachment D). According to Section 15060(c) of the CEQA Guidelines, "An activity is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment." Additionally, Section 15061(b)(3) states that a project is exempt from CEQA if, "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." Given that an extension of the SOAR ordinance would not result in direct or reasonably foreseeable indirect physical changes when compared to existing conditions, there would be no environmental effects associated with extending the ordinance to 2030 or 2050 and the extension is not subject to CEQA. Even if CEQA applied, the SOAR ordinance is categorically exempt from CEQA under Sections 15307 (Class 7) and 15308 (Class 8) of the CEQA Guidelines.

WASTEWATER RATE REPEAL INITIATIVE

The Environmental Protection Agency and the California State Water Resources Control Board revenue programs require the City to conduct periodic rate adjustment studies for fair and equitable user fees that keep municipal wastewater services on a self-supporting basis. That last rate adjustment was adopted by the City Council in 2012.

In September 2015, City's Public Works Department completed a cost of services study (Rate Study). The Rate Study was intended to consistently allocate the proportional cost of providing

wastewater treatment and disposal service to the City's various customer classes. In January 2016, the City Council adopted Ordinance Number 2901, which reflected the Rate Study results.

On March 8, 2016, the City Clerk received a Notice of Intent to Circulate Petition and a copy of the actual petition (Petition) for the Initiative to Repeal the City's Wastewater Rates Adopted on January 2016 to the City Council (Wastewater Rates Repeal Initiative). Since then, the City Attorney has provided the ballot title and summary, and the notice of intention and the ballot title and summary were published in an adjudicated newspaper of general circulation.

Following Proposition 218 guidelines, the Initiative's proponent then had to obtain 1430 valid signatures. The City Clerk received the Petition with 3958 signatures on May 18, 2016. The Petition was forwarded to the Elections Division of the County Clerk's Office to examine signatures on file, count the number of signatures, and report that number to the City Clerk. Based on the records of registration counted by the County Clerk's Office, the City Clerk has ascertained that the Petition is signed by the requisite number of voters. Thus, the City Clerk certifies as to the sufficiency of the Petition and has attached a Certificate of Sufficiency noting the same (Attachment E). The City Clerk's certification is valid as of tonight.

The Elections Code requires that the City Council take one of the following three steps regarding the Wastewater Rates Repeal Initiative:

1. Adopt the ordinance, without alteration, at this meeting or within ten (10) days.
2. Immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election. If the City Council wishes to select this option, the Council will need to adopt the fourth resolution (Attachment F). The full text of the Initiative to Repeal the City's Wastewater Rates Adopted on January 2016 is Exhibit A to Attachment F.
3. Refer the proposed Wastewater Rates Repeal Initiative to any City agency or agencies for a report on its effect on any or all of the following:
 - a. Its fiscal impact.
 - b. Its effect on the internal consistency of the City's General Plan and specific plans, including the housing element.
 - c. Its effect on the consistency between planning and zoning.
 - d. Its effect on the limitations to City actions regarding discrimination (Government Code section 65008), housing development approvals (Government Code chapter 4.2, commencing with section 65913) and density bonuses and other incentives (Government Code chapter 4.3, commencing with Section 65915).
 - e. Its effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs.

Resolutions to Call November 8, 2016 Election

June 21, 2016

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- f. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the Wastewater Rates Initiative would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- g. Its impact on the community's ability to attract and retain business and employment.
- h. Its impact on the uses of vacant parcels of land.
- i. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- j. Any other matters the City Council requests to be in the report.

If the Council requests a report, the Council must set a report presentation date, which can be no later than July 21, 2016. Once the report is presented, the Council must either adopt the ordinance, without alteration, within ten (10) days or immediately order submission of the ordinance, without alteration, to the voters at the November 2016 election.

FINANCIAL IMPACT

The County Elections Division has calculated that the cost of the election to the City will be approximately \$35,000. The election cost is funded out of the City Clerk Recommended Budget for Fiscal Year 2016-17. Staff recommends the City collect a deposit of \$1,300 from each candidate desiring a candidate statement. In the event of an overpayment, the excess amount will be refunded to the candidate.

Placing the SOAR and the Wastewater Rates Repeal Initiative on the ballot for this election will require additional funding of \$4,000 to \$5,000 per measure.

The cost to prepare the CEQA analysis for the SOAR ballot measures is estimated to cost \$10,000. The cost is funded out of the Planning Division Professional Contract budget.

FULL TITLES OF ATTACHMENTS:

A - Resolution calling and giving notice of the holding of a regular municipal election on November 8, 2016, for the election of certain officers; consenting to and requesting election consolidation with the County; requesting the County Clerk to render specified services and supplies relating to the election; and authorizing the County Board of Supervisors to canvass the returns

- Exhibit A: Ventura County Request for Specified Election Services

Resolutions to Call November 8, 2016 Election

June 21, 2016

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B - Resolution establishing rules for candidate statements

C – Resolution ordering the submission of two ballot measures to provide for extension of the expiration of the SOAR ordinance from December 31, 2020, to either December 31, 2030, or to December 31, 2050, and directing the City Attorney to prepare impartial analysis of these measures

- Exhibit A: Full Text of the Initiative Measure to Extend the Effective Date of the SOAR Oxnard City Urban Restriction Boundary Line from December 31, 2020, to December 31, 2030
- Exhibit B: Full Text of the Initiative Measure to Extend the Effective Date of the SOAR Oxnard City Urban Restriction Boundary Line from December 31, 2020, to December 31, 2050

D – CEQA Analysis of SOAR extension

E - City Clerk's Certification of Sufficiency

F- Resolution ordering the submission of a ballot measure to repeal the City's wastewater rates adopted in January 2016 and directing the City Attorney to prepare an impartial analysis of the measure

- Exhibit A: Full Text of the Initiative to Repeal the City's Wastewater Rates Adopted on January 2016

ATTACHMENTS:

Att A

Att B

Att C

Att D

Att E

Att F

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD: CALLING AND GIVING NOTICE OF THE HOLDING OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS; CONSENTING TO AND REQUESTING ELECTION CONSOLIDATION WITH THE COUNTY OF VENTURA, INCLUDING CONSOLIDATION WITH ANY OTHER ENTITIES THAT CONSOLIDATE WITH THE COUNTY; REQUESTING THE COUNTY CLERK TO RENDER SPECIFIED SERVICES AND SUPPLIES RELATING TO THE CONDUCT OF A REGULAR MUNICIPAL ELECTION; AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, under the provisions of California laws relating to general law cities, the City Council of the City of Oxnard (City) is required to call and give notice of a regular municipal election to be held on November 8, 2016, for the election of certain municipal officers; and

WHEREAS, a statewide general election will be held within the County of Ventura (County) on the same date, and the City Council desires to consolidate the City's election with the County's election; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request certain election-related services from the County; and

WHEREAS, Elections Code section 10403 requires jurisdictions to file with the County's Board of Supervisors, and a copy with the County Registrar of Voters, a resolution requesting consolidation with a statewide election.

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

1. That a regular municipal election is hereby called and ordered to be held in the City of Oxnard, California, on November 8, 2016, election regular municipal election, for the purpose of electing a mayor to a two-year term, two members of the City Council to four-year terms, a City Treasurer for a four-year term and a City Clerk for a four-year term. The exact form of the candidates to be voted upon at the election and as the same are to appear on the ballot are as follows:

ONE MAYOR – Vote for one

TWO MEMBERS OF THE CITY COUNCIL – Vote for two

ONE CITY TREASURER – Vote for one

ONE CITY CLERK – Vote for one

2. That the City consents to consolidate its election with the County election on November 8, 2016, and therefore requests that the County Board of Supervisors order that this regular municipal election be consolidated with the statewide general election to be held on November 8, 2016.

3. That the City acknowledges that the consolidated election will be held and conducted in the manner prescribed by Elections Code section 10418.
4. That the ballots used at the election shall be in form and content as required by law.
5. That the County Board of Supervisors is authorized to canvass the returns of the regular municipal election to be held in the City on November 8, 2016.
6. That pursuant to Elections Code section 10002, the County Board of Supervisors is requested to permit the County Clerk to render the services and supplies as shown on Exhibit A, attached hereto and made a part hereof, and any and all other services and supplies necessary to complete the regular municipal election on November 8, 2016.
7. That the City agrees to reimburse the County in full for the services performed and supplies provided by the County Clerk upon presentation to the City of a bill.
8. That the City Council adopts the provisions of Elections Code section 9285(a), which allows for rebuttal arguments regarding ballot measures.
9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form and manner as required by law.
10. That the City Clerk is directed to follow Secretary of State guidelines as to "Good Cause" reasons for waiving late campaign and lobbying filing fees, including providing a written request to waiver any late fees.
11. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
12. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
13. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed material and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
14. That the City Clerk is directed to forward without delay to the County Board of Supervisors and to the County Clerk each a certified copy of this resolution.
15. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney

VENTURA COUNTY REQUEST FOR SPECIFIED ELECTION SERVICES

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

FROM: City of Oxnard
City Name

Signature of Authorization

ELECTION: Municipal Election (Regular)

DATE: November 8, 2016

SERVICES REQUESTED: – Place a check mark next to the item selected.

ITEM #1 PUBLICATIONS

X

- A. County elections official is requested to publish: Notice of Election for Offices, Nominees, Election Officers and Polling Places.
- B. City will publish.

ITEM #2 CANDIDATE CERTIFICATES AND OATHS OF OFFICE

X

- A. County elections official is requested to furnish Certificates and Oaths of Office.
1. x Blank forms only - number requested ____.
2. Forms filled in appropriately - number requested ____.
- B. City will furnish Certificates and Oaths of Office.

ITEM #3 ELECTION NIGHT RESULTS

X

- On-line results
- E-mail

ELECTIONS DIVISION SERVICES PROVIDED:

CANDIDATE FORMS – Ventura County Elections Division to provide one master set for copying.

CANDIDATE FILINGS – Ventura County Elections Division will check nomination petition signatures.

CANDIDATE STATEMENT – Maximum number of words permitted for the Candidate's Statement will be 200 words. The City will be billed the cost of handling and printing the Candidate Statements. Pursuant to Elections Code Section 10002, the City agrees to reimburse the Ventura County Elections Division in full for the services performed upon presentation of a bill.

ELECTION DAY VOTER INFORMATION – A CD of registered voters and a list of polling places will be provided.

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

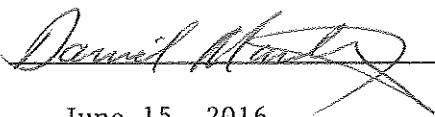
PRINTING OF SAMPLE BALLOTS – Ventura County Elections Division will arrange for printing Candidates' Statements in the Sample Ballot for each election.

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

POLLING PLACES/PRECINCTS ASSIGNMENTS – Ventura County Elections Division will determine the number of polling places.

