

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



AMENDED AGENDA
(New Item N-4 added 5/14/20)

OXNARD CITY COUNCIL

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

OXNARD FINANCING AUTHORITY

OXNARD HOUSING AUTHORITY

Council Chambers, 305 West Third Street

May 19, 2020

Closed Session - 4:30 PM

Appointment Items - 5:00 PM

Regular Meeting - 6:00 PM

This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29-20 to allow members of the City Council or staff to participate via teleconference.

Pursuant to the Ventura County Public Health Official's order and Governor's Executive Order N-33-20, all city buildings are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

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A. ROLL CALL, POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council, Housing Authority.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION (4:30 PM)

1. THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code section 54957(a))
(City Council)

Consultation with: Stephen Fischer, City Attorney; Keith Brooks, Chief Information Officer.

D. APPOINTMENT ITEMS (5:00 PM)

1. Cultural & Community Services Department

SUBJECT: Renaming of La Colonia Boxing Gym. (5/10/10)

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

RECOMMENDATION: That the City Council adopt a resolution re-naming La Colonia Boxing Gym to "La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center." (Community Services Committee approved 3-0)

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

2. Police Department

SUBJECT: Report on the Police Department's Fireworks Enforcement/Prevention Efforts. (10/10/10)

RECOMMENDATION: That the City Council receive a verbal report on the Police Department's enforcement and education efforts related to illegal fireworks.

Legislative Body: City Council

Contact: Scott Whitney, (805) 385-7624

3. City Treasurer

SUBJECT: Quarterly Investment Report for the period ending March 31, 2020. (5/5/5)

RECOMMENDATION: That the City Council receive and file the report.

Legislative Body: City Council

Contact: Phillip Molina,

E. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

F. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation Designating the Week of May 17-23, 2020 as "Public Works Week."

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. Speaker requests shall be submitted as set forth on the first page of this agenda. Based on the number of speaker requests submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to three minutes, but shorter time may be established as deemed necessary. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

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.

1. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)

RECOMMENDATION: That the City Council receive and file update from the Director of Emergency Services on the COVID-19 Local Emergency.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

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

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

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

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the May 5, 2020 regular meeting as presented.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

2. City Attorney Department

SUBJECT: Adoption of Ordinance No. 2977.

RECOMMENDATION: That the City Council adopt Ordinance No. 2977 entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING AND
ADDING PROVISIONS TO THE CITY CODE TO DESIGNATE THE ASSISTANT CITY
TREASURER AS THE “COLLECTOR” OR “LICENSE COLLECTOR” FOR SPECIFIC
PERMITTING AND LICENSING FUNCTIONS; AMENDING THE CITY CODE AND
ORDINANCE NO. 2350 TO LIMIT CITY TREASURER DUTIES TO THAT POSITION’S
STATUTORY DUTIES NOT OTHERWISE ASSIGNED TO THE ASSISTANT CITY
TREASURER, AND TO CHANGE CITY TREASURER COMPENSATION AND BENEFITS
EFFECTIVE WHEN THE CITY COUNCIL DECLARES THE RESULTS OF THE CANVASS

OF THE RETURNS FOR THE NOVEMBER 2020 MUNICIPAL ELECTION; AND ADDING SECTION 2-187 REGARDING PAYROLL FUNCTIONS BEING MANAGED BY THE DIRECTOR OF HUMAN RESOURCES.

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

3. Cultural & Community Services Department

SUBJECT: Ventura County Area Agency on Aging Senior Nutrition Program Grant.

RECOMMENDATION: That City Council adopt a resolution:

1. Authorizing the Cultural and Community Services Director or designee to submit an application in the amount of \$160,563 for the next Ventura County Area Agency on Aging (VCAAA) Older Senior Nutrition Program grant cycle (July 2020 to June 2021); and
2. If funding is received, authorize the City Manager or designee to execute grant agreements; the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of the grant funds; and the City Manager or designee to submit non-financial reports.

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

4. Housing Department

SUBJECT: Award of Contract for the Kitchen Rehabilitation Project at Palm Vista.

RECOMMENDATION: That the Housing Authority Board of Commissioners approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$577,165 with Bentley Construction Group, Inc. (Agreement No. A-8215).

Legislative Body: Housing Authority Board

Contact: Emilio Ramirez, (805) 385-8094

5. Public Works Department

SUBJECT: Purchase Order to Badger Meter, Inc. for Water Meters and Parts.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Purchase Order with Badger Meter, Inc. to purchase residential, commercial, irrigation, industrial, and fire service water meters and parts in the amount of \$250,000 for a one-year term. (Public Works and Transportation Committee approved 3-0.)

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

M. PUBLIC HEARINGS

1. Community Development Department

SUBJECT: Revision of Existing Fees and Adoption of New Fees Related to Development Impact Fees and the Affordable Housing In-Lieu Fee and Inclusionary Housing Ordinance Amendments. (15/20/20)

RECOMMENDATION: That the City Council:

1. Receive a presentation and public comments regarding proposed new fees and revisions to existing

Development Impact Fees (DIF);

2. Review and provide comments on the new Development Impact Fee Nexus Study and Development Impact Fees pertaining to a resolution for a Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Utility Undergrounding In-Lieu Fee, Public Art Program Fee, and Mobility Fee, including an automatic annual inflation factor, and amendments and additions to Chapters 15 of the Oxnard City Code;

3. Receive a presentation and public comments on the Affordable Housing In-Lieu Nexus Study; review the proposed in-lieu fee, recommended modifications to the City's Inclusionary Housing Ordinance (Ord. No. 2721); and provide direction regarding timing for updating the City's Inclusionary Housing Ordinance;

4. Adopt the referenced Development Impact Fee Nexus Studies;

5. Adopt the Development Impact Fee and Affordable Housing Resolutions entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE DEVELOPMENT IMPACT FEE NEXUS STUDY AND DEVELOPMENT IMPACT FEES FOR THE GROWTH REQUIREMENT CAPITAL FEE, PARK AND RECREATION FEE, TRAFFIC CIRCULATION FEE, STORM DRAINAGE FEE, MOBILITY FEE, PUBLIC ART PROGRAM FEE, AND UTILITY UNDERGROUNDING IN-LIEU FEE" and "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE AFFORDABLE HOUSING IN-LIEU FEE NEXUS STUDY AND AFFORDABLE HOUSING IN-LIEU FEES";

6. Introduce for first reading by title only and waive further reading of an Ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD AMENDING ARTICLE VI, CHAPTER 15, DIVISION 1, SECTIONS 15-165, 15-166, 15-167, 15-170, 15-171, 15-173, 15-174, 15-178, AND ADDING SECTIONS 15-183 AND 15-184, AMENDING DIVISION 2, SECTIONS 15-186 AND 15-188, AMENDING DIVISION 5, SECTIONS 15-216, 15-218, 15-219, AND ADDING SECTION 15-220, AMENDING DIVISION 6, SECTIONS 15-225, AND 15-229, ADDING DIVISION 8, SECTIONS 15-242, 15-243, AND 15-244, AND ADDING DIVISION 9, SECTIONS 15-245, 15-246, 15-247, and 15-248, AND MAKING FINDINGS PURSUANT TO CEQA"; and

7. Introduce for first reading by title only and waive further reading of an uncodified Ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, CONCERNING AFFORDABLE HOUSING REQUIREMENTS FOR NEW DEVELOPMENTS AND IN-LIEU AFFORDABLE HOUSING PAYMENT."

(Reviewed by Public Works & Transportation and Housing & Economic Development committees on April 28, 2020)

Legislative Body: City Council

Contact: Jeffrey Lambert, Darwin Base, (805) 385-7882, (805) 385-7700

N. REPORTS

1. City Clerk Department

SUBJECT: Ordinance Authorizing Electronic Filing of Campaign Disclosure Statements. (5/5/5)

RECOMMENDATION: That the City Council introduce for first reading an ordinance adding subsection (C) "Electronic Filing of Campaign Disclosure Statements" to Chapter 2, Article VI, Section 2-247 of the Oxnard City Code to make the necessary findings and adopt regulations allowing for the electronic and paperless filing of Campaign Finance Disclosure forms.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

2. City Manager Department

SUBJECT: City of Oxnard Environmental Resources Division Cash Handling Report. (15/15/10)

RECOMMENDATION: That the City Council receive and file the Internal Auditor Report on the Environmental Resources Division Cash Handling. (Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

3. Finance Department

SUBJECT: Contract with Audit Firm for Annual Financial Audits and Single Audits for Federally Funded Programs for Fiscal Years 2019-20 through 2023-24. (10/10/10)

RECOMMENDATION: That the City Council award Agreement No. to Eadie+Payne LLP for a five-year agreement in the amount of \$1,075,100 for annual financial audits and Single Audits for Federally funded programs. (Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Kevin Riper, (805) 385-7475

4. Public Works Department **(NEW ITEM)**

SUBJECT: FY 2020-21 Landscape Maintenance Districts - Initiation of Proceedings, Declaration of Intention to Levy and Collect Assessments, and Scheduling of Public Hearing. (5/5/5)

RECOMMENDATION: That the City Council approve and authorize:

1. The Mayor to adopt a resolution initiating proceedings for the annual levy and collection of assessments for Fiscal Year 2020-21 within the City of Oxnard's (City) Landscape Maintenance Districts (LMDs);
2. The Mayor to adopt a resolution declaring intention to levy and collect assessments for Fiscal Year 2020-21 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972;
3. The Mayor to preliminarily approve the Annual Engineer's Report;
4. The Mayor to preliminarily approve the Fiscal Year 2020-21 budget for each Landscape Maintenance District;
5. The City Clerk to publish notice of a public hearing to occur on June 2, 2020; and
6. The City Manager to take appropriate and necessary action to carry out the purpose and intent of the Resolution.

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

O. ADJOURNMENT

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AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
May 19, 2020
Closed Session - 4:30 PM
Appointment Items - 5:00 PM
Regular Meeting - 6:00 PM

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1. **THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code section 54957(a))**
(City Council)
Consultation with: Stephen Fischer, City Attorney; Keith Brooks, Chief Information Officer.

D. APPOINTMENT ITEMS (5:00 PM)

1. **Cultural & Community Services Department**
SUBJECT: Renaming of La Colonia Boxing Gym. (5/10/10)
RECOMMENDATION: That the City Council adopt a resolution re-naming La Colonia Boxing Gym to "La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center." (Community Services

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Committee approved 3-0)

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

2. Police Department

SUBJECT: Report on the Police Department's Fireworks Enforcement/Prevention Efforts.
(10/10/10)

RECOMMENDATION: That the City Council receive a verbal report on the Police Department's enforcement and education efforts related to illegal fireworks.

Legislative Body: City Council

Contact: Scott Whitney, (805) 385-7624

3. City Treasurer

SUBJECT: Quarterly Investment Report for the period ending March 31, 2020. (5/5/5)

RECOMMENDATION: That the City Council receive and file the report.

Legislative Body: City Council

Contact: Phillip Molina,

E. OPENING CEREMONIES (6:00 PM)

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1. SUBJECT: Presentation of a Proclamation Designating the Week of May 17-23, 2020 as "Public Works Week."