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

Name of City: Oxnard

Signature & Title:  City Clerk

Date: June 15, 2016

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF OXNARD ESTABLISHING RULES TO GOVERN SUBMISSION
OF CANDIDATE STATEMENTS

WHEREAS, the City's regular municipal election will occur on November 8, 2016; and

WHEREAS, that election is being held in part for the purpose of electing a Mayor for a term of two years, two Councilmembers for a term of four years, one City Treasurer for a term of four years and one City Clerk for a term of four years; and

WHEREAS, the Elections Code establishes some rules to govern the submission by candidates of candidate statements, and the City Council now wishes to elaborate on those rules.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves that should a candidate request a candidate statement, the following rules will govern the request, submission, and handling of the candidate's statement:

1. That the statement may include the name, age and occupation of the candidate and a brief description of the candidate's education and qualifications expressed by the candidate him- or herself;
2. That the maximum number of words permitted in the candidate statement shall be 200;
3. That a candidate statement shall be on the form provided by the City Clerk;
4. That a candidate statement shall not include the party affiliation of the candidate, nor the candidate's membership or activity in partisan political organizations, nor comments on opponents;
5. That a candidate statement shall be filed in typewritten form in the Office of the City Clerk when the candidate's nomination papers are submitted for filing;
6. That the candidate's estimated pro-rata share of the cost of printing, handling, and mailing of a candidate statement is \$1,300, and that the candidate shall deposit this estimated cost with the City Clerk at the time of submission of the candidate statement.
7. That should candidate's estimated pro-rata share of the cost of printing, handling, and mailing of a candidate statement exceed the amount deposited, the candidate will be billed for the difference.

8. That should candidate's estimated pro-rata share of the cost of printing, handling, and mailing of a candidate statement be less than the deposit, the balance will be refunded to the candidate;

9. That except as provided in Section 13309 of the Elections Code, a candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 6:00 p.m. of the next working day after the close of the nomination period;

10. That a candidate statement shall remain confidential until the expiration of the filing deadline; and

11. That if a candidate statement is not filed, the candidate shall file a waiver form with the nomination papers.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD: ORDERING THE SUBMISSION OF A BALLOT MEASURE TO PROVIDE FOR EXTENSION OF THE EXPIRATION OF THE SAVE OPEN SPACE AND AGRICULTURAL RESOURCES (SOAR) ORDINANCE FROM DECEMBER 31, 2020, TO DECEMBER 31, 2030; ORDERING THE SUBMISSION OF A SEPARATE BALLOT MEASURE TO PROVIDE FOR EXTENSION OF THE SOAR ORDINANCE FROM DECEMBER 31, 2020, TO DECEMBER 31, 2050; DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS OF BOTH MEASURES

WHEREAS, in 1998 the voters of the City of Oxnard (City) enacted the Save Open Space and Agricultural Resources (SOAR) ordinance as an amendment to the 2020 General Plan; and

WHEREAS, the 1998 SOAR ordinance established and adopted the City Urban Restriction Boundary (CURB) line, which defines what areas of land may be considered for future annexation, urban development, or both and procedures for amending the CURB line; and

WHEREAS, the voters or City Council can only change the CURB's boundary in accordance with Section 7 of the SOAR ordinance, and to date, there have been no amendments to the CURB line or the SOAR ordinance in Oxnard; and

WHEREAS, under the SOAR ordinance, urban services and urbanized uses are restricted to land within the CURB line until December 31, 2020; and

WHEREAS, the ordinance, inclusive of the sunset date of December 31, 2020, is included in the 2030 General Plan; and

WHEREAS, currently seven of the nine SOAR initiatives in the County of Ventura (County), including the City's SOAR ordinance, are set to expire in the year 2020; and

WHEREAS, the City Council desires to submit two SOAR initiatives be placed on the ballot, one extending the sunset date to December 31, 2030, and the other extending the sunset date to December 31, 2050, to determine which time extension the voters prefer; and

WHEREAS, the Council intends that there be no substantive change to the ordinance or how it is implemented, except to extend the expiration of the ordinance to a later date; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15307 creates an exemption for actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and

WHEREAS, CEQA Guidelines section 15308 creates an exemption for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, CEQA Guidelines section 15061(b)(3) states that CEQA does not apply to projects where the lead agency determines “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

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

1. That the City Council orders submitted to the voters at the general municipal election on November 8, 2016, the following questions:

Shall the Save Open Space and Agricultural Resources (SOAR) Ordinance be extended, maintaining a City Urban Restriction Boundary (CURB); prohibiting urban development outside of the CURB until December 31, 2030, unless approved by the voters; maintaining a City Buffer Boundary (CBB); and prohibiting changing the designation of land within the CBB that is designated ‘Agriculture’ in the Oxnard 2030 General Plan, unless approved by the voters?	YES NO
Shall the Save Open Space and Agricultural Resources (SOAR) Ordinance be extended, maintaining a City Urban Restriction Boundary (CURB); prohibiting urban development outside of the CURB until December 31, 2050, unless approved by the voters; maintaining a City Buffer Boundary (CBB); and prohibiting changing the designation of land within the CBB that is designated ‘Agriculture’ in the Oxnard 2030 General Plan, unless approved by the voters?	YES NO

2. That the proposed text of the ordinances to be submitted to the voters are incorporated herein as Exhibits A and B.

3. That CEQA does not apply to these ordinances due to CEQA Guidelines section 15061(b)(3), or in the alternative, that the ordinances are exempt from the CEQA pursuant to CEQA Guidelines section 15307 or 15307. The CEQA analysis found in Exhibit D of the June 21, 2016 agenda report is hereby incorporated.

4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare impartial analyses of the measures not exceeding 500 words

per measure, showing the effect of the measures on existing law and the operation of the measures and stating that these measures were placed on the ballot by the City Council.

5. That the City Clerk is directed to forward to the County Board of Supervisors and to the County Clerk a certified copy of this resolution.

6. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney

Exhibit A:

CITY OF OXNARD MEASURE
AN INITIATIVE MEASURE TO EXTEND THE EFFECTIVE DATE OF THE
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES
OXNARD CITY URBAN RESTRICTION BOUNDARY LINE FROM DECEMBER 31, 2020
TO DECEMBER 31, 2030
FULL TEXT OF ORDINANCE

Section 1. Title.

This ordinance shall be known as the Oxnard Save Open Space and Agricultural Resources (SOAR) Ordinance and shall be uncoded.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to establish and adopt for the City of Oxnard a City Urban Restriction Boundary (CURB) line, and to redesignate “Agricultural Planning Reserve” to “Agriculture” with the following objectives:

1. To encourage efficient growth patterns and protect the City of Oxnard’s quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services;
2. To promote on lands outside the CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. To manage the City’s growth in a manner that fosters and protects the “small town” character of Oxnard while encouraging appropriate economic development in accordance with the City’s unique local conditions;
4. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households, by directing the development of housing into areas where services and infrastructure are more efficiently available; and
5. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long term urban development and allowing sufficient flexibility within those limits to respond to the City’s changing needs over time.

B. Findings.

1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Oxnard and within its Planning Area (as defined by Chapter III, Section A 6)) is of critical importance to present and future residents of the City of Oxnard. Agriculture has been and remains a major contributor to the economy of the City of Oxnard and County of Ventura, creating employment for many people, directly and indirectly, and generating substantial

tax revenues for the City. Additionally, wetlands, dunes and riparian areas within the Oxnard Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City's economy and reputation.

3. Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.

4. The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB around the City of Oxnard would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people. Accordingly, the initiative requires that until ~~December 31, 2020~~, *December 31, 2030* the City of Oxnard may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB.

6. Although established in generally the same location as the Sphere of Influence line as it existed as of January 1, 1998, the CURB is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the Sphere of Influence line in accordance with state law. The two lines, although coincidentally coterminous as of one point in time are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in accordance with the provisions of state law, the CURB is a local land use policy of the City and shall not be changed except as herein provided.

7. Adequate land for housing is provided in the area encompassed within the CURB. Should at any time the City determine that it is failing to meet its fair share of housing, the initiative provides a mechanism for correcting that imbalance without a vote of the electorate.

The following text of this Section 3.4 of the Oxnard 2030 General Plan is shown in edit format to illustrate the updates from the 1998 adopted SOAR ordinance. Deletions are shown in ~~striketrough~~ and new language is shown in *italics*.

Section 3. General Plan Amendment.

~~D.~~ OXNARD CITY URBAN RESTRICTION BOUNDARY

Introduction

The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) as *an amendment to the Oxnard 2020 General Plan*. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in ~~this subsection of Chapter IV~~ *Section 3.4 of this Oxnard 2030 General Plan*.

1. PURPOSE

The City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB ~~is~~ *was and remains* to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.

2. PRINCIPLES

Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and open space/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally

sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

a) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" ~~and~~ (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport *are additionally encompassed with the CURB*. The Sphere of Influence line and the CURB line are illustrated in *Figure 3-2 IV-4, Exhibit "A"* ~~and the parcels outside of the Sphere of Influence line but within the CURB line described herein are shaded for illustration purposes on said Figure IV-4, Exhibit "A". Figure III-1 inaccurately reflects the current location of the LAFCO Sphere of Influence line. While it is not the purpose of this General Plan Amendment to correct such errors, the Sphere of Influence references on said map are noted to be in error.~~

b) ~~Until December 31, 2020, December 31, 2030~~ the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this *Oxnard 2030 General Plan amendment*, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this *Oxnard 2030 General Plan amendment*, unless in accordance with the amendment procedures of the SOAR Ordinance. ~~this General Plan amendment Section 3.4 herein.~~

c) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.

d) ~~Until December 31, 2020, December 31, 2030~~, all land designated as "Agriculture Planning Reserve (AG/PR)" is hereby re-designated as "Agriculture

(AG)", as shown on Figure 3-2, ~~V-5 (amended), Exhibit "B"~~, must not be re-designated unless in accordance with the amendment procedures of this Section 3.4 herein.

4. CONFORMING AMENDMENTS

SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)

The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on ~~Exhibit I~~ Figure 3-3. The CURB may be amended to include land within the CBB as provided in this ordinance. ~~Until December 31, 2020, December 31, 2030~~ the City of Oxnard shall not change the designation of land within the CBB that is designated "Agriculture" in the 2020/30 General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:

1. The City Council may change the designation of land that is placed within the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may redesignate land within the CBB if the City Council makes each of the following findings:
 - a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner's property for which compensation would be required, and
 - b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

6. EXEMPTIONS

The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in *Chapter 4, Infrastructure and Services*, ~~in the circulation element~~ of the 2030 Oxnard General Plan as of ~~January 1, 1998~~ *adoption and subsequent amendments*, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

7. AMENDMENT PROCEDURES

~~Until December 31, 2020, December 31, 2030~~ the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.

2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein on *Figure 3-2* and ~~as designated on Figure IV-4, Exhibit "A"~~, in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:

- a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and
- b) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with state law, i.e., low and very low income housing; and
- c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
- d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.

3. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB, if the City Council makes each of the following findings:

- a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
- b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
- c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;
- d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
- e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;
- f) The land proposed for inclusion within the CURB does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the restrictions contemplated by this *Section 3.4 of the Oxnard 2030 General Plan amendment* more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and
- g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.

4. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB if the City Council makes each of the following findings:

- a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and
- b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

5. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the CURB or the provisions of this ~~initiative~~ *Section 3.4* on the ballot in the manner provided by state law.

6. The City Council may amend the CURB to include land contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this *Section 3.4 of the Oxnard 2030 General Plan Amendment*, but only to the minimum amount of land reasonably necessary to accommodate said uses.

7. The City Council may reorganize, reorder, and renumber *General Plan* provisions, including the General Plan provisions of *the SOAR Ordinance*.

Exhibit B:

CITY OF OXNARD MEASURE
AN INITIATIVE MEASURE TO EXTEND THE EFFECTIVE DATE OF THE
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES
OXNARD CITY URBAN RESTRICTION BOUNDARY LINE FROM DECEMBER 31, 2020
TO DECEMBER 31, 2050
FULL TEXT OF ORDINANCE

Section 1. Title.

This ordinance shall be known as the Oxnard Save Open Space and Agricultural Resources (SOAR) Ordinance and shall be uncodified.

Section 2. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to establish and adopt for the City of Oxnard a City Urban Restriction Boundary (CURB) line, and to redesignate “Agricultural Planning Reserve” to “Agriculture” with the following objectives:

1. To encourage efficient growth patterns and protect the City of Oxnard’s quality of life by concentrating future development largely within existing developed areas, or, in some cases, directly adjacent to them, consistent with the availability of infrastructure and services;
2. To promote on lands outside the CURB ongoing agricultural and other natural resource and open space uses as defined in Government Code section 65560(b), such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. To manage the City’s growth in a manner that fosters and protects the “small town” character of Oxnard while encouraging appropriate economic development in accordance with the City’s unique local conditions;
4. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population, especially low and moderate income households, by directing the development of housing into areas where services and infrastructure are more efficiently available; and
5. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long term urban development and allowing sufficient flexibility within those limits to respond to the City’s changing needs over time.

B. Findings.

1. The protection of existing agricultural, open space, watershed and water percolation lands surrounding the City of Oxnard and within its Planning Area (as defined by Chapter III, Section A 6)) is of critical importance to present and future residents of the City of Oxnard. Agriculture has been and remains a major contributor to the economy of the City of Oxnard and County of Ventura, creating

employment for many people, directly and indirectly, and generating substantial tax revenues for the City. Additionally, wetlands, dunes and riparian areas within the Oxnard Planning Area are of world class importance providing irreplaceable environmental resources and habitats.

2. In particular, the City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provide beneficial food and fiber locally and world-wide, and have achieved international acclaim, enhancing the City's economy and reputation.

3. Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by reducing beneficial production, causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and agricultural uses.

4. The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB around the City of Oxnard would promote the formation and continuation of a cohesive community by defining its boundaries and by helping to prevent urban sprawl. Such a CURB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This initiative ensures that the agricultural and open space uses outside of the CURB are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands outside the CURB are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people. Accordingly, the initiative requires that until ~~December 31, 2020~~, *December 31, 2050* the City of Oxnard may not allow the provision of urban services, or creation of urban uses, other than in certain limited circumstances and according to specific procedures set forth in the initiative, outside the CURB.

6. Although established in generally the same location as the Sphere of Influence line as it existed as of January 1, 1998, the CURB is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the Sphere of Influence line in accordance with state law. The two lines, although coincidentally coterminous as of one point in time are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in

accordance with the provisions of state law, the CURB is a local land use policy of the City and shall not be changed except as herein provided.

7. Adequate land for housing is provided in the area encompassed within the CURB. Should at any time the City determine that it is failing to meet its fair share of housing, the initiative provides a mechanism for correcting that imbalance without a vote of the electorate.

The following text of this Section 3.4 of the Oxnard 2030 General Plan is shown in edit format to illustrate the updates from the 1998 adopted SOAR ordinance. Deletions are shown in ~~strike through~~ and new language is shown in *italics*.

Section 3. General Plan Amendment.

~~D.~~ OXNARD CITY URBAN RESTRICTION BOUNDARY

Introduction

The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) *as an amendment to the Oxnard 2020 General Plan*. Its purpose, principles, implementation procedures, and methodologies for amendment are set forth in ~~this subsection of Chapter IV~~ *Section 3.4 of this Oxnard 2030 General Plan*.

1. PURPOSE

The City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB ~~is~~ *was and remains* to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.

2. PRINCIPLES

Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and open space/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural

lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

- a) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" ~~and~~ (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport *are additionally encompassed with the CURB*. The Sphere of Influence line and the CURB line are illustrated in *Figure 3-2 IV-4, Exhibit "A"* and the parcels outside of the Sphere of Influence line but within the CURB line described herein are shaded for illustration purposes on said *Figure IV-4, Exhibit "A"*. ~~Figure III-1 inaccurately reflects the current location of the LAFCO Sphere of Influence line. While it is not the purpose of this General Plan Amendment to correct such errors, the Sphere of Influence references on said map are noted to be in error.~~
- b) ~~Until December 31, 2020, December 31, 2050~~ the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this *Oxnard 2030 General Plan amendment*, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this *Oxnard 2030 General Plan amendment*, unless in accordance with the amendment procedures of the SOAR Ordinance. ~~this General Plan amendment Section 3.4 herein.~~
- c) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.

d) ~~Until December 31, 2020,~~ *December 31, 2030*, all land designated as "~~Agriculture Planning Reserve (AG/PR)~~" is hereby re-designated as "Agriculture (AG)", as shown on Figure 3-2, ~~V-5 (amended), Exhibit "B", must not be re-designated unless in accordance with the amendment procedures of this Section 3.4 herein.~~

4. CONFORMING AMENDMENTS

SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)

The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on ~~Exhibit I~~ *Figure 3-3*. The CURB may be amended to include land within the CBB as provided in this ordinance. ~~Until December 31, 2020,~~ *December 31, 2050* the City of Oxnard shall not change the designation of land within the CBB that is designated "Agriculture" in the ~~2020~~*2050* General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:

1. The City Council may change the designation of land that is placed within the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may redesignate land within the CBB if the City Council makes each of the following findings:
 - a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner's property for which compensation would be required, and
 - b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

6. EXEMPTIONS

The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in *Chapter 4, Infrastructure and Services*, ~~in the circulation element~~ of the 2030 Oxnard General Plan as of ~~January 1, 1998~~ *adoption and subsequent amendments*, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

7. AMENDMENT PROCEDURES

~~Until December 31, 2020,~~ *December 31, 2050* the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein ~~on Figure 3-2 and as designated on Figure IV-4, Exhibit "A",~~ in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:
 - a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and
 - b) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with state law, i.e., low and very low income housing; and
 - c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
 - d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.
3. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB, if the City Council makes each of the following findings:
 - a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
 - b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
 - c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;
 - d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
 - e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;
 - f) The land proposed for inclusion within the CURB does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the restrictions contemplated by this *Section 3.4 of the Oxnard 2030 General Plan amendment* more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and

- g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.
4. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB if the City Council makes each of the following findings:
- a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and
 - b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.
5. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the CURB or the provisions of this ~~initiative~~ *Section 3.4* on the ballot in the manner provided by state law.
6. The City Council may amend the CURB to include land contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this *Section 3.4 of the Oxnard 2030 General Plan Amendment*, but only to the minimum amount of land reasonably necessary to accommodate said uses.
7. The City Council may reorganize, reorder, and renumber *General Plan* provisions, including the General Plan provisions of *the SOAR Ordinance*.

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PROJECT DESCRIPTION

The City of Oxnard proposes to extend the Save Our Open-Space and Agricultural Resources (SOAR) ordinance to either 2030 or 2050. There would be no change in the ordinance or how it is implemented, except to extend the expiration of the ordinance to a later date.

EXEMPTION STATUS

Extension of the SOAR ordinance through 2030 or 2050 is exempt from the California Environmental Quality Act (CEQA) under Sections 15060(c), 15061(b)(3), 15307 (Class 7), and 15308 (Class 8) of the CEQA Guidelines.

BACKGROUND

The SOAR ordinance is designed to protect agricultural land and open space in the areas surrounding the City of Oxnard. A stated purpose of the ordinance is “to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan are inviolable against transitory short-term political decisions and that agricultural, watershed, and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.”

In 1998 the voters of the City of Oxnard enacted the SOAR ordinance, which established and adopted the City Urban Restriction Boundary (CURB) line and procedures for amending the CURB line. The CURB defines what areas of land may be considered for future annexation and/or urban development. The boundary of the CURB cannot be changed without either approval by the voters of Oxnard or approval by City Council under the specific circumstances outlined in Section 7 of the SOAR ordinance. To date, there have been no amendments to the CURB line or SOAR within Oxnard (Oxnard 2016).

The SOAR ordinance does not explicitly prevent development outside of the CURB, as there are mechanisms that allow for urban development in this area. First, City Council may be redesignate agricultural land if the change is approved by the voters of the City of Oxnard. Second, under the conditions described in Section 7 of the SOAR ordinance, the City Council may redesignate land outside of the CURB following a public hearing process and CEQA analysis of the proposed amendment. Third, the SOAR ordinance allows the City Council to maintain discretion regarding particular roadways, public potable water facilities, public schools, public parks and other government facilities. These provisions allow the City to have the flexibility to meet changing needs into the future, particularly to be able to continue to provide adequate housing, transportation infrastructure and public services to Oxnard residents.

There are currently nine SOAR ordinances in Ventura County, including those passed by Ventura County and the cities of Oxnard, Ventura, Thousand Oaks, Camarillo, Simi Valley,

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Moorpark, Santa Paula, and Fillmore. Seven of these SOAR ordinances, including the City of Oxnard's SOAR ordinance, are set to expire in the year 2020. The City proposes to place renewal of the current SOAR ordinance on the 2016 election ballot, allowing for a vote to extend the ordinance to the year 2030 or 2050.

ENVIRONMENTAL IMPACT DISCUSSION

To test whether there would be no significant adverse environmental impact (cumulative or otherwise) from the SOAR ballot measures, a review of the City of Oxnard's Initial Study checklist was performed. The discussion that follows evaluates resource areas that could potentially be affected by the SOAR ordinance and describes these potential effects based on potential impacts outlined in the Initial Study checklist. This review found that extending the SOAR ordinance to 2030 or 2050 would not result in any significant environmental effects and is therefore exempt from CEQA.

The SOAR ordinance limits development of agricultural and open space land outside of the City's CURB by placing specific requirements on changing the boundary of the CURB or changing land use designations outside the CURB. These restrictions are in addition to the approval processes that would be required in the absence of the SOAR ordinance, and would not serve as a replacement of these processes. For example, in order to change the land use designation for a parcel outside the CURB, the action would have to meet the requirements of SOAR and obtain City Council approval.

Extension of the SOAR ordinance could, therefore, result in an overall reduction in the amount of development that would occur outside the CURB. The degree to which the SOAR ordinance would limit development outside the CURB is, however, largely dependent on voter actions. As a result, specific effects of the ordinance cannot be predicted with certainty and discussion of impacts associated with extension of the SOAR ordinance is speculative. Although the following evaluation of impacts would be considered speculative under CEQA, it provides information about the likely effect of extending the SOAR ordinance.

The following discussion provides evaluation of potential impacts of the SOAR ordinance in the event it does, indeed, result in reduced development outside the CURB. This reduction in development outside the CURB is expected to result in an associated increase in development within the CURB since the City may have to accommodate growth in this area. Given the uncertainty in the amount of development that would occur, this analysis is general and does not include specific impacts directly associated with implementation of the project, as would generally be expected in a CEQA document.

This analysis provides: background information for potentially affected resource area; a summary of the CEQA findings for each of these resource areas related to the implementation of

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the City's General Plan, which includes the SOAR ordinance; and evaluation of the potential effects of extending the SOAR ordinance to 2030 or 2050. The CEQA findings for the City's General Plan are contained in the *City of Oxnard 2030 General Plan Draft Program Environmental Impact Report* (Draft PEIR) for Aesthetic Resources, Biological Resources, Cultural Resources, and Hydrology and Water Quality; and in the *City of Oxnard 2030 General Plan Recirculated Draft PEIR* for Agriculture and Soil Resources; Air Quality and Climate Change; and Circulation, Traffic and Transportation (Oxnard 2009a and 2009b).