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SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)

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Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

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SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the May 5, 2020 regular meeting as presented.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

2. City Attorney Department

SUBJECT: Adoption of Ordinance No. 2977.

RECOMMENDATION: That the City Council adopt Ordinance No. 2977 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING AND ADDING PROVISIONS TO THE CITY CODE TO DESIGNATE THE ASSISTANT CITY TREASURER AS THE “COLLECTOR” OR “LICENSE COLLECTOR” FOR SPECIFIC PERMITTING AND LICENSING FUNCTIONS; AMENDING THE CITY CODE AND ORDINANCE NO. 2350 TO LIMIT CITY TREASURER DUTIES TO THAT POSITION’S STATUTORY DUTIES NOT OTHERWISE ASSIGNED TO THE ASSISTANT CITY TREASURER, AND TO CHANGE CITY TREASURER COMPENSATION AND BENEFITS EFFECTIVE WHEN THE CITY COUNCIL DECLARES THE RESULTS OF THE CANVASS OF THE RETURNS FOR THE NOVEMBER 2020 MUNICIPAL ELECTION; AND ADDING

SECTION 2-187 REGARDING PAYROLL FUNCTIONS BEING MANAGED BY THE
DIRECTOR OF HUMAN RESOURCES.

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

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SUBJECT: Ventura County Area Agency on Aging Senior Nutrition Program Grant.

RECOMMENDATION: That City Council adopt a resolution:

1. Authorizing the Cultural and Community Services Director or designee to submit an application in the amount of \$160,563 for the next Ventura County Area Agency on Aging (VCAAA) Older Senior Nutrition Program grant cycle (July 2020 to June 2021); and
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Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

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SUBJECT: Award of Contract for the Kitchen Rehabilitation Project at Palm Vista.

RECOMMENDATION: That the Housing Authority Board of Commissioners approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$577,165 with Bentley Construction Group, Inc. (Agreement No. A-8215).

Legislative Body: Housing Authority Board

Contact: Emilio Ramirez, (805) 385-8094

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SUBJECT: Purchase Order to Badger Meter, Inc. for Water Meters and Parts.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Purchase Order with Badger Meter, Inc. to purchase residential, commercial, irrigation, industrial, and fire service water meters and parts in the amount of \$250,000 for a one-year term. (Public Works and Transportation Committee approved 3-0.)

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

M. PUBLIC HEARINGS

1. Community Development Department

SUBJECT: Revision of Existing Fees and Adoption of New Fees Related to Development Impact Fees and the Affordable Housing In-Lieu Fee and Inclusionary Housing Ordinance Amendments. (15/20/20)

RECOMMENDATION: That the City Council:

1. Receive a presentation and public comments regarding proposed new fees and revisions to existing Development Impact Fees (DIF);

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3. Receive a presentation and public comments on the Affordable Housing In-Lieu Nexus Study; review the proposed in-lieu fee, recommended modifications to the City's Inclusionary Housing Ordinance (Ord. No. 2721); and provide direction regarding timing for updating the City's Inclusionary Housing Ordinance;
4. Adopt the referenced Development Impact Fee Nexus Studies;
5. Adopt the Development Impact Fee and Affordable Housing Resolutions entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE DEVELOPMENT IMPACT FEE NEXUS STUDY AND DEVELOPMENT IMPACT FEES FOR THE GROWTH REQUIREMENT CAPITAL FEE, PARK AND RECREATION FEE, TRAFFIC CIRCULATION FEE, STORM DRAINAGE FEE, MOBILITY FEE, PUBLIC ART PROGRAM FEE, AND UTILITY UNDERGROUNDING IN-LIEU FEE" and "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE AFFORDABLE HOUSING IN-LIEU FEE NEXUS STUDY AND AFFORDABLE HOUSING IN-LIEU FEES";
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(Reviewed by Public Works & Transportation and Housing & Economic Development committees on April 28, 2020)

Legislative Body: City Council

Contact: Jeffrey Lambert, Darwin Base, (805) 385-7882, (805) 385-7700

N. REPORTS

1. City Clerk Department

SUBJECT: Ordinance Authorizing Electronic Filing of Campaign Disclosure Statements. (5/5/5)

RECOMMENDATION: That the City Council introduce for first reading an ordinance adding subsection (C) "Electronic Filing of Campaign Disclosure Statements" to Chapter 2, Article VI, Section 2-247 of the Oxnard City Code to make the necessary findings and adopt regulations allowing for the electronic and paperless filing of Campaign Finance Disclosure forms.

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SUBJECT: City of Oxnard Environmental Resources Division Cash Handling Report. (15/15/10)

RECOMMENDATION: That the City Council receive and file the Internal Auditor Report on the Environmental Resources Division Cash Handling. (Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

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SUBJECT: Contract with Audit Firm for Annual Financial Audits and Single Audits for Federally Funded Programs for Fiscal Years 2019-20 through 2023-24. (10/10/10)

RECOMMENDATION: That the City Council award Agreement No. to Eadie+Payne LLP for a five-year agreement in the amount of \$1,075,100 for annual financial audits and Single Audits for Federally funded programs. (Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Kevin Riper, (805) 385-7475

O. ADJOURNMENT



CITY COUNCIL AGENDA REPORT
APPOINTMENT ITEMS (5:00 PM)
AGENDA ITEM NO. D.1

DATE: May 19, 2020

TO: City Council

FROM: Terrel Harrison, Cultural & Community Services Director, (805) 385-7994, terrel.harrison@oxnard.org

SUBJECT: Renaming of La Colonia Boxing Gym. (5/10/10)

RECOMMENDATION

That the City Council adopt a resolution re-naming La Colonia Boxing Gym to "La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center." (Community Services Committee approved 3-0)

BACKGROUND

City Council Resolution 12,991 establishes the procedures for naming and renaming recreation facilities. In late 2019, a request was made to rename La Colonia Boxing Gym after Dr. Manuel Lopez.

Former City of Oxnard Mayor, Dr. Manuel Lopez, passed away on January 27, 2020. Dr. Lopez was elected to City Council in 1978 and became Mayor in 1992. He served on the Council until 2004. Always a public servant, Dr. Lopez also served on the Oxnard Chamber of Commerce, Oxnard Community Relations Commission, City of Oxnard Redevelopment Agency, Housing Authority, Planning Commission, Oxnard College Foundation, Boys and Girls Club, Ventura County Community Foundation, and many other groups.

Throughout his career, he always supported youth recreation, especially boxing. In 1994, Mayor Lopez led the effort to approve \$250,000 to renovate the *La Colonia Boxing Gym* ("Gym"), located at 251 E. 1st Street in the heart of the La Colonia Neighborhood. At the time, he was quoted in the Los Angeles Times as saying, "There's a lot of people that have been involved in the boxing programs in the past, and I think this will show that we are interested in maintaining the boxing tradition in this city." On November 8, 2019, at a National Police Athletic League (PAL) boxing event hosted by Oxnard PAL, the Lopez family pledged to donate \$1,000 toward fixing the Gym roof.

On December 11, 2019, the City of Oxnard Parks, Recreation, and Community Services Commission unanimously voted to recommend the name change to the City Council. On April 14, 2020, the Community Services Committee unanimously voted to recommend that City Council adopt a resolution renaming La Colonia Boxing Gym, "La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center."

STRATEGIC PRIORITIES

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

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

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

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

The Community Services Committee approved 3-0 on April 14, 2020 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Janice Zaragoza, Recreation Coordinator

ATTACHMENTS

1. Resolution Renaming La Colonia Boxing Gym
2. Resolution 12991 Naming of City Facilities
3. Renaming of Boxing Gym 5.19.20

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
RENAMING “LA COLONIA BOXING GYM” TO “LA COLONIA BOXING GYM,
DR. MANUEL LOPEZ YOUTH CENTER”

WHEREAS, City Council Resolution No. 12,991 establishes procedures for naming recreation facilities; and

WHEREAS, on December 11, 2019, the Parks, Recreation and Community Services Commission (the “Commission”) unanimously voted to recommend that City Council name “La Colonia Boxing Gym” after former Oxnard Mayor Dr. Manuel Lopez; and

WHEREAS, on April 14, 2020, the Community Services Committee unanimously voted to recommend that City Council rename “La Colonia Boxing Gym”, “La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center”; and

WHEREAS, Dr. Lopez, passed away on January 27, 2020; and

WHEREAS, Dr. Lopez was elected to City Council in 1978 and became Mayor in 1992, serving on the City Council until 2004; and

WHEREAS, Dr. Lopez supported youth programming, especially boxing, throughout his career.

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

1. “La Colonia Boxing Gym,” located at 251 E. 1st St., shall be re-named “La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center.”

PASSED AND ADOPTED THIS 19th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 12,991

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ESTABLISHING PROCEDURES FOR NAMING CITY PARKS AND OTHER
PUBLIC FACILITIES.

WHEREAS, the City Council adopted a policy in April, 1977 establishing procedures and guidelines for naming City facilities in honor of local residents; and

WHEREAS, the City Council desires to update and revise this policy.

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

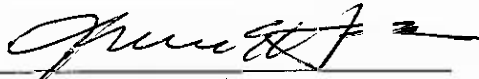
1. Any person, entity, or organization, including a City employee, may request that a park, recreation facility or other public facility be identified in a specific manner.
2. Any such request shall be filed with the City Clerk or designee.
3. If the request concerns a park or recreation facility, the name will be reviewed by the Parks and Recreation Commission ("Commission"). The Commission shall then recommend a name for the park or recreation facility to the City Council.
4. If the request concerns a public facility other than a park or recreation facility, the name will be reviewed by the City Council.
5. The City Council or Commission will consider such requests at a public meeting. At the meeting any person, entity or organization may propose another name for the park, recreation facility or other public facility.
6. After thoroughly evaluating all of the names submitted and any recommendation of the Commission, the City Council, at its discretion, will select the name for the park, recreation facility or other public facility.
7. Although exceptional, in appropriate circumstances as determined by the City Council, a park, recreation facility or other public facility may be named after a person, whether living or deceased.
8. If the name of a deceased person is submitted as the name of park, recreation facility or other public facility, a minimum of five years shall have elapsed since the person's death before his or her name may be considered by City Council.
9. Administrative Manual Section F-6 is hereby repealed.

PASSED AND ADOPTED this 10th day of January 2006 by the following vote:

AYES: Councilmembers Herrera, Holden, Maulhardt, Zaragoza and Flynn.

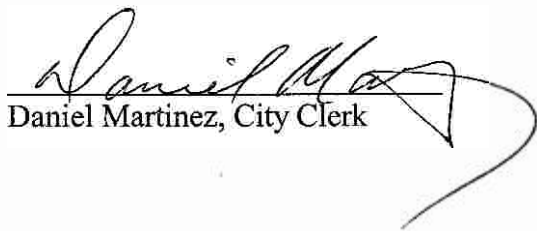
NOES: None.

ABSENT: None.