Aesthetic Resources

The City of Oxnard identifies agricultural greenbelts and local waterways as primary aesthetic resources to the City. The Oxnard-Camarillo Greenbelt and the Oxnard-Ventura Greenbelt largely define the City's northern, eastern, and western boundaries. These spaces provide scenic views and resources, and also contribute to the aesthetic character of the City. Similarly, the Santa Clara River forms part of the northern boundary of the City and is the primary waterway in the City's planning area. Smaller waterways and drainage channels traverse the Planning Area, providing natural scenery and wildlife habitat. Many of these local waterways are visible from view points along local roadways (Oxnard 2011).

The General Plan includes policies intended to protect visual quality of the City by preserving existing open spaces as well as improving the overall quality of the existing urban environment. As identified in the Draft Program Environmental Impact Report (PEIR) for the City of Oxnard's 2030 General Plan, buildout of the Preferred Land Use and Circulation Diagram within the 2030 General Plan would result in less than significant impacts to the City's aesthetic resources, including the greenbelts surrounding the city (Oxnard 2009a).

Although it is speculative to assume that extension of the SOAR ordinance would reduce development in the areas outside the CURB, it is the likely and expected effect. This evaluation, therefore, considers the condition under which development outside the CURB would be limited beyond what would occur in the absence of the ordinance. In this case, extension of the SOAR ordinance would help preserve agricultural lands, watersheds, and open spaces surrounding the city. Preservation of this land would maintain scenic views and aesthetic resources as well as help preserve the character of the City. Overall, extension of the SOAR ordinance would be compatible with the goals and policies of the 2030 General Plan and would have a less than significant impact to the City's aesthetic resources. The overall effect of extending the SOAR ordinance, therefore, would not result in additional impacts beyond those identified for the City's General Plan.

Agriculture and Soil Resources

The City of Oxnard lies in the Oxnard Plain, which contains some of the most fertile land in California. Agricultural areas are found in the northeastern and eastern edges of the City, and the northwestern portion of the Planning Area (Oxnard 2011). About half of the Oxnard Planning

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Area is designated for agricultural use. Agriculture continues to be an important industry in the City and Ventura County, generating jobs from crop production, processing, shipping and related industries. Ventura County is recognized as one of the principal agricultural counties in the State, with gross revenues from the sales of agricultural commodities in the billions of dollars. The Department of Conservation identifies agricultural land surrounding the City on all sides as a mixture of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland (DOC 2014).

Buildout of the Land Use envisioned in the 2030 General Plan would have a significant and unavoidable impact on Agricultural Resources within the City, with the estimated conversion of approximately 2,215 acres of important farmland to more urban uses (Oxnard 2009b). Policies included in the 2030 General Plan are intended to promote continued agricultural use, buffers between urban uses and agriculture, and establishment of a farmland protection program. The SOAR ordinance is one of the policies that was identified as supporting existing agricultural buffers. The PEIR for the 2030 General Plan found that these policies would provide partial mitigation for agricultural conversion, but would not prevent the loss of important farmlands. No additional feasible mitigation was available to reduce this impact, so it was determined to be significant and unavoidable (Oxnard 2009b).

Given that the SOAR ordinance places additional constraints on development outside of the CURB, extending the SOAR ordinance to 2030 or 2050 is expected to reduce potential conversion of important and valuable agricultural land surrounding the City to more urban uses. Although the degree to which the ordinance would reduce development in this area is dependent on voter actions, the overall effect would be a level of development equal or below that which would occur in the absence of the ordinance. This would reduce impacts to agricultural resources, including Prime and Unique Farmland and Farmland of Statewide Importance. Overall, extension of the SOAR ordinance is expected to have a beneficial impact on agricultural resources in the City's planning area, and therefore would not result in additional impacts to agricultural and soil resources beyond those identified in the City's General Plan PEIR.

Air Quality and Climate Change

The City of Oxnard is located Ventura County, which is in the South Central Coast Air Basin and is under the jurisdiction of the Ventura County Air Pollution Control District (VCAPCD). Currently, Ventura County is in non-attainment for both State and federal standards for Ozone and PM₁₀. The County is in attainment for all other pollutants (CARB 2015). In 2007, VCAPCD adopted an Air Quality Management Plan (AQMP) that provides a strategy for the attainment of state and federal air quality standards. The most recent VCAPCD comprehensive publication regarding air quality assessment is the *Ventura County Air Quality Assessment Guidelines* (2003), which recommends significance thresholds for projects proposed in Ventura County. Impacts to air quality and climate change from development are assessed on an individual project by project basis.

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The PEIR for the 2030 General Plan identified a potentially significant impact to air quality and climate change resulting from the increased vehicle trips associated with the population growth and development projected within the plan. General Plan policies including ER-17.2 “Transportation Management”, ER-17.3 “Reducing Vehicle Use”, ER-17.5 “Reducing CO Exposure at Congested Intersections”, and ER-17.15 “Collocating Ancillary Services” have been developed to address mobile emissions within the City. Other policies aimed to encourage alternative energy and cooperation with other surrounding agencies further help to reduce potential impacts. The PEIR includes mitigation to develop and support plans and actions to continue to reduce impacts associated with greenhouse gas emissions and climate change. The PEIR for the 2030 General Plan found that these policies would provide partial mitigation for air quality and climate change impacts, but would not prevent the emissions of pollutants or greenhouse gases. No additional feasible mitigation was available to reduce this impact, so it was determined to be significant and unavoidable (Oxnard 2009b).

By introducing additional restrictions for the conversion of open space and agricultural land outside the CURB to other uses, the SOAR ordinance reduces the potential for urban sprawl outside of the current CURB boundary. Extension of the SOAR ordinance, therefore, would promote more compact urban infill development, as the City could be required to accommodate more growth within the CURB than in the absence of the ordinance. Promoting compact urban development has the potential to indirectly reduce the frequency and distance of vehicle trips by City residences, which would reduce emissions associated with vehicles. Projecting the outcome of potential development resulting from SOAR is speculative as the SOAR ordinance does not specify or guide development patterns within the CURB. However, the SOAR ordinance would have a less-than-significant impact on air quality and greenhouse gas emissions and would not contribute to impacts beyond those identified in the General Plan PEIR.

Biological Resources

Riparian and open space areas in the City of Oxnard planning area provide wildlife habitats including eucalyptus trees, row and field crop agriculture, coastal scrub and mixed chaparral, coastal oak woodland, and annual grassland. These areas provide important movement corridors, foraging, cover, and breeding to a number of wildlife species found in the area in and around the City (Oxnard 2006). These habitat areas are found surrounding the urban center of the City of Oxnard, with riparian areas associated with the Santa Clara River and agricultural land being the predominant habitat types.

The PEIR for the 2030 General Plan identifies key habitats along the Santa Clara River, as well as the coastal areas of the City. Although development resulting from the 2030 General Plan (i.e., build out of the Preferred Land Use and Circulation Diagram) would allow for the introduction of some new development in agricultural, coastal, and areas along the Santa Clara River, the plan contains policies aimed to protect and preserve sensitive habitats, and agriculture

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and related open space, as well as to mitigate impacts of development on key biological resources. Because the 2030 General Plan focuses future development away from sensitive habitat areas and implements policies designed to minimize biological resource impacts, impacts to biological resources are less than significant (Oxnard 2009a).

Extension of the SOAR ordinance would likely reduce impacts to biological resources associated with the development of agricultural, watershed and open space areas by placing additional constraints on development outside of the CURB. These constraints would reduce conversion of agricultural and open space lands to more urban uses, thereby avoiding potential impacts to riparian and open space areas that support wildlife species. Overall, extension of the SOAR ordinance would be compatible with the 2030 General Plan, would have a less-than-significant impact on biological resources, and would not result in impacts beyond those identified in the General Plan PEIR.

Cultural Resources

The coastal region of the Santa Barbara Channel and the vicinity of the Santa Clara River where the City of Oxnard is located have a long and diverse history of occupation. However, because the Planning Area consists of a relatively flat, alluvial plain, the probabilities for prehistoric sites is considered low in the area south of the Santa Clara River (due to extensive erosion and sedimentation) (Oxnard 2006). Regardless, development in areas in and around the City has potential of encountering unanticipated cultural resources during ground disturbing activities. The City also contains 31 recorded resources that represent the built environment, which may be vulnerable to development activities accompanying infill activities associated with growth under the City's General Plan (Oxnard 2009a).

The PEIR for the 2030 General Plan identifies potentially significant impacts to archaeological and paleontological resources associated with the buildout of the Preferred Land Use and Circulation Diagram. However, these impacts are reduced to less than significant with mitigation (Oxnard 2009a). All mitigation required in the PEIR for the 2030 General Plan would remain applicable for development subject to the SOAR ordinance.

Given that the SOAR ordinance places additional constraints on development outside of the CURB, extension of the SOAR ordinance would potentially help to preserve open spaces and agricultural land. Reduced development in these areas would reduce ground disturbing activities, thereby reducing the potential impact of encountering unanticipated cultural resources. Agricultural lands surrounding the City have been disturbed by agricultural activities and are, therefore, unlikely to contain intact cultural resources. Preservation of undisturbed open space, therefore, has the greatest value to avoiding potential impacts. In either case, the SOAR ordinance would reduce potential effects to cultural resources. Potential impacts to cultural resources related to extending the SOAR ordinance would, therefore, be less than significant and would not contribute to impacts beyond those identified in the General Plan PEIR.

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Extension of the SOAR ordinance would promote continued infill development within existing urban centers of the City. The need for more compact infill development within the City would potentially add pressure for redevelopment of historic structures. However, the 2030 General Plan PEIR found that the City's existing goal and policies aimed at preserving and protecting historic structures, sites, and districts would help protect historic resources as the City continues to develop within the CURB. The PEIR identifies a less than significant impact to historical resources with implementation of the policies within the General Plan. Overall, extension of the SOAR would be compatible with the 2030 General Plan, would have a less-than-significant impact on historic resources, and would not result in impacts beyond those identified in the General Plan PEIR.

Hydrology and Water Quality

Groundwater resources in southern Ventura County are managed by the Fox Canyon Groundwater Management Agency (FCGMA), which manages local groundwater supplies with the goal of achieving a safe yield of 100,000 (FCGMS Resolution No. 2014-03). Each groundwater extractor in the FCGMA area, including both private entities and municipalities, has an allocation of groundwater available to them annually. Agricultural lands within the City of Oxnard planning area generally rely on privately owned groundwater wells extracting water from local aquifers to irrigate their crops. In 2014, agricultural land uses accounted for 68 percent of groundwater use in the Oxnard plane, with urban uses accounting for the remaining 32 percent (FCGMA 2014).

Water distributed by the City of Oxnard is a combination of groundwater pumped from City owned wells, groundwater purchased from the United Water Conservation District (UWCD), and surface water purchased from the Calleguas Municipal Water District (CMWD). These entities work collaboratively with the FCGMA to manage groundwater resources and with the Metropolitan Water District of Southern California to manage surface water resources (Oxnard 2009a).