Dr. Thomas E. Holden, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 12-22-05

Gary L. Gillig, City Attorney

Renaming of the La Colonia Boxing Gym

City Council

Janice M. Zaragoza, Recreation Coordinator

May 19, 2020



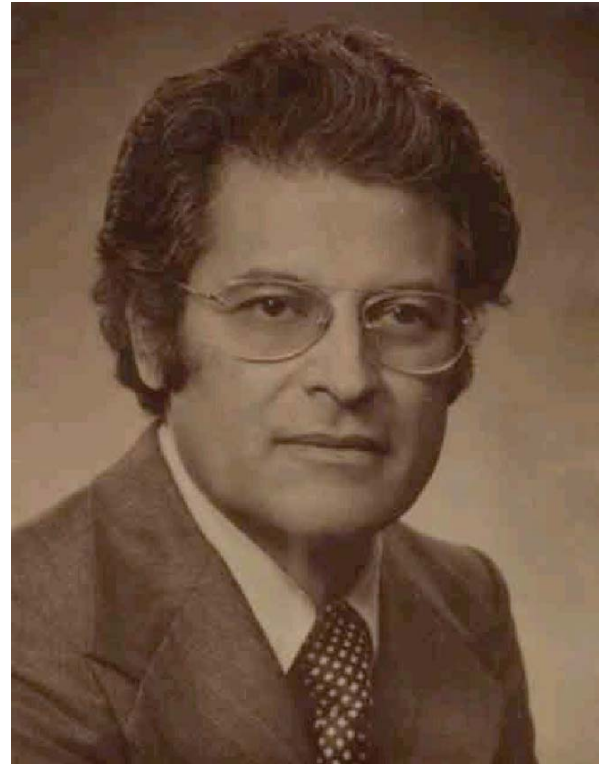
1

RENAMING PROCESS

- Resolution 12,991 establishes procedures for City Council to name and rename recreation facilities
- In 2019, a request was made to rename La Colonia Boxing Gym after Dr. Manuel Lopez
- On Dec. 11, 2019, the Parks, Recreation and Community Services Commission unanimously voted to recommend the name change
- On April 14, 2020, the Community Services Committee unanimously voted to recommend that City Council adopt a resolution renaming the gym, “La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center”

SERVING OXNARD

- Elected to City Council in 1978
- Became Mayor in 1992
- Served on Council until 2004
- Chamber of Commerce
- Community Relations Commission
- Housing Authority
- Planning Commission
- Oxnard College Foundation
- Boys and Girls Club
- Always supported youth sports (boxing)
- Passed away Jan. 27, 2020



3

SUPPORT FOR YOUTH BOXING

\$250,000 RENOVATION

- 1994 → Led the effort to approve \$250,000 to renovate La Colonia Boxing Gym, located at 251 E. 1st Street.
- Los Angeles Times quote:
 - "There's a lot of people that have been involved in the boxing programs in the past, and I think this will show that we are interested in maintaining the boxing tradition in this city."
- 2019 → The Lopez Family pledged to donate \$1,000 toward fixing the La Colonia Boxing Gym roof

**Los Angeles
Times**

RECOMMENDATION:

That the City Council adopt a resolution re-naming La Colonia Boxing Gym to "La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center."



5

Questions?





CITY COUNCIL AGENDA REPORT
APPOINTMENT ITEMS (5:00 PM)
AGENDA ITEM NO. D.2

DATE: May 19, 2020

TO: City Council

FROM: Scott Whitney, Police Chief, (805) 385-7624, scott.whitney@oxnardpd.org

SUBJECT: Report on the Police Department's Fireworks Enforcement/Prevention Efforts. (10/10/10)

RECOMMENDATION

That the City Council receive a verbal report on the Police Department's enforcement and education efforts related to illegal fireworks.

BACKGROUND

The 4th of July holiday and the weeks preceding it present special challenges for the Oxnard Police Department as the use of illegal fireworks increases dramatically throughout the month of June and into July. While enforcement of local ordinances is important in addressing this issue, another important part of the overall strategy is illegal fireworks deterrence by providing awareness to the public and letting them know that fireworks are prohibited in Oxnard. This is done through a variety of mediums aimed at educating as much of the community as possible.

The verbal report tonight highlights some of those efforts as well as emphasizing many of the challenges that come with fireworks enforcement. More police officers are deployed during the July 4th holiday than on any other day of the year. This includes officers that are specifically tasked to patrol locations where it is believed that fireworks violations have been occurring. Last year's deployment strategy included three (3) Fireworks Suppression teams that consisted of 5-6 personnel on each team. It is also the busiest day of the year for the Police Department. The onslaught of fireworks calls, most of which are non-specific, strains police resources while dealing with a number of competing public safety priorities. Sadly, 2019 saw a tragic event when a 21-year old male was lighting fireworks on the roof of an apartment building along Cuesta Del Mar Drive when a mortar shot up and hit him in the head. He ultimately died on July 10th.

A new tool for 2020 will be the deployment of our Unmanned Aircraft System ("UAS") Unit, commonly referred to as drones. The UAS provide a tremendous resource for officers responding to fireworks-related calls for service or responding to ongoing complaints of problem residences and/or neighborhoods. The UAS can provide definitive aerial footage of illegal fireworks that can assist with enforcement of the social host ordinance passed by the Oxnard City Council in 2018.

The Oxnard Police Department realizes that fireworks disturb many people, as well as their pets. Fireworks make many people frustrated, even angry. Fireworks present a variety of other dangers, as evidenced by fires and injuries that are caused by them each year. The over-arching issue that feeds into this problem is that fireworks are easily available within Ventura County, just a few miles away from Oxnard, in addition to nearly 300 cities throughout the state of California. Too many people either don't acknowledge the danger of fireworks, or simply disregard it. There is also a nationwide culture that immediately embraces fireworks as being hand-in-glove with Independence Day.

STRATEGIC PRIORITIES

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

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

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Eric Sonstegard, Assistant Police Chief

ATTACHMENTS

1. 200519 Fireworks Report-City Council

Oxnard City Council
May 19, 2020

FIREWORKS IN OXNARD

Eric S. Sonstegard
Assistant Police Chief



Fireworks are Prohibited in Oxnard

Oxnard City Code and fines (civil citations)

- ▶ 7-147.1 (B)(1) OXO Possession of Safe and Sane Fireworks
 - ▶ \$250 fine
- ▶ 7-147.1 (B)(1) OXO Possession of Dangerous Fireworks
 - ▶ \$1,000 fine
- ▶ 7-147.1 (B)(2) OXO SOCIAL HOST Safe & Sane Fireworks
 - ▶ \$250 fine
- ▶ 7-147.1 (B)(2) OXO SOCIAL HOST Dangerous Fireworks
 - ▶ \$1,000 fine



2019 Pre-Holiday Preparations

- News releases (in English and Spanish)
- Mobile message trailers
- Public Service Announcements
- Expanded social media postings
 - *Facebook* (37,000 following)
 - *Nextdoor.com* (22,300 households in Oxnard)
- Fireworks hotline and email reporting (47 tips)
- Resident letters (66 letters sent)
- Direction and civil citation training to officers



3

News Release

- News Release issued on June 4th. Aiming for Memorial Day Weekend this year.

ALL FIREWORKS ARE ILLEGAL IN OXNARD

POSSESSION, SALES, OR OFFER OF SALES OF FIREWORKS IS A MISDEMEANOR AND CAN SUBJECT VIOLATORS TO ARREST OR FINES OF UP TO \$1,000 PER COUNT.

PROPERTY OWNERS AND TENANTS MAY ALSO BE HELD LIABLE FOR FIREWORKS ACTIVITY THAT IS CONNECTED TO THEIR PROPERTY.

Oxnard City Code 7.147.1(B)(1) and 7.147.1(B)(2)

TO REPORT FIREWORKS DISTURBANCES CALL (805) 385-7740

GOOD NEIGHBOR CAMPAIGN

TODOS LOS FUEGOS ARTIFICIALES SON ILEGALES EN OXNARD

POSESIÓN, VENTAS U OFERTA DE VENTAS DE FUEGOS ARTIFICIALES ES UN DELITO MENOR Y PUEDE SUJETAR A VIOLADORES A PAGAR MULTAS DE HASTA \$ 1,000 POR CARGO O SER ARRESTADOS.

LOS PROPIETARIOS DE LA PROPIEDAD Y LOS INQUILINOS TAMBIÉN PUEDEN SER CONSIDERADOS RESPONSABLES DE LA ACTIVIDAD DE FUEGOS ARTIFICIALES QUE ESTE CONECTADA A SU PROPIEDAD.

Codigo de Ciudad de Oxnard 7.147.1(B)(1) and 7.147.1(B)(2)

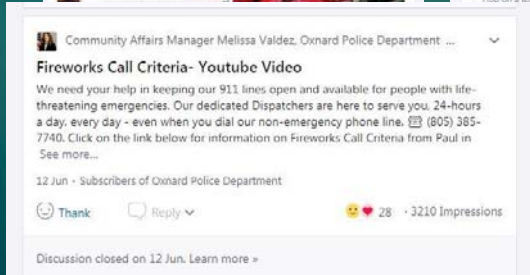
PARA REPORTAR DISTURBIOS DE FUEGOS ARTIFICIALES, LLAME (805) 385-7740

GOOD NEIGHBOR CAMPAIGN



4

Social Media Postings



5

Resident Warning Letters



OXNARD POLICE DEPARTMENT
Protecting Our Community with Exceptional Service

251 SOUTH C STREET, OXNARD, CALIFORNIA 93030-5789 * (805) 385-7600 * <http://oxnardpd.org>

DATE

John Smith
123 South A Street
Oxnard, CA 93030

WARNING

CHIEF OF POLICE
Scott Whitney

ASSISTANT POLICE CHIEF
Jason Benites

ASSISTANT POLICE CHIEF
Eric S. Sontagard

The Oxnard Police Department received information that the above listed address has been associated with illegal fireworks activity. Unless authorized by permit, fireworks are illegal in Oxnard. Oxnard City Code sections 7-147 (B) and 7-147 (C) state:

(B) Prohibition. Except as authorized by the fire chief in accordance with the 2007 California Fire Code section 3308, no person shall sell, offer to sell, use or have in his or her possession within the city any fireworks or dangerous fireworks.

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

Furthermore, Oxnard City Code section 7-174.1(B)(2) states: "Except as authorized by the fire chief in accordance with the currently adopted California Fire Code, no property owner or tenant shall allow or permit the sale, offer to sell, use or possession of fireworks on their property when the property owner or tenant knows or should know of the sale, offer to sell, use or possession of fireworks at the property."

You have been identified as either the property owner or tenant of the above address, which conveys responsibility directly to you. As the property owner or tenant of record, you are hereby notified that if fireworks are observed at, or otherwise connected with the above address, a civil citation will be issued to you as the responsible party.

Civil citation fines for fireworks range from \$250 to \$1,000 per offense. In order to avoid fines, the Oxnard Police Department insists that you take action to ensure that no further fireworks activity occur at this location. If you have questions about this warning, you can reach me via telephone at (805) 385-XXXX.