The PEIR for the 2030 General Plan found that growth envisioned under the Preferred Land Use and Circulation Diagram would have a less than significant impact on availability of water resources and to groundwater resources. The PEIR found that continued implementation of existing groundwater management programs would help ensure that the City will be able to meet long term water demands and maintain sufficient groundwater recharge. The City would also continue to work cooperatively with FCGMA, UWCD, and CMWD to manage local groundwater resources. Additionally, the 2030 General Plan includes policies that address water supply and groundwater resources that promote water conservation measures, support policies of the local groundwater management agency, and call for continued adherence to the Ventura County Regional Water Quality Planning Program's recommendations regarding groundwater quality and extractions. With implementation of these policies, the PEIR for the 2030 General

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Plan determined that impacts to groundwater supply and recharge would be less than significant (Oxnard 2009a).

Groundwater allocations can be transferred from agricultural to municipal extractors, with the conditions of these transfers having the potential to reduce total groundwater extraction. When an agricultural extractor transfers his allocation to a municipal extractor, the amount of the allocation is adjusted so that a maximum of two acre-feet of water per year per acre of land served by that allocation can be transferred to the municipal user (FCGMA Ordinance No. 5.4). Therefore, if agricultural lands are developed into more urban uses, water allocations associated with that land could be reduced.

Given that the SOAR ordinance places additional constraints on development outside of the CURB, extension of the SOAR ordinance would limit the conversion of agricultural and open space land to urban uses. Maintaining existing agricultural land would result in a continuation of existing groundwater extraction levels associated with agricultural land use, rather than a potential reduction associated with a change in use. However, the SOAR ordinance could also limit urban development from occurring in open space areas with no history of irrigated agriculture, which would prevent an increase in water demand in these areas. New water demand in open space areas would be served by the City of Oxnard, which uses a blend of surface and groundwater. Therefore, development in these areas would likely result in incremental increased demand for groundwater resources. Overall, the potential changes resulting from land conversions outside of the CURB as a result of the expiration of the SOAR ordinance are speculative, and it is uncertain how it would affect groundwater supplies. Extension of the SOAR ordinance, however, would not result in increased demand for groundwater, and therefore this effect would be less than significant and would not contribute to impacts beyond those identified in the General Plan PEIR.

Extension of the SOAR ordinance could also limit the amount of impermeable surfaces that are added to undeveloped areas as a result of urban development. Limitation of new impermeable surfaces in undeveloped areas would continue to allow infiltration of stormwater, and would limit the amount of stormwater runoff associated with development. This would have a less-than-significant impact to water quality and groundwater supplies, and would not contribute to impacts beyond those identified in the General Plan PEIR.

Population and Housing

The City of Oxnard currently has a population of approximately 206,997 residents and a total of 54,735 housing units (DOF 2016). Further, according to projections by the Southern California Association of Governments (SCAG), the City is projected to grow to 237,300 residents and 60,100 households by 2040 (SCAG 2015). Given that the SOAR ordinance places additional constraints on development outside of the CURB, the SOAR ordinance encourages development to occur within the CURB while promoting ongoing agricultural and other natural resource and

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open space uses outside of the CURB. Limiting residential development to occur within the CURB could affect housing availability, particularly for low-income residents if housing becomes constrained and housing prices rise.

The SOAR ordinance, however, does not prevent the City from changing land use designations to accommodate additional growth outside the CURB, as there are mechanisms that allow for urban development in this area and for expansion of the CURB boundary. There are two mechanisms for incorporating agricultural land into the CURB and allowing for urban development, as described in Section 7, *Amendment Procedures*, of the SOAR ordinance. First, agricultural land may be redesignated if the change is approved by the voters of the City of Oxnard. Second, under the conditions described in Section 7 of the SOAR ordinance, the City Council may redesignate land outside of the CURB following a public hearing process and CEQA analysis of the proposed amendment.

Additionally, the SOAR ordinance allows for the boundary of the CURB to be expanded with either approval by the voters of Oxnard or approval by City Council under the specific circumstances outlined in Section 7 of the ordinance. Under Section 7.2:

The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein...in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year.

These provisions allow the City to have the flexibility to meet changing needs into the future, particularly to be able to continue to provide adequate housing to Oxnard residents. Given that the City would still have the flexibility to accommodate growth by increasing densities within the CURB and, if necessary, could expand the CURB, the potential impact to population and housing associated with extending the SOAR ordinance would be less than significant.

Circulation, Traffic, and Transportation

The historical emphasis of transportation planning efforts in the City of Oxnard has been on the development of a street and highway network that would meet the demands of private automobile users and industry. The City has starting to change their focus to alternative transportation modes, including public transportation, bicycling, and passenger rail facilities. The City has developed a network of major travel corridors within the City, and is also served by five state highways. For roadway intersections, the City has set a standard threshold of acceptable level of service (LOS) at C or better (Oxnard 2006).

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The PEIR for the 2030 General Plan identified a significant and unavoidable impact associated with buildout of the Preferred Land Use and Circulation Diagram. This impact is due to the buildout resulting in five intersections operating below the City threshold of LOS C. The five intersections that would operate below LOS C include the following:

- C Street and Wooley Road
- “Five Points” Oxnard Boulevard/Saviers Road and Wooley Road
- Rose Avenue and Gonzales Road
- Oxnard Boulevard and Gonzales Road
- Vineyard Avenue and Oxnard Boulevard

The PEIR for the 2030 General Plan found that there was no feasible or desirable mitigation was available to reduce impacts to the affected intersections. Therefore, impacts were determined to be significant and unavoidable (Oxnard 2009b).

Given that extending the SOAR ordinance to 2030 or 2050 is expected to limit conversion of agricultural and open space lands outside the CURB, it could result in continued infill development within the existing urban areas of the City, potentially leading to increased congestion and traffic within the CURB. The Southern California Association of Governments encourages implementation of transit oriented design in their Sustainable Communities Strategy. This strategy was developed in accordance with Senate Bill 375, which mandates several changes to regional planning practice to better integrate land use, housing and transportation planning, with the goal of reducing greenhouse gas emissions. With implementation of transit oriented design, as envisioned under this strategy, intensification of existing urban areas could potentially reduce the number of vehicle trips and average trip length by maintaining more compact communities and promoting alternate forms of transportation.

Additionally, by limiting development that occurs outside the CURB, the amount of traffic that would have traveled to and from those newly developed areas through the city would be decreased from what it would be otherwise, thereby offsetting traffic associated with additional development that may occur within the CURB as a result of the SOAR ordinance. The potential reductions in vehicle miles traveled would have the added benefit of reducing vehicle emissions and associated air quality impacts.

This discussion is speculative as the SOAR ordinance does not specify or guide development patterns in the City of Oxnard, either within or outside of the CURB. However, extension of the SOAR ordinance is not expected to result in adverse effects on transportation or traffic and would not contribute to additional impacts beyond those identified in the General Plan PEIR.

CEQA ANALYSIS OF SOAR EXTENSION

Summary of Environmental Impacts

As discussed above, the degree to which the SOAR ordinance would limit development outside the CURB is largely dependent on voter actions, and therefore evaluation of the specific effects of the ordinance is speculative under CEQA. This summary, however, provides information about the likely effect of extending the SOAR ordinance.

Extending the SOAR ordinance would continue to provide additional restrictions to developing land outside the CURB, thereby providing additional protection for the watersheds, open space, and agricultural lands that surround the City of Oxnard. Watersheds and open space have environmental benefits as scenic resources and wildlife habitats, and contribute to water quality. Additionally, agricultural lands are considered important resources by the State of California, with potential effects to these resources requiring evaluation under CEQA. Given that the SOAR ordinance reduces the potential for impacts to these resources, extension of the Oxnard SOAR would result in less than significant impacts to these resources.

Limiting urban growth from occurring on agriculture and open space land would also limit soil disturbance and development of impervious surfaces. Reduced soil disturbance would have beneficial impacts on runoff water quality, as loose soil would not be carried into waterways, and groundwater recharge, as storm water would continue to infiltrate into the water supply. Therefore, potential impacts to water quality and groundwater would be less than significant.

Overall, the proposed extension of the SOAR ordinance is expected to help preserve watersheds, agricultural lands, and open spaces and the environmental resources they contain, and would limit the impacts associated with urban development. Potential adverse environmental impacts associated with increased development within the CURB as a result of the extension of the SOAR ordinance are speculative. However, these potential impacts would be less than significant and extension of the SOAR ordinance would not contribute to additional impacts beyond those identified in the General Plan PEIR.

EXEMPTION STATUS AND CONCLUSIONS

An extension of the SOAR ordinance to either 2030 or 2050 would increase the likelihood that the existing land uses will continue, rather than change. That is, extending the SOAR ordinance will encourage the maintenance of the existing environmental conditions – which is, in and of itself evidence of there being no significant environmental effect from the ordinance, and therefore, that the ordinance is exempt from CEQA.

Section 15125(a) of the CEQA Guidelines confirms that the “baseline” is generally the existing physical environmental conditions at the time of the environmental analysis:

An EIR must include a description of the physical environmental conditions in the vicinity

CEQA ANALYSIS OF SOAR EXTENSION

of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

The Environmental Impact Discussion above included a review of the City of Oxnard's Initial Study checklist, and found that there would be no significant adverse environmental impact (cumulative or otherwise) from the SOAR ballot measures. The review did not identify any resources areas that would have adverse impacts as a result of a continuation of the ordinance. The review concluded that there may be indirect effects that could result from limiting development of new housing in the areas outside the CURB, but those impacts were not of a magnitude sufficient to constitute "significant impacts" under CEQA.

Limitation on Development – Effect on Housing

One potential effect analyzed that a reduction in the amount of development that would occur in the absence of the SOAR ordinance, could affect housing availability in the City of Oxnard, particularly for low-income residents. However, any impact on housing prices would be purely speculative because it is not known whether changes in production of housing would outpace production of demand for housing, as additional development might bring additional jobs, thus increasing demands for housing that would be offset by housing. Even if one were to accept that housing prices were to increase (which is speculative), if there were any increase to housing prices, such an increase would be negligible because absent SOAR there would only be a limited amount of housing, and the impact on housing prices would be diluted given the large number of units in the greater Ventura County area that greatly affect housing prices within Oxnard.

Importantly, changes to housing prices are not "environmental impacts" which are subject to CEQA – they are social and economic impacts. Section 15131(a) of the CEQA Guidelines does not require an analysis of a project's social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. According to Section 15064(f)(6) of the Guidelines, "evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment." Because at most there would be negligible impacts to housing prices, there would be at most negligible impacts to the environment; furthermore, impacts to housing prices are speculative, and speculative impacts are not subject to CEQA.

Additionally, evaluation of potential future development patterns in the city, and whether or not they would contribute enough housing to accommodate city residents, is speculative. SOAR does

CEQA ANALYSIS OF SOAR EXTENSION

not change land use designations or facilitate any development. Any possible indirect effects associated with limiting growth outside the CURB, therefore, would be speculative. Such speculation on potential future activities and impacts is not required by CEQA (State CEQA Guidelines, §15145).