Respectfully,

Sergeant Jeff McGreevy
Oxnard Police Department



6

Civil Citation Training for Officers

OXNARD CIVIL CITATION
Oxnard City Code
FIRE DEPT
6-11-19 1530 TUES 19-37162
JOHN SMITH
251 SOUTH C STREET
OXNARD CA 93030
C1752986 / 805 385-7600

1. Bottle Rockets DANGEROUS
7-147.1(CB)(1) POSSESSION DANGEROUS FIREWORKS \$1,000

2. 7-147.1(CB)(2) OWNER ALLOW DANGEROUS FIREWORKS \$1,000

ADDITIONAL PAGES: 1
TOTAL FINE \$ 2,000

J. McGrewy 4752
Signature: John Smith

OXNARD CIVIL CITATION
Oxnard City Code
FIRE DEPT
6-11-19 1530 TUES 19-37162
JOHN SMITH
251 SOUTH C STREET
OXNARD CA 93030
C1752986 / 805 385-7600

Comments: Bottle Rockets DANGEROUS

CODE SECTION VIOLATED / DESCRIPTION

1) 7-147.1(CB)(1) POSSESSION DANGEROUS FIREWORKS \$1,000

2)

3) 7-147.1(CB)(2) OWNER ALLOW DANGEROUS FIREWORKS \$1,000

4)

ADDITIONAL PAGES: 1



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2019: July 4th Activity

- ▶ 102 sworn officers, 13 PD civilians worked shifts on July 4
- ▶ 1,249 calls to Emergency Communications Center on July 4
 - 1,409 in 2018
- ▶ 377 fireworks disturbances reported on July 4
 - Previous years: 441 (2016), 428 (2017), 476 (2018)
- 32 fireworks citations issued
- Approx. 170 lbs. pounds of fireworks seized
- ▶ Fireworks by the Sea: 35,000-40,000 attendees



20

8

Challenges

- Fireworks are readily available within Ventura County, California, and the Western United States. 296 communities in California permit the sale and use of state-approved fireworks including:

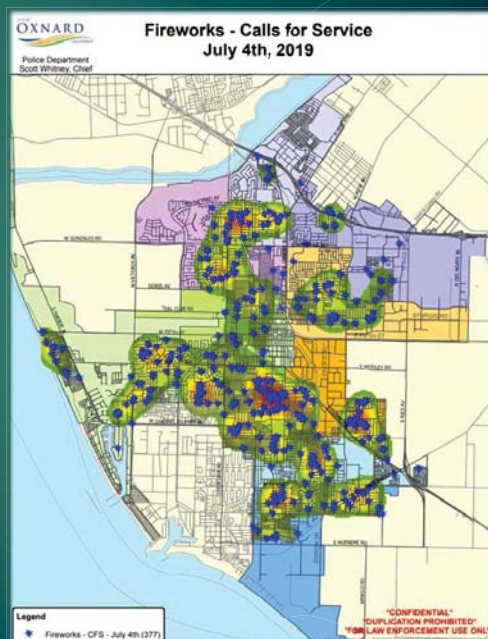
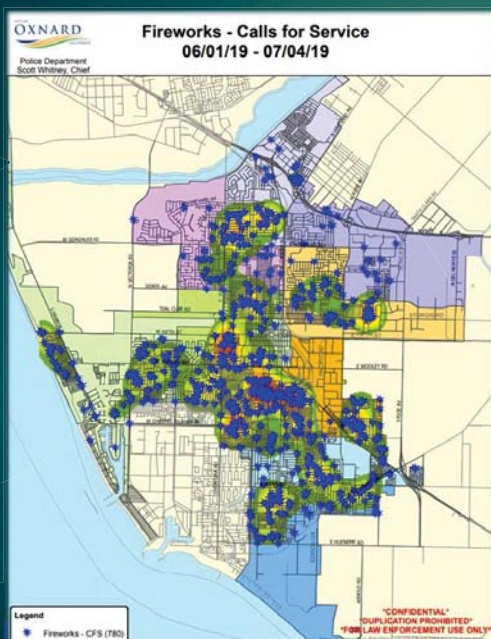
Los Angeles County		Orange County	
Alhambra		Anaheim	
Artesia		Buena Park	
Azusa		Costa Mesa	
Baldwin Park		Fullerton	
Bell		Garden Grove	
Bell Gardens		Huntington Beach	
Bellflower		Santa Ana	
Carson		Stanton	
Commerce		Villa Park	
Compton		Westminster	
Cudahy			
Downey			
El Monte			
Gardena			
Hawaiian Gardens			
Hawthorne			
Huntington Park			
Industry			
Inglewood			
Irwindale			
La Mirada			
La Puente			
Lakewood			
Lawndale			
Lynwood			
Maywood			
Montebello			
Monterey Park			
Norwalk			
Palmdale			
Paramount			
Pico Rivera			
Rosemead			
Santa Fe Springs			
South El Monte			
South Gate			
Temple City			
Vernon			



9

Challenges

- The onslaught of fireworks calls, most of which are non-specific, strains police resources.



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Challenges

- ▶ The Oxnard Fire Department responded to several nuisance fires but there were no reports of significant fires.
- ▶ Two significant fireworks-related incidents resulted in the tragic death of a 20-year old male and a traumatic hand injury to a 19-year old male.



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Challenges

- ▶ The community is divided on the issue. Our officers met several groups of 40+ individuals that were hostile towards officers including directing fireworks at uniformed officers.
- ▶ Many people either don't feel they are a danger, or simply disregard the danger.
- ▶ We have a nationwide culture that embraces fireworks as being a part of Independence Day.
- ▶ Competing priorities: resources allocated to address violent crime trends, DUI, loud party calls.



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12

Unmanned Aircraft Systems ("Drones")

- New tool for 2020
- Will be used for responding to calls for service and the enforcement of Social Host ordinance.



13

END OF REPORT



Eric.sonstegard@oxnardpd.org





CITY COUNCIL AGENDA REPORT

APPOINTMENT ITEMS AGENDA ITEM NO. D-3

DATE: May 19, 2020

TO: City Council

FROM: Phillip Molina, City Treasurer, (805) 385-7808, phillip.molina@oxnard.org

SUBJECT: Quarterly Investment Report for the period ending March 31, 2020. (5/5/5)

RECOMMENDATION

That the City Council receive and file the report.

DISCUSSION

The City of Oxnard's March, 2020 investment report will be brief this reporting period. This report is submitted to the City Council pursuant to California Government Code section 53646 and the Investment Policy adopted by the City Council. This report reflects the monthly investment information in the similar format that has been presented in previous months along with the amounts in the Bank statements as of March 30, 2020. The following are defined data is not in order of presentation.

First, it is our intention to show the public, the Mayor, and City Council the amounts in each city bank account so that you can see the percentage of available cash to the amount actually invested.

Next, we will show you in a bar chart the amounts invested separated by their maturity date or year. This will allow you to see the ladder or spread of the investments in order to generate a higher return.

Third, we identify the cash flows over the last 15 months so you can judge the management of the cash and determine whether there are periods during the year when more money is available for short periods overnight investments versus 2, 3, 4, or 5 year maturities.

Fourth, we will show you the daily cash position for March 31, 2020 so that you can see how the Treasurer's department reviews our cash balances each and every day to assure that the city has sufficient liquidity to cover its obligations.

And next, we provide you and the public with the detailed list of every investment that the city currently holds as of the last day of March, 2020.

This information is being provided to you using both charts and graphs. The charts are presented so that the Mayor, Council and the public can begin to learn the actual amounts in the city's accounts. The graphs are created in order to show trends, and relationships that are best understood in that method of presentation.

So while this report is brief in the number of pages, we hope to respond to any questions of you may have.

FINANCIAL IMPACT

The City's total amount invested as of March 31, 2020 at market value was \$244,265,020.00 million at a cost of \$243,628,583.13. Because of the fluctuation in the market rates yield on new instruments going up and down again, the City's current investments have a lower value than they cost, resulting in a net market gain of \$636,436.87 if we had to sell them in the market today (one month ago).

ITEM	February 2020	March 2020
Cost of investments (book value)	\$ 249,581,944.10	\$ 243,628,583.13
Par or face value	\$ 249,610,000.00	\$ 243,610,000.00
Market value as estimated	\$ 250,055,740.00	\$ 244,265,020.00
Total Earnings per period	\$ 431,692.89	\$ 435,277.18
Earned interest Yield this month	2.060%	2.050%
Gain/Loss if forced to sell today	\$ 473,795.90	\$ 636,436.87

Cash balances on the 31st day of March 2020 in each authorized city bank account with Bank of America are:

City Treasurer's bank accounts	February 2020	March 2020
City's General Fund bank account	\$ 8,923,172.03	\$ 11,282,644.52
Successor Agency bank account	\$ 8,709,883.69	\$ 8,599,626.14
W/C (workers compensation) account	\$ 280,931.78	\$ 170,449.32
Parking Citations	\$ 41,694.50	\$ 165,657.50
TOTAL CASH IN BANK ACCOUNTS	\$ 17,955,682.00	\$ 20,218,377.48

(Per Bank Statements as of March 31, 2020)

The investments have a par value of \$243,610,000 with a current market value of \$244,265,020 were purchased months ago. We see that "total net earnings" for this month is \$435,277.18. To provide greater return we tried diminishing the amount in LAIF and spreading that over the 2,3,4, and 5 year terms. Recently however, LAIF is now generating an average return that is lower than the City's average portfolio return. LAIF's April 29th rate is 1.72% but now higher than the rates on current GSEs (government sponsored enterprises) rates. So the current strategy is to provide the maximum earnings short term and position the city's portfolio to be ready when the upswing starts again. The purpose for buying shorter term if a recession hits, the approximate time for recessions is between 11 months and 3.5 years. We want to be able to purchase at higher rates when the predicted recession ends.

So now the cost of the investments, the face value, and the market value as of March 31, 2020 is provided so that at a glance you can see the summary of the entire portfolio, the risk, and the earnings with the currently reported monthly yield of 2.03% and compare that to the prior month.

Next you will see the daily cash position report used to determine how much to invest each day.