Limitation on Development – Effect on Traffic

The review in the Environmental Impact Discussion above also considered whether traffic congestion within city limits would increase because the SOAR ballot measures would limit external development. Such impacts were found not to be “significant impacts” under CEQA for a few reasons. First, with implementation of transit oriented design, concentrating development within the CURB could reduce the number of vehicle trips and average trip length by maintaining more compact communities and promoting alternate forms of transportation. Second, by limiting development that occurs outside the CURB, the amount of traffic that would travel to and from those newly developed areas through the city would be decreased from what it would be otherwise, and would be expected to be offset by any additional development that may occur within the CURB than would have otherwise occurred. Based on these potential effects and the difference in traffic congestion is expected to be less than “significant”, either in an individual or on a cumulative basis.

This evaluation of potential traffic impacts, however, is speculative, as the SOAR ordinance does not guide development patterns within the CURB. Speculation does not constitute “substantial evidence” sufficient to establish there being any significant adverse environmental impact under CEQA. This finding is supported by the California Court of Appeal’s ruling in the case of *Union of Medical Marijuana Patients, Inc. (UMMP) v. City of Upland*, 245 Cal.App.4th 1265 (2016). In this case the City of Upland adopted a mobile medical marijuana ordinance in 2013 that restated the policies of the City’s 2007 medical marijuana ordinance. UMMP argued that adoption of the ordinance would result in physical effects to the environment as a result of increased travel by residents who would now be forced to travel outside the City to obtain medical marijuana. The Court held that adoption of the ordinance did not qualify as a project under CEQA because it “was not an activity that “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The Court went on to explain that the claim that the ordinance would result in physical impacts to the environment were based on layers of assumptions about what might occur as a result of the ordinance, and the alleged impacts, were too “speculative and unlikely” to be deemed “reasonably foreseeable.” (Guidelines § 15064, subd. (d)(3)). Therefore, in accordance with Section 15145 of the CEQA Guidelines, these potential impacts are too speculative for evaluation.

Why the Ballot Measures are not Subject to CEQA

CEQA ANALYSIS OF SOAR EXTENSION

According to Section 15060(c) of the CEQA Guidelines, “An activity is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.” Additionally, Section 15061(b)(3) states that a project is exempt from CEQA if, “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” Given that an extension of the SOAR ordinance would not result in direct or reasonably foreseeable indirect physical changes when compared to existing conditions, there would be no environmental effects associated with extending the ordinance to 2030 or 2050 and the extension is not subject to CEQA.

Categorical Exemptions

Even if CEQA applied, the SOAR ordinance is categorically exempt from CEQA under Sections 15307 (Class 7) and 15308 (Class 8) of the CEQA Guidelines which provide:

Section 15307 (Class 7) – consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Section 15308 (Class 8) – consists of actions taken by regulatory agencies, as authorities by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

These exemptions apply because the ordinance includes procedures for the maintenance of existing natural resources, and protection of the environment. By preserving existing environmental conditions, and especially those areas that are open space, such locations may repair themselves over time.

Conclusion

In summary, the proposed extension of the SOAR ordinance through 2030 or 2050 is exempt from CEQA under Sections 15060(c), 15061(b)(3), Section 15307 (Class 7), and Section 15308 (Class 8) of the CEQA Guidelines. Therefore, extension of the SOAR ordinance does not require preparation of environmental documentation under CEQA.

CEQA ANALYSIS OF SOAR EXTENSION

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CITY CLERK
OF THE CITY OF OXNARD

Certificate of Sufficiency

WHEREAS, on May 18, 2016, the City of Oxnard City Clerk's Office received the petition (Petition) for the Initiative to Repeal the City's Wastewater Rates Adopted on January 2016 (Initiative); and

WHEREAS, the Petition included 3,958 unverified signatures; and

WHEREAS, the City Clerk sent the Petition to the Elections Division of the Ventura County Clerk's Office because it has access to the lists of registered voters; and

WHEREAS, where more than 500 signatures have been signed on a petition, Elections Code sections 9115 and 9211, taken together, allow a random sampling technique for the verification of signatures to be used; and

WHEREAS, of the 500 signatures verified, 378 signatures—or 75.6% of the signatures—were valid; and

WHEREAS, there were no duplicate signatures on the Petition; and

WHEREAS, 75.6% of the total number of signatures yields 2,992 signatures; and

WHEREAS, because this is an election governed by Proposition 218, the Petition requires 1,430 valid signatures; and

WHEREAS, the County Clerk sent its signature verification certificate to the City on May 27, 2016, and the City received that certificate on May 31, 2016; and

WHEREAS, within thirty (30) days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, an elections official must ascertain whether the petition is signed by the requisite number of voters, so the City Clerk has until June 30, 2016, to do so; and

WHEREAS, a certificate showing the results of this examination is required, and after the elections official certifies the results, he or she must certify these results to the governing board, and the City Clerk now wishes to certify these results to the City Council with this Certificate of Sufficiency.

NOW, THEREFORE, I, Daniel Martinez, City Clerk of the City of Oxnard, State of California, hereby certify:

1. That the Petition for the Initiative to Repeal the City's Wastewater Rates Adopted in January 2016 is signed by the requisite number of voters; and
2. That the Petition for the Initiative to Repeal the City's Wastewater Rates Adopted in January 2016 is sufficient.

ADOPTED this 21st day of June, 2016.

Daniel Martinez, City Clerk

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING THE SUBMISSION OF A BALLOT MEASURE TO REPEAL THE CITY'S WASTEWATER RATES ADOPTED IN JANUARY 2016, THEREBY RETURNING TO THE 2012 RATES, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

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 of Oxnard (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, Ordinance Number 2860 was adopted on September 18, 2012, to set forth the City's wastewater system fees, charges and user rates in accordance with the provisions of the City Code and the EPA/SWRCB Revenue Program Guidelines; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study) so that the proportional cost of providing wastewater treatment and disposal service to the City's various customer classes are allocated consistently; and

WHEREAS, the City Council adopted Ordinance Number 2901 on January 26, 2016, which reflected the Rate Study to provide updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, on March 8, 2016, the City Clerk received a Notice of Intent to Circulate Petition and a copy of the actual petition (Petition) for the Initiative to Repeal the City's Wastewater Rates Adopted on January 2016 to the City Council (Wastewater Rates Repeal Initiative); and

WHEREAS, since that date, the City Attorney provided the ballot title and summary for the Wastewater Rates Initiative and the proponent circulated the Petition among the voters to collect the requisite number of signatures; and

WHEREAS, the City Clerk has ascertained that the Petition is signed by the requisite number of voters; and

WHEREAS, the City Clerk has attached a Certification of Sufficiency hereto, which is incorporated herein as Exhibit D, and the City Clerk thereby certifies these results to the City Council; and

WHEREAS, the City Council desires to submit the Wastewater Rates Repeal Initiative to the voters at the general municipal election on November 8, 2016; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15378, which defines a project for the purpose of required CEQA review, exempts from CEQA review the submittal of proposals to a vote of the people that does not involve a public agency sponsored initiative.

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

1. That the City Council orders submitted to the voters at the general municipal election on November 8, 2016, the following question:

Shall an ordinance be adopted repealing the City's wastewater rates adopted in January 2016 and returning to the rates previously in effect?	YES
	NO

2. That the proposed text of the Wastewater Rates Repeal Initiative to be submitted to the voters is incorporated herein as Exhibit A.

3. That the Wastewater Rates Repeal Initiative is exempt from CEQA pursuant to CEQA Guidelines section 15378.

4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure not exceeding 500 words, showing the effect of the measure on existing law and the operation of the measure and stating that this measure was placed on the ballot by the voters.

5. That the City Clerk is directed to forward to the Ventura County Board of Supervisors and to the County Clerk a certified copy of this resolution.

6. That the City Clerk shall certify to the adoption of this resolution and cause the same to be posted as required by law.

PASSED AND ADOPTED this 21st day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney

SECTION 2. Findings and Declarations.

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

a) High local utility rates are harmful to the general welfare of residents.

b) High local utility rates reduce Oxnard’s competitiveness as a business destination and encourage businesses to locate in other nearby cities, reducing local job opportunities.

c) The Oxnard City Council enacted City of Oxnard Ordinance No. 2901, also known as the Ordinance of the City Council of the City of Oxnard Establishing Wastewater System User Fees and Charges. This ordinance schedules an 88% increase (or an additional \$326 per year) for wastewater for a typical household, plus additional adjustments for changes in the Consumer Price Index and cost of energy consumption.

d) The City of Oxnard’s Cost of Services Study, dated September 2015 (Rate Study), is the basis for increased rates and charges imposed by Ordinance No. 2901.

e) News accounts of the City of Oxnard’s inadequate controls over its own finances cause many to question whether the city’s financial reports can be relied upon for establishing rates.

f) The Rate Study already anticipates increases in operating expenses due to changes in the Consumer Price Index, but Ordinance No. 2901 compounds the impact of inflation on rates by requiring additional increases for changes in the Consumer Price Index. Moreover, adjusting rates for increases in the Consumer Price Index presumes that all expenditures increase with inflation, when outlays for debt service typically remain fixed during the life of the debt instrument.

g) The Rate Study proposes \$1.23 billion in capital expenditures, including \$675 million for the wastewater system, much of which support projects of dubious value to ratepayers and appear to lack sufficient supporting documentation.

h) The Rate Study presents an all-or-nothing plan, fails to discuss alternative solutions with trade-offs, and completely lacks prior fiscal year fund balance trends and audited actuals for comparative analysis.

i) A former manager and civil engineer of the City of Oxnard who served as Water Superintendent (1999-2005) and Public Works Director (2005-2010) has openly questioned whether the proposed Wastewater Enterprise Capital Replacement strategies can’t be better and more cost effectively accomplished/achieved by leveraging more modern wastewater treatment technologies that also reduce footprint requirements (eliminate property acquisition), capitalize on waste-to-energy conversion opportunities, and reduce the need for additional pre-treatment (capital investment) at the Advanced Water Purification Facility (AWPF).

j) Given the above concerns expressed by an outside professional with intimate knowledge of the inner workings of this utility and the lack of a comprehensive peer review of the Rate Study, we find that uncontroverted evidence has not been established that the increased wastewater fees and charges established in Ordinance No. 2901 are absolutely necessary.

SECTION 3. Purposes and Intent.

a) The People of the City of Oxnard hereby declare that their purpose and intent in enacting the “Repealing Oxnard’s Increases of Wastewater Rates Act” is to repeal City of Oxnard Ordinance No. 2901, also known as the Ordinance of the City Council of the City of Oxnard Establishing Wastewater System User Fees and Charges, enacted on January 26, 2016, and revert to the lower rate structure in effect prior to its adoption.

b) The people intend this Act to be an exercise of their rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges.

SECTION 4. Repealing Oxnard’s Increases of Wastewater Rates Act.