DAILY CASH POSITION WORKSHEET - GENERAL ACCOUNT		
DATE:04/01/20		
.		
	CREDIT ESTIMATE	DESCRIPTION
Collected/Closing Avail Bal	11,254,210.85	As of 03/31/20
1 Day Float	28,433.67	As of 03/31/20
Credit Cards-One Point		As of 03/31/20
Credit Card-C2G		As of 03/31/20
Auto Pay	103,741.59	
LAIF Withdrawal		
Investment Coupon	28,875.00	
Investment Call/Maturity	2,000,000.00	3133EGVK81.35% due 9/21/20
Investment Call/Maturity		
TOTAL CREDITS	\$ 13,415,261.11	
	DEBIT ESTIMATE	
Accounts Payable to Clear	200,000.00	
Payroll Taxes	192,101.59	PIT
Payroll Taxes	15,529.51	SDI
Other	147,456.55	B of A Leasing
Other		
TOTAL DEBITS	\$ 555,087.65	
GENERAL ACCOUNT BALANCE	\$ 12,860,173.46	
SUCCESSOR AGENCY	\$ 8,599,626.14	

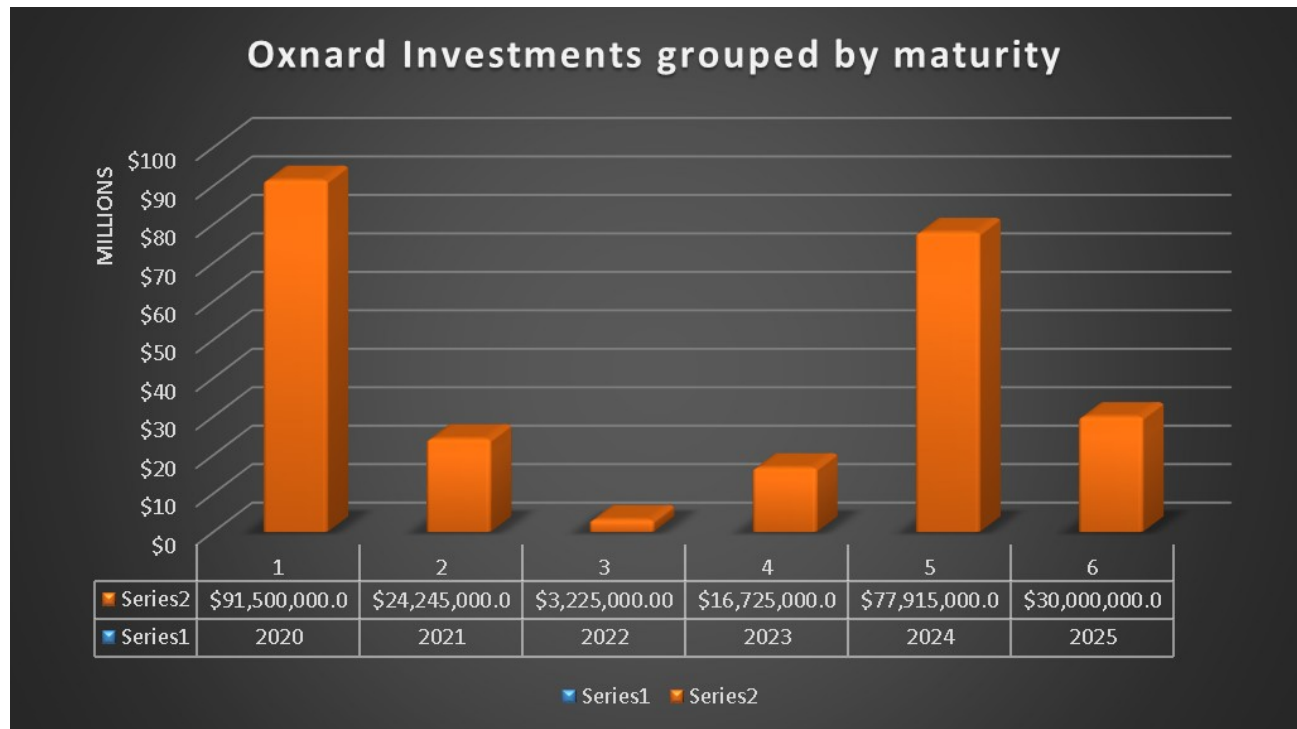
When we look back at the monthly cash flows of over 15 months we found that the month with the highest cash outflow was August 2018 with an outflow of \$37.4 million. And the fact that we had \$74 million invested in LAIF, which can be drawn down within one day, means there should be no normal condition that would require the Treasurer to sell investments before their maturity.

Before we reveal the details, we want to know the level of efficiency in our investment team. So we look to see how much cash is available, how much cash is invested to determine the efficiency of the team. The goal is to invest 100% of available cash, and we know that for normal operations we should retain \$3 million in the bank accounts. So when we look at the detail we see that the city is investing at a rate of 95% of idle available cash:

March 2020	account type
\$ 11,282,644.52	Gen account
\$ -	Successor
\$ 170,449.32	W/C

\$	165,657.50	Parking
\$	11,618,751.34	Total idle cash
\$	243,628,583.13	amount invested
\$	11,618,751.34	
\$	255,247,334.47	total available cash
	95%	efficiency level

The bar chart below, shows the maturities of City's investment portfolio and reflects the fact that as our older instruments are being called early we find the need to acquire shorter term notes unless we can guarantee a rate of 2.064% or higher as explained above.



ATTACHMENTS

1. Inventory by Market Value as of March 31, 2020

INVESTMENT INVENTORY WITH PREMIUM/DISCOUNT REPORT

As Of Date: 03/31/2020

Reporting Currency: Local

City of Oxnard

Inv No.	Description	Purch Date Mat Date	CUSIP CPR/PSA	Coupon YTM TR	Sch Bk Price Duration	Original Face Notional Face	Unamort Premium Unamort Discount	Current Par Current Book	Amort Premium Amort Discount	Accrued Interest
Mat Date: 4/1/2020										
17090	VENTURA COUNTY INVE	01/24/2018		1.22000	100.00000	0.00	0.00	1,000,000.00	0.00	26,672.88
		04/01/2020	0	1.22000	.00300	0.00	0.00	1,000,000.00	0.00	
16434	LOCAL AGENCY INVEST	07/01/2002		2.39513	100.00000	0.00	0.00	75,000,000.00	0.00	439,506.70
		04/01/2020	0	2.39500	.00300	0.00	0.00	75,000,000.00	0.00	
Subtotal				2.37967	100.00000	0.00	0.00	76,000,000.00	0.00	466,179.58
				2.37954	.00300	0.00	0.00	76,000,000.00	0.00	
Mat Date: 5/7/2020										
17013	FNMA	11/07/2016	3136G4FW8	1.30000	100.00000	1,500,000.00	0.00	1,500,000.00	0.00	7,800.00
		05/07/2020	0	1.30000	.10100	0.00	0.00	1,500,000.00	0.00	
Subtotal				1.30000	100.00000	1,500,000.00	0.00	1,500,000.00	0.00	7,800.00
				1.30000	.10100	0.00	0.00	1,500,000.00	0.00	
Mat Date: 7/27/2020										
17079	FHLB	07/27/2017	3130ABVU7	1.62500	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	5,777.78
		07/27/2020	0	1.62500	.32300	0.00	0.00	2,000,000.00	0.00	
17047	FHLMC	04/27/2017	3134GBHW5	1.62500	100.00000	1,000,000.00	0.00	1,000,000.00	0.00	6,951.39
		07/27/2020	0	1.62500	.32300	0.00	0.00	1,000,000.00	0.00	
17048	FHLMC	04/27/2017	3134GBHW5	1.62500	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	13,902.78
		07/27/2020	0	1.62500	.32300	0.00	0.00	2,000,000.00	0.00	
Subtotal				1.62500	100.00000	5,000,000.00	0.00	5,000,000.00	0.00	26,631.95
				1.62500	.32300	0.00	0.00	5,000,000.00	0.00	
Mat Date: 7/28/2020										
17008	FNMA	10/31/2016	3136G4GK3	1.35000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	4,725.00
		07/28/2020	0	1.35000	.32600	0.00	0.00	2,000,000.00	0.00	
Subtotal				1.35000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	4,725.00
				1.35000	.32600	0.00	0.00	2,000,000.00	0.00	
Mat Date: 9/21/2020										
17001	FFCB	09/21/2016	3133EGVK8	1.35000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	750.00
		09/21/2020	0	1.35000	.47600	0.00	0.00	2,000,000.00	0.00	
Subtotal				1.35000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	750.00
				1.35000	.47600	0.00	0.00	2,000,000.00	0.00	
Mat Date: 10/28/2020										
17007	FHLB	10/28/2016	3130A9WK3	1.40000	100.00000	1,000,000.00	0.00	1,000,000.00	0.00	5,950.00
		10/28/2020	0	1.40000	.57200	0.00	0.00	1,000,000.00	0.00	
Subtotal				1.40000	100.00000	1,000,000.00	0.00	1,000,000.00	0.00	5,950.00
				1.40000	.57200	0.00	0.00	1,000,000.00	0.00	
Mat Date: 11/2/2020										

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17010	FFCB	11/02/2016 11/02/2020	3133EGC29 0	1.35000 1.35000	100.00000 .58300	2,000,000.00 0.00	0.00 0.00	2,000,000.00 2,000,000.00	0.00 0.00	11,175.00
Subtotal				1.35000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	11,175.00
				1.35000	.58300	0.00	0.00	2,000,000.00	0.00	
Mat Date: 11/30/2020										
17039	FNMA	03/30/2017 11/30/2020	3135G0F73 0	1.50000 1.70800	99.79940 .66300	2,000,000.00 0.00	0.00 4,012.01	2,000,000.00 1,995,987.99	0.00 10,727.99	10,083.33
Subtotal				1.50000	99.79940	2,000,000.00	0.00	2,000,000.00	0.00	10,083.33
				1.70800	.66300	0.00	4,012.01	1,995,987.99	10,727.99	
Mat Date: 4/1/2021										
17230	MUNI	03/27/2020 04/01/2021	13063CP87 0	1.50000 1.30000	100.93333 .99200	2,000,000.00 0.00	18,666.67 0.00	2,000,000.00 2,018,666.67	0.00 0.00	15,000.00
Subtotal				1.50000	100.93333	2,000,000.00	18,666.67	2,000,000.00	0.00	15,000.00
				1.30000	.99200	0.00	0.00	2,018,666.67	0.00	
Mat Date: 4/4/2021										
17227	MUNI	03/19/2020 04/04/2021	13063DAC2 0	2.62500 1.51000	102.37300 1.00400	1,000,000.00 0.00	23,730.00 0.00	1,000,000.00 1,023,730.00	0.00 0.00	13,125.00
Subtotal				2.62500	102.37300	1,000,000.00	23,730.00	1,000,000.00	0.00	13,125.00
				1.51000	1.00400	0.00	0.00	1,023,730.00	0.00	
Mat Date: 5/10/2021										
17102	FFCB	05/10/2018 05/10/2021	3133EJNS4 0	2.70000 2.70000	100.00000 1.08800	1,000,000.00 0.00	0.00 0.00	1,000,000.00 1,000,000.00	0.00 0.00	10,575.00
17101	CD	03/10/2018 05/10/2021	61747MX63 0	2.90000 2.90000	100.00000 1.08700	245,000.00 0.00	0.00 0.00	245,000.00 245,000.00	0.00 0.00	2,778.76
Subtotal				2.73936	100.00000	1,245,000.00	0.00	1,245,000.00	0.00	13,353.76
				2.73936	1.08780	0.00	0.00	1,245,000.00	0.00	
Mat Date: 6/16/2021										
17225	FFCB	03/16/2020 06/16/2021	3133ELTK0 0	.80000 .80000	100.00000 1.20200	3,000,000.00 0.00	0.00 0.00	3,000,000.00 3,000,000.00	0.00 0.00	1,000.00
Subtotal				.80000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	1,000.00
				.80000	1.20200	0.00	0.00	3,000,000.00	0.00	
Mat Date: 10/4/2021										
17004	FFCB	10/04/2016 10/04/2021	3133EGWZ4 0	1.42000 1.43000	99.98001 1.48700	2,000,000.00 0.00	0.00 399.78	2,000,000.00 1,999,600.22	0.00 600.22	13,963.33
Subtotal				1.42000	99.98001	2,000,000.00	0.00	2,000,000.00	0.00	13,963.33
				1.43000	1.48700	0.00	399.78	1,999,600.22	600.22	
Mat Date: 10/28/2021										
17012	FHLB	11/04/2016	3130A9WN7	1.60000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	13,600.00

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17009	FNMA	10/28/2021	0	1.60000	1.55100	0.00	0.00	2,000,000.00	0.00	
		10/28/2016	3136G4FA6	1.62500	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	13,812.50
		10/28/2021	0	1.62500	1.55100	0.00	0.00	2,000,000.00	0.00	
			Subtotal	1.61250	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	27,412.50
				1.61250	1.55100	0.00	0.00	4,000,000.00	0.00	
Mat Date: 11/9/2021										
17014	FHLB	11/09/2016	3130A9Z61	1.50000	99.98001	2,000,000.00	0.00	2,000,000.00	0.00	11,833.33
		11/09/2021	0	1.51000	1.58300	0.00	399.78	1,999,600.22	600.22	
			Subtotal	1.50000	99.98001	2,000,000.00	0.00	2,000,000.00	0.00	11,833.33
				1.51000	1.58300	0.00	399.78	1,999,600.22	600.22	
Mat Date: 11/15/2021										
17015	FFCB	11/15/2016	3133EGG82	1.52000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	11,484.44
		11/15/2021	0	1.52000	1.60000	0.00	0.00	2,000,000.00	0.00	
			Subtotal	1.52000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	11,484.44
				1.52000	1.60000	0.00	0.00	2,000,000.00	0.00	
Mat Date: 11/29/2021										
17018	FHLB	12/30/2016	3130AABG2	1.87500	99.75558	2,000,000.00	0.00	2,000,000.00	0.00	12,708.33
		11/29/2021	0	2.00400	1.63300	0.00	4,888.36	1,995,111.64	7,131.64	
17019	FHLB	12/30/2016	3130AABG2	1.87500	99.70231	2,000,000.00	0.00	2,000,000.00	0.00	12,708.33
		11/29/2021	0	2.03200	1.63300	0.00	5,953.87	1,994,046.13	8,686.13	
			Subtotal	1.87500	99.72894	4,000,000.00	0.00	4,000,000.00	0.00	25,416.66
				2.01800	1.63300	0.00	10,842.23	3,989,157.77	15,817.77	
Mat Date: 12/16/2021										
17226	FFCB	03/16/2020	3133ELTM6	.83000	99.98500	3,000,000.00	0.00	3,000,000.00	0.00	1,037.50
		12/16/2021	0	.83900	1.69900	0.00	450.00	2,999,550.00	0.00	
			Subtotal	.83000	99.98500	3,000,000.00	0.00	3,000,000.00	0.00	1,037.50
				.83900	1.69900	0.00	450.00	2,999,550.00	0.00	
Mat Date: 5/23/2022										
17062	FHLB	05/23/2017	3130ABCF1	2.50000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	17,777.78
		05/23/2022	0	2.50000	2.10700	0.00	0.00	2,000,000.00	0.00	
			Subtotal	2.50000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	17,777.78
				2.50000	2.10700	0.00	0.00	2,000,000.00	0.00	
Mat Date: 5/24/2022										
17063	CD	05/24/2017	1404203A6	2.40000	100.00000	245,000.00	0.00	245,000.00	0.00	2,074.13
		05/24/2022	0	2.40000	2.08900	0.00	0.00	245,000.00	0.00	
17064	CD	05/24/2017	14042RWF6	2.40000	100.00000	245,000.00	0.00	245,000.00	0.00	2,074.13
		05/24/2022	0	2.40000	2.08900	0.00	0.00	245,000.00	0.00	
			Subtotal	2.40000	100.00000	490,000.00	0.00	490,000.00	0.00	4,148.26

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				2.40000	2.08900	0.00	0.00	490,000.00	0.00	
Mat Date: 5/26/2022										
17070	CD	05/26/2017	87165EMK0	2.40000	100.00000	245,000.00	0.00	245,000.00	0.00	2,041.91
		05/26/2022	0	2.40000	2.09500	0.00	0.00	245,000.00	0.00	
	Subtotal			2.40000	100.00000	245,000.00	0.00	245,000.00	0.00	2,041.91
				2.40000	2.09500	0.00	0.00	245,000.00	0.00	
Mat Date: 5/31/2022										
17076	CD	05/31/2017	38148PKJ5	2.40000	100.00000	245,000.00	0.00	245,000.00	0.00	1,961.36
		05/31/2022	0	2.40000	2.10800	0.00	0.00	245,000.00	0.00	
17073	CD	05/31/2017	20033AUB0	2.35000	100.00000	245,000.00	0.00	245,000.00	0.00	11.86
		05/31/2022	0	2.35000	2.11400	0.00	0.00	245,000.00	0.00	
	Subtotal			2.37500	100.00000	490,000.00	0.00	490,000.00	0.00	1,973.22
				2.37500	2.11100	0.00	0.00	490,000.00	0.00	
Mat Date: 2/28/2023										
17222	FHLMC	02/28/2020	3134GVDZ8	1.72500	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	4,743.75
		02/28/2023	0	1.72500	2.85300	0.00	0.00	3,000,000.00	0.00	
	Subtotal			1.72500	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	4,743.75
				1.72500	2.85300	0.00	0.00	3,000,000.00	0.00	
Mat Date: 6/26/2023										
17109	CD	06/26/2018	02589AAM4	3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,143.11
		06/26/2023	0	3.30000	3.07100	0.00	0.00	245,000.00	0.00	
	Subtotal			3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,143.11
				3.30000	3.07100	0.00	0.00	245,000.00	0.00	
Mat Date: 6/27/2023										
17110	CD	06/27/2018	254673QR0	3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,120.96
		06/27/2023	0	3.30000	3.07300	0.00	0.00	245,000.00	0.00	
	Subtotal			3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,120.96
				3.30000	3.07300	0.00	0.00	245,000.00	0.00	
Mat Date: 6/28/2023										
17111	CD	06/28/2018	17312QN96	3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,098.81
		06/28/2023	0	3.30000	3.07600	0.00	0.00	245,000.00	0.00	
	Subtotal			3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,098.81
				3.30000	3.07600	0.00	0.00	245,000.00	0.00	
Mat Date: 6/29/2023										
17113	CD	06/29/2018	05580ANG5	3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,076.66
		06/29/2023	0	3.30000	3.07900	0.00	0.00	245,000.00	0.00	
	Subtotal			3.30000	100.00000	245,000.00	0.00	245,000.00	0.00	2,076.66
				3.30000	3.07900	0.00	0.00	245,000.00	0.00	

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Mat Date: 6/30/2023										
17164	FHLMC	10/01/2019	3134GUEZ9	2.01000	99.99067	2,000,000.00	0.00	2,000,000.00	0.00	10,161.67
		06/30/2023	0	2.01300	3.16200	0.00	186.70	1,999,813.30	13.30	
	Subtotal			2.01000	99.99067	2,000,000.00	0.00	2,000,000.00	0.00	10,161.67
				2.01300	3.16200	0.00	186.70	1,999,813.30	13.30	
Mat Date: 9/26/2023										
17229	FHLB	03/26/2020	3130AJFJ3	1.25000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	347.22
		09/26/2023	0	1.25000	3.42200	0.00	0.00	2,000,000.00	0.00	
	Subtotal			1.25000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	347.22
				1.25000	3.42200	0.00	0.00	2,000,000.00	0.00	
Mat Date: 11/7/2023										
17220	FHLMC	02/25/2020	3134GU7G9	1.70000	100.08500	3,000,000.00	2,550.00	3,000,000.00	0.00	7,650.00
		11/07/2023	0	1.70000	3.49800	0.00	0.00	3,002,550.00	0.00	
17118	CD	11/07/2018	90348JFQ8	3.50000	100.00000	245,000.00	0.00	245,000.00	0.00	581.48
		11/07/2023	0	3.50000	3.37600	0.00	0.00	245,000.00	0.00	
	Subtotal			1.83590	100.07858	3,245,000.00	2,550.00	3,245,000.00	0.00	8,231.48
				1.83579	3.48879	0.00	0.00	3,247,550.00	0.00	
Mat Date: 11/14/2023										
17221	FHLMC	02/26/2020	3134GVCMB	1.75000	100.05833	2,500,000.00	1,458.33	2,500,000.00	0.00	5,711.80
		11/14/2023	0	1.75000	3.51500	0.00	0.00	2,501,458.33	0.00	
	Subtotal			1.75000	100.05833	2,500,000.00	1,458.33	2,500,000.00	0.00	5,711.80
				1.75000	3.51500	0.00	0.00	2,501,458.33	0.00	
Mat Date: 12/19/2023										
17203	FHLMC	12/19/2019	3134GUYQ7	1.90000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	16,150.00
		12/19/2023	0	1.90000	3.58700	0.00	0.00	3,000,000.00	0.00	
	Subtotal			1.90000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	16,150.00
				1.90000	3.58700	0.00	0.00	3,000,000.00	0.00	
Mat Date: 9/16/2024										
17160	FFCB	09/16/2019	3133EKN93	1.96000	99.84703	2,000,000.00	0.00	2,000,000.00	0.00	1,633.33
		09/16/2024	0	1.99600	4.28700	0.00	3,059.44	1,996,940.56	340.56	
17161	FFCB	09/16/2019	3133EKN93	1.96000	99.80204	2,000,000.00	0.00	2,000,000.00	0.00	1,633.33
		09/16/2024	0	2.00600	4.28700	0.00	3,959.28	1,996,040.72	440.72	
	Subtotal			1.96000	99.82453	4,000,000.00	0.00	4,000,000.00	0.00	3,266.66
				2.00100	4.28700	0.00	7,018.72	3,992,981.28	781.28	
Mat Date: 9/19/2024										
17162	FHLMC	09/19/2019	3134GUCG3	2.25000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	1,500.00
		09/19/2024	0	2.25000	4.25200	0.00	0.00	2,000,000.00	0.00	
	Subtotal			2.25000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	1,500.00