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

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:

$OMUC = p(Vm) + q(Bm) + r(Sm)$
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 \$25 HCF/Month	\$3.66	\$4.03	\$4.36	\$4.71	\$5.09
3	> \$25 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/Laundroma	\$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 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 & Disposal Facility User Charge

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 Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Monthly Wastewater Discharge/Millions of Gallons	e = \$1,037.46	e = \$1,099.70	e = \$1,165.69
Monthly Biological Oxygen Demand (BOD) Discharge/Thousands of Lbs.	f = \$117.53	f = \$124.59	f = \$132.06
Monthly Suspended Solids (SS) Discharge/Thousands of Lbs.	g = \$172.24	g = \$182.58	g = \$193.53

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:

$OMUC = p (Vm) + q (Bm) + r (Sm)$

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 Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Monthly Water Discharge/Millions of Gallons	p = \$1,917.63	p = \$2,032.69	p = \$2,154.65
Monthly Biological Oxygen Demand (BOD) Discharge/Thousands of Lbs.	q = \$436.94	q = \$463.16	q = \$490.95
Monthly Suspended Solids (SS) Discharge/Thousands of Lbs.	r = \$345.57	r = \$366.31	r = \$388.28

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%):

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 50 HCF/Mo.	\$2.18	\$2.31	\$2.45
51 to 930 HCF/Mo.	\$2.73	\$2.89	\$3.06
Over 930 HCF/Mo.	\$5.45	\$5.78	\$6.13

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

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 20 HCF/Mo.	\$2.18	\$2.31	\$2.45
21 to 160 HCF/Mo.	\$2.73	\$2.89	\$3.06
Over 160 HCF/Mo.	\$5.45	\$5.78	\$6.13

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

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 105 HCF/Mo.	\$2.18	\$2.31	\$2.45
106 to 525 HCF/Mo.	\$2.42	\$2.56	\$2.71
Over 525 HCF/Mo.	\$3.01	\$3.19	\$3.38

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%):

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 9 HCF/Mo.	\$1.22	\$1.29	\$1.37
10 to 18 HCF/Mo.	\$1.35	\$1.43	\$1.52
Over 18 HCF/Mo.	\$1.89	\$2.00	\$2.12

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

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 16 HCF/Mo.	\$1.22	\$1.29	\$1.37
17 to 25 HCF/Mo.	\$1.35	\$1.43	\$1.52
Over 25 HCF/Mo.	\$1.89	\$2.00	\$2.12

c. Multi-Family, Multi-Unit Residential Wastewater Use (Percentage Wastewater Return = 90%):

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 6 HCF/Mo. *	\$0.99	\$1.05	\$1.11
7 to 12 HCF/Mo. *	\$1.10	\$1.17	\$1.24
Over 12 HCF/Mo. *	\$1.54	\$1.63	\$1.73

* Tiers for Multi-Family/Multi-Unit Residential wastewater rates are variable and are determined by multiplying each tier by the number of units.

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 a monthly meter rates:

Service	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Single Family	\$18.75	\$19.88	\$21.07
Multi-Family/Unit	Units 1-6: \$13.71 Units 7+: \$6.84	Units 1-6: \$14.54 Units 7+: \$7.25	Units 1-6: \$15.41 Units 7+: \$7.68

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 Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Commercial	\$12.46	\$13.21	\$14.00
Restaurant	\$11.56	\$12.25	\$12.98
Laundry	\$54.68	\$57.96	\$64.44
School	\$43.74	\$46.37	\$49.15

5. Monthly Security and Contamination Prevention Fee. Each customer shall pay a monthly security and contamination prevention fee as follows:

Service	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Security and Contamination Prevention Fee	\$0.65	\$0.65	\$0.65

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 multiple dwelling family dwelling unit.

Service	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Non-Metered Customers	\$32.20	\$34.13	\$36.18

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 the 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 Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
Outside City -- Residential	\$64.99	\$68.89	\$73.02
Outside City -- Multi	\$43.55	\$46.16	\$48.93

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

Rate Per Hundred Cubic Feet (HCF)	Effective Oct. 18, 2012	Effective Jan. 1, 2013	Effective Oct. 1, 2013
0 to 50 HCF/Mo.	\$4.36	\$4.62	\$4.90
51 to 930 HCF/Mo.	\$5.45	\$5.78	\$6.13
Over 930 HCF/Mo.	\$10.91	\$11.56	\$12.25

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. Automatic Inflation Adjustment

Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust for a 5 year period, for inflation in the cost of operating the city wastewater system. The inflation adjustment shall be 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 applied in the Rate Model. 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.

Part 2. The provisions of this ordinance shall be applicable to all service provided or charges incurred on and after October 18, 2012. Upon the effective date of this Ordinance, Ordinance No. 2818 is repealed.

SECTION 5. Broad Construction.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purpose of repealing the City's increases in rates enacted on January 26, 2016.

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

c) This Act shall not limit or prohibit the City's ability to propose a new schedule of fees and charges, in accordance with the provisions of Article XIII D of the California Constitution.

SECTION 6. Conflicting Ballot Measures.

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

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

SECTION 7. Severability.

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

Notice of Intent to Circulate Petition

Notice is hereby given by the person whose name appears hereon of his intention to circulate the petition within the City of Oxnard for the purpose of repealing the City Council's January 26, 2016 increase in Wastewater System User Fees and Charges. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

We the people, exercising our rights pursuant to Section 3 of Article XIII C of the California Constitution to reduce or repeal local taxes, assessments, fees or charges, seek the repeal of the wastewater rate hikes enacted by the City Council on January 26, 2016, when they adopted City of Oxnard Ordinance No. 2901.

The City Council's ordinance schedules an 88% increase (or an additional \$326 per year) for wastewater for a typical household, plus additional adjustments for changes in the Consumer Price Index and cost of energy consumption. These rate increases are harmful to the general welfare of residents and encourage businesses to locate in other nearby cities, reducing local job opportunities.

The City of Oxnard's Cost of Services Study, dated September 2015 (Rate Study), which is the basis for increased rates and charges imposed by Ordinance No. 2901, has a number of flaws. The Rate Study already anticipates increases in operating expenses due to changes in the Consumer Price Index, but Ordinance No. 2901 compounds the impact of inflation on rates by requiring additional increases for changes in the Consumer Price Index. Moreover, adjusting rates for increases in the Consumer Price Index presumes that all expenditures increase with inflation, when outlays for debt service typically remain fixed during the life of the debt instrument. The Rate Study proposes \$1.23 billion in capital expenditures, including \$675 million for the wastewater system, much of which support projects of dubious value to ratepayers and appear to lack sufficient supporting documentation. The Rate Study presents an all-or-nothing plan, fails to discuss alternative solutions with trade-offs, and completely lacks prior fiscal year fund balance trends and audited actuals for comparative analysis.

A former manager and civil engineer of the City of Oxnard who served as Water Superintendent (1999-2005) and Public Works Director (2005-2010) has openly questioned whether the proposed Wastewater Enterprise Capital Replacement strategies can't be better and more cost effectively accomplished/achieved by leveraging more modern wastewater treatment technologies that also reduce footprint requirements (eliminate property acquisition), capitalize on waste-to-energy conversion opportunities, and reduce the need for additional pre-treatment (capital investment) at the Advanced Water Purification Facility (AWPF).

Given the above concerns expressed by an outside professional with intimate knowledge of the inner workings of this utility and the lack of a comprehensive peer review of the Rate Study, we find that uncontroverted evidence has not been established that the increased wastewater fees and charges established in Ordinance No. 2901 are absolutely necessary. Moreover, news accounts of the City of Oxnard's inadequate controls over its own finances cause many to question whether the city's financial reports can be relied upon for establishing rates.

We believe that rates should revert back to where they were before the adoption of Ordinance No. 2901, and the City Council should commission a peer reviewed rate study that does not have the flaws of the existing Rate Study to establish a new rate structure that meets the needs of ratepayers.



Aaron Starr



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 2

DATE: June 21, 2016

TO: City Council

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

FROM: Arturo Casillas, Housing Director

SUBJECT: Section 8 Housing Choice Voucher Program Budget for Fiscal Year 2017

CONTACT: Rhonda Hodge, Housing
rhonda.hodge@oxnard.org, 385-7889

RECOMMENDATION:

That the Board of Commissioners of the Housing Authority of the City of Oxnard 1) adopt a resolution approving and adopting the recommended \$17,353,320 operating budget for the Section 8 Housing Choice Voucher Program ("Section 8") for fiscal year 2017 and, 2) approve and authorize the use of \$143,999 of unrestricted cash/investments to fund the projected deficit.

BACKGROUND

This recommended budget pertains exclusively to the 1,825 Housing Choice Vouchers administered by the City of Oxnard Housing Authority ("OHA"). The recommended operating budget of \$17,353,320 is comprised of two parts, the housing assistance payments ("HAP") paid to landlords for subsidy of rental income and the administrative fees used to operate the administration of the Section 8 program. The HAP portion of the program is anticipated to be approximately \$15,373,683 for rental subsidies passed directly through the OHA from the Department of Housing and Urban Development ("HUD") to the private landlords in the community. Rental subsidies are designated by HUD as Housing Assistance Payments ("HAP"). The administrative operations are estimated to be approximately \$1,979,637, which is anticipated to result in a deficit of \$143,999.

The process of developing the budget is always difficult for several reasons. Congress and HUD allocate funding based upon a calendar year, as opposed to the Housing Authority fiscal year. Since the Congressional process for calendar year 2017 is unknown at this time, the 2016

Section 8 Housing Choice Voucher Program Budget for Fiscal Year 2017

June 21, 2016

Page 2

funding methodology is used to estimate revenues for the entire fiscal year for budget purposes. Funding in 2016 continues to be at reduced levels. HAP funding is prorated by HUD to 99.6% of what the OHA is approved to receive while administrative funding is prorated by HUD to 80% of what the OHA is eligible to receive. This funding is based on the number of housing choice vouchers under contract. On occasion, HUD increases the amount of administrative funding, as it did during the current year to 84%, retroactively to the beginning of the current calendar year. The end result of the prorated reduced funding is that the Section 8 Program generally operates in a deficit each year, and has to draw on its Unrestricted Cash and Investment reserves each year to balance out.

The administration of the program will continue to prove difficult during the year with the diminishing resources available to run the program. Staff has been diligent over the years; however, with increasing staffing expenses and operational costs, a deficit position remains. Staff is working diligently to increase the number of units leased, which will increase the level of administrative funding available to administer the program.

The proposed administrative budget results in a deficit of \$143,999 and the HAP budget shows a breakeven position, although HUD keeps a HAP reserve for the OHA, which presently is approximately \$2 million.

The amount of deficit for the proposed budget is almost identical to last year's amount. However, the current budget has \$40,000 designated for repair and painting of the exterior of the Section 8 Program administrative building, located at 1470 Colonia Road.

FINANCIAL IMPACT

As of April 30, 2016, the Authority's Section 8 Unrestricted Cash and Investments were \$948,950, or 48% of annual operating costs. It is anticipated that the Housing Authority will require the use of approximately \$143,999 of these funds in fiscal year 2017.

ATTACHMENTS:

Attachment A - Sec 8 FY 17 budget resolution

Attachment B - FY17_S8 Budget Proposed_6-14-16

RESOLUTION NO. ____

RESOLUTION OF THE HOUSING AUTHORITY OF THE
CITY OF OXNARD APPROVING AND ADOPTING THE
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM
OPERATING BUDGET FOR FISCAL YEAR 2017

WHEREAS, the Housing Authority of the City of Oxnard (Authority) has prepared a Section 8 Housing Choice Voucher Program Operating Budget of \$17,353,320 for the fiscal year 2017; and

WHEREAS, the budgeted expenditures are necessary for the efficient and economical operation of the Authority for the purpose of serving low-income families; and

WHEREAS, the budget for the fiscal year 2017 indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, the budgeted expenditures will be consistent with the provisions of law and the Annual Contribution Contract; and

WHEREAS, the United States Department of Housing and Urban Development (HUD) requires the Authority to certify that no Authority employee is serving in a variety of positions which will exceed a 100% allocation of his/her time.

NOW THEREFORE, the Board of Commissioners of the Housing Authority of the City of Oxnard hereby resolves:

1. That the Section 8 Housing Choice Voucher Program Operating Budget (Operating Budget) for the fiscal year 2017 totaling \$17,353,320 available on file at the Housing Department and incorporated in full herein by this reference is approved and adopted.
2. That no Authority employee reflected in the Operating Budget is serving in a variety of positions which will exceed 100% allocation of his/her time.

[SIGNATURES ON FOLLOWING PAGE]

Fiscal Year 2017 Section 8 Budget
Resolution
Page 2

APPROVED AND ADOPTED this 21st day of June 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Chairman

ATTEST:

Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:

Stephen M. Fischer, General Counsel

**OXNARD HOUSING AUTHORITY
SECTION 8 HOUSING CHOICE VOUCHER
FY 2017 BUDGET - PROPOSED**

Period = Jul 2016-Jun 2017

Book = Accrual ; Tree = ysi_bf

		Total
2999-99-999	Revenue & Expenses	
3000-00-000	INCOME	
3400-00-000	GRANT INCOME	
3410-01-000	HAP Income	15,341,283.00
3410-02-000	Admin Fee Income	1,800,242.00
3499-00-000	TOTAL GRANT INCOME	17,141,525.00
3600-00-000	OTHER INCOME	
3610-00-000	Investment Income - Unrestricted	2,000.00
3640-00-000	Fraud Recovery-Adm Fee	32,400.00
3640-10-000	Fraud Recovery-HAP	32,400.00
3670-00-000	Misc Other Income	996.00
3699-00-000	TOTAL OTHER INCOME	67,796.00
3999-00-000	TOTAL INCOME	17,209,321.00
4000-00-000	EXPENSES	
4100-00-000	ADMINISTRATIVE	
4100-99-000	Administrative Salaries	
4110-00-000	Administrative Salaries	991,727.00
4110-04-000	Employee Benefit Contribution-Admin	592,595.00
4110-99-000	Total Administrative Salaries	1,584,322.00
4139-00-000	Other Admin Expenses	
4140-00-000	Staff Training	4,000.00
4150-00-000	Travel	6,000.00
4171-00-000	Auditing Fees	28,004.00
4172-00-000	Port Out Admin Fee Paid	20,892.00
4182-00-000	Consultants	780.00
4189-00-000	Total Other Admin Expenses	59,676.00
4190-00-000	Miscellaneous Admin Expenses	
4190-01-000	Membership and Fees	2,592.00
4190-02-000	Publications	480.00
4190-03-000	Advertising	1,272.00
4190-04-000	Office Supplies	5,868.00
4190-05-000	Fuel-Administrative	1,680.00
4190-06-000	City Overhead	66,216.00
4190-07-000	Telephone	15,912.00
4190-08-000	Postage	17,004.00

FY 2017 BUDGET - PROPOSED

Period = Jul 2016-Jun 2017

Book = Accrual ; Tree = ysi_bf

		Total
4190-09-000	Paper	2,964.00
4190-10-000	Copiers	7,621.00
4190-11-000	Printer Supplies/Services	4,644.00
4190-12-000	Misc Computer Equipment	1,620.00
4190-13-000	Internet	1,896.00
4190-14-000	Software Fees	26,252.00
4190-15-000	Cell Phones/Pagers	1,896.00
4190-18-000	Small Office Equipment	2,976.00
4190-20-000	Bank Fees	3,240.00
4190-22-000	Other Misc Admin Expenses	816.00
4190-23-000	Storage	8,328.00
4191-00-000	Total Miscellaneous Admin Expenses	173,277.00
4199-00-000	TOTAL ADMINISTRATIVE EXPENSES	1,817,275.00
4300-00-000	UTILITIES	
4310-00-000	Water	456.00
4320-00-000	Electricity	11,820.00
4330-00-000	Gas	516.00
4340-00-000	Garbage/Trash Removal	780.00
4390-00-000	Sewer	279.00
4399-00-000	TOTAL UTILITY EXPENSES	13,851.00
4400-00-000	MAINTENANCE AND OPERATIONS	
4400-99-000	General Maint Expense	
4410-01-000	Maintenance Labor-Grounds	4,919.00
4410-06-000	Employee Benefits Contribution-Maint.	2,192.00
4411-00-000	Maintenance Uniforms	264.00
4413-00-000	Vehicle Gas, Oil, Grease	72.00
4419-00-000	Total General Maint Expense	7,447.00
4420-00-000	Materials	
4420-01-000	Supplies-Paint	36.00
4420-02-000	Supplies-Grounds	276.00
4420-03-000	Supplies-Appliance	72.00
4420-04-000	Supplies-Plumbing	480.00
4420-05-000	Supplies-Electrical	264.00
4420-06-000	Supplies-Building Repairs	492.00
4420-08-000	Supplies-Locks	84.00
4420-09-000	Supplies-Janitorial/Cleaning	2,508.00
4420-10-000	Supplies-Safety	864.00
4420-11-000	Tools and Equipment	48.00
4420-12-000	Grounds Tools and Equipment	36.00
4429-00-000	Total Materials	5,160.00

FY 2017 BUDGET - PROPOSED

Period = Jul 2016-Jun 2017

Book = Accrual ; Tree = ysi_bf

		Total
4430-00-000	Contract Costs	
4430-01-000	Contract-Fire Alarm/Extinguisher	108.00
4430-02-000	Contract-Appliance Repair	36.00
4430-03-000	Contract-Building Repairs-Misc FFS	3,708.00
4430-06-000	Contract-Electrical	456.00
4430-08-000	Contract-Floor Covering	252.00
4430-10-000	Contract-Janitorial/Cleaning	6,000.00
4430-11-000	Contract-Plumbing	1,752.00
4430-13-000	Contract-HVAC	1,248.00
4430-14-000	Contract-Vehicle Maintenance	1,224.00
4430-15-000	Contract-Equipment Rental	1,176.00
4430-18-000	Contract-Alarm Monitoring	2,208.00
4430-19-000	Contract-Tree Trimming	216.00
4430-24-000	Contract-Inspections	36,000.00
4439-00-000	Total Contract Costs	54,384.00
4499-00-000	TOTAL MAINTENANCE EXPENSE	66,991.00
4500-00-000	GENERAL EXPENSES	
4510-00-000	WC Insurance	16,908.00
4510-10-000	Auto Insurance	1,128.00
4510-11-000	Property Insurance	1,140.00
4510-12-000	General Liability Insurance	6,504.00
4510-13-000	Fidelity	96.00
4510-14-000	City-Umbrella Policy	14,832.00
4510-15-000	Broker Fees	912.00
4599-00-000	TOTAL GENERAL EXPENSES	41,520.00
4610-00-000	Asset Purchases	40,000.00
4699-00-000	NON OPERATING EXPENSE	40,000.00
4700-00-000	HOUSING ASSISTANCE PAYMENTS	
4715-00-000	Housing Assistance Payments	15,166,720.00
4715-01-000	Tenant Utility Payments	14,315.00
4715-02-000	Portable Out HAP Payments	133,221.00
4715-03-000	FSS Escrow Payments	59,427.00
4799-00-000	TOTAL HOUSING ASSISTANCE PAYMENTS	15,373,683.00
8000-00-000	TOTAL EXPENSES	17,353,320.00
9000-00-000	NET INCOME	-143,999.00

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: 3

DATE: June 21, 2016

TO: City Council

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

FROM: Arturo Casillas, Housing Director

SUBJECT: Low Rent Public Housing Budget for Fiscal Year 2017

CONTACT: Rhonda Hodge, Housing
rhonda.hodge@oxnard.org, 385-7889

RECOMMENDATION:

That the Board of Commissioners of the Housing Authority of the City of Oxnard 1) adopt a resolution approving and adopting the recommended \$7,574,053 operating budget for the Low Rent Public Housing program (“LRPH”) for fiscal year 2017, as presented for each project area and, 2) approve and authorize the use of \$420,204 of unrestricted cash/investments to fund the projected deficit.

BACKGROUND

This recommended budget pertains exclusively to the 666 units of LRPH owned and operated by the City of Oxnard Housing Authority (“OHA”). The recommended operating budget for all projects and the Central Office Cost Center (“COCC”) is \$7,574,053. The operating budgets, if adopted as recommended, would result in a collective \$181,611 deficit. This deficit consists of projected \$420,204 shortfall in the COCC minus the residual receipts of the Public Housing projects totaling \$238,593. However, residual receipts from other project areas that had surplus income cannot be used to fund COCC deficits.

The public housing program will continue to operate under HUD asset management regulations in fiscal year 2017 whereby each public housing project, as determined in previous years (i.e. 31-1 Colonia Village, 31-4 Pleasant Valley Village, etc.), is funded and budgeted for independently, as is the Central Office Cost Center (“COCC”), which operates on a “fee for service” basis,

Low Rent Public Housing Budget for Fiscal Year 2017

June 21, 2016

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which is guided by HUD regulation, with fees paid to the COCC by each housing project. Housing projects, such as the senior buildings (Palm and Plaza Vista), that do not generate sufficient rent revenues and HUD operating subsidy to cover operations, are further subsidized to a limited extent by the OHA's Capital Fund.

The Low Rent Public Housing program ("LRPH") is funded primarily with two sources of income: tenant rental income and operating subsidy from the U.S. Department of Housing and Urban Development ("HUD"). The amount of operating subsidy received is based upon a HUD determined formula, which considers the estimated costs to run each Public Housing development and reduces that by the amount of tenant rental income received by each development. So, as tenant rental income goes up, operating subsidy decreases and vice versa. An additional consideration in estimating the amount of operating subsidy each development may receive is based on the level of funding appropriated by Congress each year for the overall program. Operating subsidy for each year is appropriated on a calendar year basis. HUD subsidy for 2016 is estimated to be prorated at 89.73% of eligibility. Subsidy for 2017 is unknown as no federal budget has been adopted. For purposes of the proposed project budgets, the proration of funding is estimated to be 85%; and we are projecting a decrease of approximately \$227,501 in operating subsidies, offset by an increase in tenant rent of \$134,628. Staff continues to work diligently to maximize tenant rent through timely turnover of units, rent ranging and placing tenants in properly sized units.

The COCC operates on revenue generated from the projects including a management fee, a bookkeeping fee, and an asset management fee, as determined by HUD guidelines and regulations. Under the fee-for-service system certain specialized services are provided to the projects by the COCC or maintenance division, where having a dedicated staff to each project is not practical. Services are charged only as they are used (i.e. higher level carpentry, electrical, plumbing, etc.). Since these fees are classified as expenses to the projects and income to the COCC, on audited financial statements the income and expense for these items is zeroed out so as not to be double counted. On this budget document, however, they are shown both places to clearly present the entire budget for each project and the COCC.

On the expense side, the majority of line items have increased from last year's budget, adjusted to bring the budget closer to anticipated actual expenses and based upon actual experience over the past three years. Expenses have increased due to higher salaries and benefits, higher utility costs, and an increase in materials for maintenance repairs. Staff will continue to closely monitor the budgets of all project areas and the COCC to try to achieve additional cost savings.

FINANCIAL IMPACT

As of April 30, 2016, the Authority's COCC Unrestricted Cash and Investments are \$1,616,940, or 83% of annual operating costs for the COCC. The net financial impact of this action is that the COCC Cash and Investments fund will be reduced by \$420,204, leaving a remaining balance of \$1,196,736.