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				2.25000	4.25200	0.00	0.00	2,000,000.00	0.00	
Mat Date: 9/23/2024										
17163	FHLMC	09/23/2019	3134GUBQ2	2.10000	99.93701	2,000,000.00	0.00	2,000,000.00	0.00	933.33
		09/23/2024	0	2.11500	4.29500	0.00	1,259.77	1,998,740.23	140.23	
	Subtotal			2.10000	99.93701	2,000,000.00	0.00	2,000,000.00	0.00	933.33
				2.11500	4.29500	0.00	1,259.77	1,998,740.23	140.23	
Mat Date: 10/2/2024										
17169	FHLB	10/02/2019	3130AH7F4	2.00000	100.00000	1,000,000.00	0.00	1,000,000.00	0.00	9,944.44
		10/02/2024	0	2.00000	4.28600	0.00	0.00	1,000,000.00	0.00	
17170	FFCB	10/02/2019	3133EKV86	2.00000	99.97500	2,000,000.00	0.00	2,000,000.00	0.00	19,888.89
		10/02/2024	0	2.00500	4.28600	0.00	500.00	1,999,500.00	0.00	
	Subtotal			2.00000	99.98333	3,000,000.00	0.00	3,000,000.00	0.00	29,833.33
				2.00333	4.28600	0.00	500.00	2,999,500.00	0.00	
Mat Date: 10/15/2024										
17171	FHLMC	10/15/2019	3134GUGY0	2.12500	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	19,597.22
		10/15/2024	0	2.12500	4.30900	0.00	0.00	2,000,000.00	0.00	
17172	FHLMC	10/15/2019	3134GUJV3	2.00000	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	16,888.89
		10/15/2024	0	2.00000	4.32200	0.00	0.00	4,000,000.00	0.00	
	Subtotal			2.04167	100.00000	6,000,000.00	0.00	6,000,000.00	0.00	36,486.11
				2.04167	4.31767	0.00	0.00	6,000,000.00	0.00	
Mat Date: 10/16/2024										
17173	FHLB	10/16/2019	3130AHD67	2.00000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	18,333.33
		10/16/2024	0	2.00000	4.32500	0.00	0.00	2,000,000.00	0.00	
17174	FHLMC	10/16/2019	3134GUHE3	2.12500	99.99500	2,000,000.00	0.00	2,000,000.00	0.00	19,479.17
		10/16/2024	0	2.12600	4.31200	0.00	100.00	1,999,900.00	0.00	
17175	FHLMC	10/16/2019	3134GUHS2	2.05000	99.94000	4,000,000.00	0.00	4,000,000.00	0.00	37,583.33
		10/16/2024	0	2.06300	4.31900	0.00	2,400.00	3,997,600.00	0.00	
17176	FHLMC	10/16/2019	3134GUHS2	2.05000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	18,791.67
		10/16/2024	0	2.05000	4.31900	0.00	0.00	2,000,000.00	0.00	
	Subtotal			2.05500	99.97500	10,000,000.00	0.00	10,000,000.00	0.00	94,187.50
				2.06040	4.31880	0.00	2,500.00	9,997,500.00	0.00	
Mat Date: 10/17/2024										
17178	FHLMC	10/22/2019	3134GUKB5	2.12500	100.02951	2,000,000.00	590.28	2,000,000.00	0.00	19,361.11
		10/17/2024	0	2.12500	4.31400	0.00	0.00	2,000,590.28	0.00	
	Subtotal			2.12500	100.02951	2,000,000.00	590.28	2,000,000.00	0.00	19,361.11
				2.12500	4.31400	0.00	0.00	2,000,590.28	0.00	
Mat Date: 10/30/2024										
17183	FHLB	10/30/2019	3130AHG80	2.10000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	17,616.67

INVESTMENT INVENTORY WITH PREMIUM/DISCOUNT REPORT

As Of Date: 03/31/2020

Reporting Currency: Local

City of Oxnard

Inv No.	Description	Purch Date Mat Date	CUSIP CPR/PSA	Coupon YTM TR	Sch Bk Price Duration	Original Face Notional Face	Unamort Premium Unamort Discount	Current Par Current Book	Amort Premium Amort Discount	Accrued Interest
17184	FHLB	10/30/2019	3130AHG80	2.10000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	17,616.67
		10/30/2024	0	2.10000	4.35600	0.00	0.00	2,000,000.00	0.00	
17185	FHLB	10/30/2019	3130AHG80	2.10000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	17,616.67
		10/30/2024	0	2.10000	4.35600	0.00	0.00	2,000,000.00	0.00	
Subtotal				2.10000	100.00000	6,000,000.00	0.00	6,000,000.00	0.00	52,850.01
				2.10000	4.35600	0.00	0.00	6,000,000.00	0.00	
Mat Date: 11/8/2024										
17186	FHLMC	11/08/2019	3134GUPL8	2.05000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	16,286.11
		11/08/2024	0	2.05000	4.38100	0.00	0.00	2,000,000.00	0.00	
Subtotal				2.05000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	16,286.11
				2.05000	4.38100	0.00	0.00	2,000,000.00	0.00	
Mat Date: 11/18/2024										
17187	FHLMC	11/18/2019	3134GUPD6	2.05000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	15,147.22
		11/18/2024	0	2.05000	4.40800	0.00	0.00	2,000,000.00	0.00	
17191	FHLMC	11/18/2019	3134GURZ5	2.03000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	14,999.44
		11/18/2024	0	2.03000	4.41000	0.00	0.00	2,000,000.00	0.00	
17190	FHLMC	11/18/2019	3134GUQT0	2.00000	100.00000	5,000,000.00	0.00	5,000,000.00	0.00	11,944.44
		11/18/2024	0	2.00000	4.42400	0.00	0.00	5,000,000.00	0.00	
Subtotal				2.01778	100.00000	9,000,000.00	0.00	9,000,000.00	0.00	42,091.10
				2.01778	4.41733	0.00	0.00	9,000,000.00	0.00	
Mat Date: 11/25/2024										
17193	FHLMC	11/25/2019	3134GUTJ9	2.05000	100.00000	1,650,000.00	0.00	1,650,000.00	0.00	11,838.75
		11/25/2024	0	2.05000	4.42800	0.00	0.00	1,650,000.00	0.00	
Subtotal				2.05000	100.00000	1,650,000.00	0.00	1,650,000.00	0.00	11,838.75
				2.05000	4.42800	0.00	0.00	1,650,000.00	0.00	
Mat Date: 11/27/2024										
17194	FHLMC	11/27/2019	3134GUWH9	2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	20,666.67
		11/27/2024	0	2.00000	4.43900	0.00	0.00	3,000,000.00	0.00	
Subtotal				2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	20,666.67
				2.00000	4.43900	0.00	0.00	3,000,000.00	0.00	
Mat Date: 12/5/2024										
17198	FHLB	12/05/2019	3130AHM34	2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	19,333.33
		12/05/2024	0	2.00000	4.46100	0.00	0.00	3,000,000.00	0.00	
17199	FHLB	12/05/2019	3130AHM34	2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	19,333.33
		12/05/2024	0	2.00000	4.46100	0.00	0.00	3,000,000.00	0.00	
17197	FHLMC	12/05/2019	3134GUSD3	2.10000	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	27,066.67
		12/05/2024	0	2.10000	4.45000	0.00	0.00	4,000,000.00	0.00	

INVESTMENT INVENTORY WITH PREMIUM/DISCOUNT REPORT

As Of Date: 03/31/2020

Reporting Currency: Local

City of Oxnard

Inv No.	Description	Purch Date Mat Date	CUSIP CPR/PSA	Coupon YTM TR	Sch Bk Price Duration	Original Face Notional Face	Unamort Premium Unamort Discount	Current Par Current Book	Amort Premium Amort Discount	Accrued Interest
Subtotal				2.04000	100.00000	10,000,000.00	0.00	10,000,000.00	0.00	65,733.33
				2.04000	4.45660	0.00	0.00	10,000,000.00	0.00	
Mat Date: 12/11/2024										
17200	FHLB	12/11/2019	3130AHP31	2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	18,333.33
		12/11/2024	0	2.00000	4.47700	0.00	0.00	3,000,000.00	0.00	
Subtotal				2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	18,333.33
				2.00000	4.47700	0.00	0.00	3,000,000.00	0.00	
Mat Date: 12/12/2024										
17201	FHLMC	12/12/2019	3134GUWU0	2.00000	99.99000	3,265,000.00	0.00	3,265,000.00	0.00	19,771.39
		12/12/2024	0	2.00200	4.48000	0.00	326.50	3,264,673.50	0.00	
Subtotal				2.00000	99.99000	3,265,000.00	0.00	3,265,000.00	0.00	19,771.39
				2.00200	4.48000	0.00	326.50	3,264,673.50	0.00	
Mat Date: 12/16/2024										
17202	FHLMC	12/16/2019	3134GUUU2	2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	17,500.00
		12/16/2024	0	2.00000	4.49100	0.00	0.00	3,000,000.00	0.00	
Subtotal				2.00000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	17,500.00
				2.00000	4.49100	0.00	0.00	3,000,000.00	0.00	
Mat Date: 12/30/2024										
17210	FHLB	12/30/2019	3130AHSS3	2.00000	99.92500	2,000,000.00	0.00	2,000,000.00	0.00	10,111.11
		12/30/2024	0	2.01600	4.53300	0.00	1,500.00	1,998,500.00	0.00	
17205	FHLMC	12/30/2019	3134GUH60	2.00000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	10,111.11
		12/30/2024	0	2.00000	4.53300	0.00	0.00	2,000,000.00	0.00	
17206	FHLMC	12/30/2019	3134GUN30	2.07000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	10,465.00
		12/30/2024	0	2.07000	4.52600	0.00	0.00	2,000,000.00	0.00	
17209	FHLMC	12/30/2019	3134GUH52	2.10000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	10,616.67
		12/30/2024	0	2.10000	4.52300	0.00	0.00	2,000,000.00	0.00	
Subtotal				2.04250	99.98125	8,000,000.00	0.00	8,000,000.00	0.00	41,303.89
				2.04651	4.52875	0.00	1,500.00	7,998,500.00	0.00	
Mat Date: 1/6/2025										
17211	FHLB	01/08/2020	3130AHU92	2.05000	100.02139	2,000,000.00	427.78	2,000,000.00	0.00	9,680.56
		01/06/2025	0	2.04800	4.54200	0.00	0.00	2,000,427.78	0.00	
Subtotal				2.05000	100.02139	2,000,000.00	427.78	2,000,000.00	0.00	9,680.56
				2.04800	4.54200	0.00	0.00	2,000,427.78	0.00	
Mat Date: 1/10/2025										
17212	FHLMC	01/15/2020	3134GUW22	2.00000	100.02778	2,000,000.00	555.56	2,000,000.00	0.00	9,000.00
		01/10/2025	0	2.00000	4.55800	0.00	0.00	2,000,555.56	0.00	
Subtotal				2.00000	100.02778	2,000,000.00	555.56	2,000,000.00	0.00	9,000.00
				2.00000	4.55800	0.00	0.00	2,000,555.56	0.00	

INVESTMENT INVENTORY WITH PREMIUM/DISCOUNT REPORT

As Of Date: 03/31/2020

Reporting Currency: Local

City of Oxnard

Inv No.	Description	Purch Date Mat. Date	CUSIP CPR/PSA	Coupon YTM,TR	Sch Bk Price Duration	Original Face Notional Face	Unamort Premium Unamort Discount	Current Par Current Book	Amort Premium Amort Discount	Accrued Interest
Mat Date: 1/17/2025										
17213	FHLMC	01/17/2020	3134GUY79	2.10000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	8,633.33
		01/17/2025	0	2.10000	4.56700	0.00	0.00	2,000,000.00	0.00	
	Subtotal			2.10000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	8,633.33
				2.10000	4.56700	0.00	0.00	2,000,000.00	0.00	
Mat Date: 1/21/2025										
17214	FHLB	01/21/2020	3130AHWB5	2.00000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	7,777.78
		01/21/2025	0	2.00000	4.58900	0.00	0.00	2,000,000.00	0.00	
17215	FHLB	01/21/2020	3130AHWB5	2.00000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	7,777.78
		01/21/2025	0	2.00000	4.58900	0.00	0.00	2,000,000.00	0.00	
17216	FHLMC	01/21/2020	3134GU4M9	2.00000	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	15,555.56
		01/21/2025	0	2.00000	4.58900	0.00	0.00	4,000,000.00	0.00	
	Subtotal			2.00000	100.00000	8,000,000.00	0.00	8,000,000.00	0.00	31,111.12
				2.00000	4.58900	0.00	0.00	8,000,000.00	0.00	
Mat Date: 1/24/2025										
17217	FNMA	01/24/2020	3135G0X57	2.00000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	7,444.44
		01/24/2025	0	2.00000	4.59700	0.00	0.00	2,000,000.00	0.00	
17218	FNMA	01/24/2020	3135G0X57	2.00000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	7,444.44
		01/24/2025	0	2.00000	4.59700	0.00	0.00	2,000,000.00	0.00	
	Subtotal			2.00000	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	14,888.88
				2.00000	4.59700	0.00	0.00	4,000,000.00	0.00	
Mat Date: 1/29/2025										
17219	FHLMC	01/29/2020	3134GU5U0	2.00000	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	13,777.78
		01/29/2025	0	2.00000	4.61100	0.00	0.00	4,000,000.00	0.00	
	Subtotal			2.00000	100.00000	4,000,000.00	0.00	4,000,000.00	0.00	13,777.78
				2.00000	4.61100	0.00	0.00	4,000,000.00	0.00	
Mat Date: 2/28/2025										
17223	FHLMC	02/28/2020	3134GVEF1	1.75000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	4,812.50
		02/28/2025	0	1.75000	4.72600	0.00	0.00	3,000,000.00	0.00	
	Subtotal			1.75000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	4,812.50
				1.75000	4.72600	0.00	0.00	3,000,000.00	0.00	
Mat Date: 3/3/2025										
17224	FFCB	03/03/2020	3133ELQF4	1.75000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	4,083.33
		03/03/2025	0	1.75000	4.73200	0.00	0.00	3,000,000.00	0.00	
	Subtotal			1.75000	100.00000	3,000,000.00	0.00	3,000,000.00	0.00	4,083.33
				1.75000	4.73200	0.00	0.00	3,000,000.00	0.00	
Mat Date: 3/25/2025										
17228	FFCB	03/25/2020	3133ELUK8	1.20000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	400.00



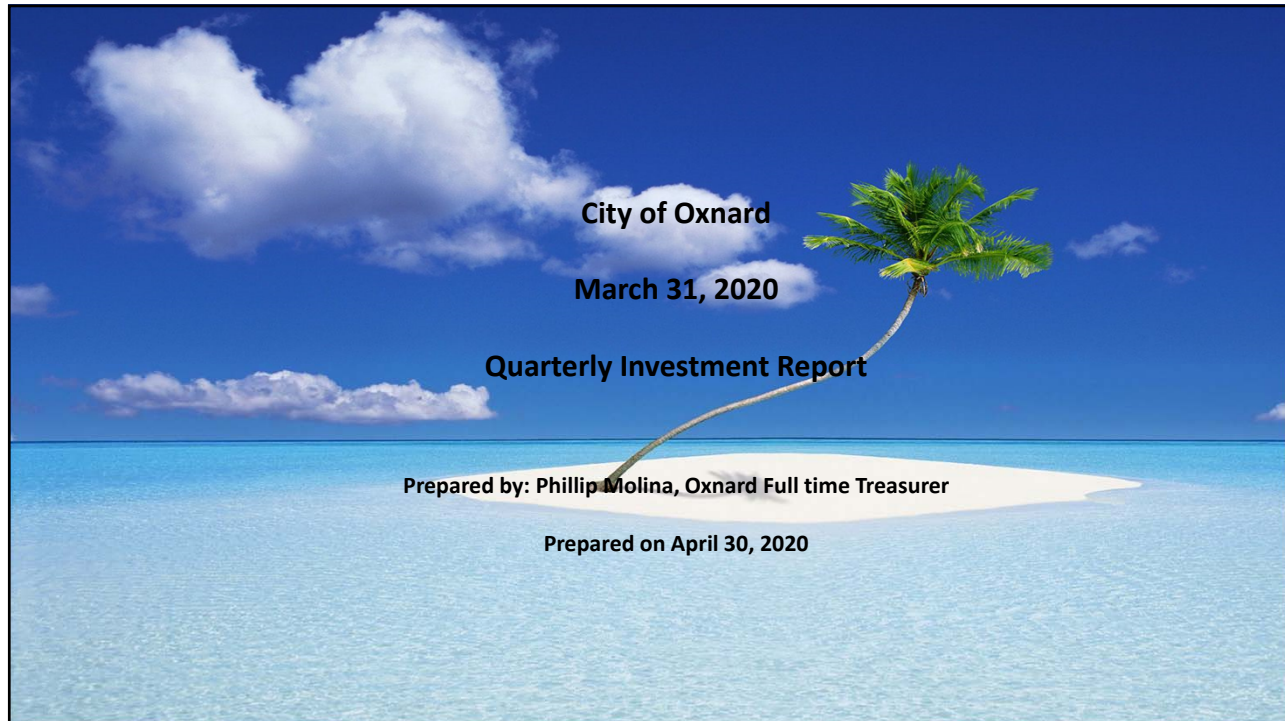
INVESTMENT INVENTORY WITH PREMIUM/DISCOUNT REPORT

As Of Date: 03/31/2020

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City of Oxnard

Inv No.	Description	Purch Date Mat Date	CUSIP CPR/PSA	Coupon YTM TR	Sch Bk Price Duration	Original Face Notional Face	Unamort Premium Unamort Discount	Current Par Current Book	Amort Premium Amort Discount	Accrued Interest
		03/25/2025	0	1.20000	4.85100	0.00	0.00	2,000,000.00	0.00	
			Subtotal	1.20000	100.00000	2,000,000.00	0.00	2,000,000.00	0.00	400.00
				1.20000	4.85100	0.00	0.00	2,000,000.00	0.00	
Grand Total		Count 85		2.03348	100.00763	167,610,000.00	47,978.62	243,610,000.00	0.00	1,334,978.13
				2.03268	2.40368	0.00	29,395.49	243,628,583.13	28,681.01	



The goal is to invest 100% of available cash, and we know that for normal operations we should retain \$3 million in the bank accounts. So when we look at the detail we see that the city is investing at 95 % of idle available cash:

2

City Treasurer's bank accounts	February 2020	March 2020
City's General Fund bank account	\$8,923,172.03	\$11,282,644.52
Successor Agency bank account	\$8,709,883.69	\$8,599,626.14
W/C (workers compensation) account	\$280,931.78	\$170,449.32
Parking Citations	\$41,694.50	\$165,657.50
TOTAL CASH IN BANK ACCOUNTS	\$17,955,682.00	\$20,218,377.48

2

Mar-20	account type
\$11,282,644.52	Gen account
n/a	Successor
\$170,449.32	W/C
\$165,657.50	Parking
\$11,618,751.34	Total idle cash
\$243,628,583.13	amount invested
\$11,618,751.34	
\$255,247,334.47	total available cash
95%	efficiency level

4

After assuring sufficient cash to cover daily
disbursements known as 'liquidity', and
investing as much as possible, we try to get
the best rates on the market.

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ITEM	February 2020	March 2020
Cost of investments (book value)	\$249,581,944.10	\$243,628,583.13
Par or face value	\$249,610,000.00	\$243,610,000.00
Market value as estimated	\$250,055,740.00	\$244,265,020.00
Total Earnings per period	\$431,692.89	\$435,277.18
Earned interest Yield this month	2.06%	2.05%
Gain/Loss if forced to sell today	\$473,795.90	\$636,436.87

6



Any
Questions?



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.1**

DATE: May 19, 2020
TO: City Council
FROM: Michelle Ascencion, City Clerk, (805) 385-7805, michelle.ascencion@oxnard.org
SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the May 5, 2020 regular meeting as presented.

BACKGROUND

Not applicable.

STRATEGIC PRIORITIES

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

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michelle Ascencion, City Clerk

ATTACHMENTS

1. Minutes 05.05.2020 CC regular meeting

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 5, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:36 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Vianey Lopez, Bryan A. MacDonald, Oscar Madrigal, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via telephone.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Ashley Golden, Assistant City Manager; Kenneth Rozell, Chief Assistant City Attorney; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Government Code section 54956.9(d)(2)) (City Council): Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding correspondence dated April 7, 2020 threatening litigation against the City by Phillip Molina.”

At 4:37 p.m., the City Council recessed to a closed session. At 5:19 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

Additional staff members present at this time were Keith Brooks, Chief Information Officer; Kevin Pisacich, Information Technology Manager; and Jeffrey Lambert, Community Development Director (via telephone).

D. APPOINTMENT ITEM

Information Technology Department

1. SUBJECT: Fiber Master Plan Adoption.
RECOMMENDATION: That the City Council:
 1. Adopt the Fiber Master Plan; and
 2. Discuss and provide direction on

- a. Adopting a requirement that Development Agreements include deployment of fiber optic network infrastructure;
 - b. Evaluating and adopting a requirement that discretionary permit approvals include deployment of fiber optic network infrastructure; and
 - c. Creating a broadband infrastructure development impact fee to expand and maintain broadband infrastructure.
- (Housing and Economic Development Committee approved 3-0)

The Chief Information Officer, Information Technology Manager, and Jory Wolf of Magellan Advisors gave a report. Public comments were received from Nancy Lindholm, Reina Bejerano, Barbara Macri-Ortiz, and Michael Gleason. Written comments were received from Michael Gleason. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Darwin Base, Fire Chief; Scott Whitney, Police Chief; Jaime Villa, Emergency Services Coordinator; Phillip Molina, City Treasurer; Kevin Riper, Chief Financial Officer; and Christine Williams, Senior Manager of Internal Controls.

F. CEREMONIAL CALENDAR

1. SUBJECT: Proclamation Designating the Month of May 2020 as “Older Americans Month.”

Mayor Flynn read the proclamation and Alice Sweetland, chair of the Senior Services Commission, made some remarks.

2. SUBJECT: Proclamation Designating the Week of May 3-9, 2020 as “Municipal Clerks Week.”

Mayor Flynn read the proclamation and the City Clerk made some remarks.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Lawrence Paul Stein (GREAT Program debt service), Larry Barbarine (current and upcoming holidays, COVID-19, pension liabilities), and Lang Martinez (advocacy for the homeless).

H. REPORT OF CITY MANAGER

City Manager Department

1. SUBJECT: COVID-19 Update, Ratification of Director of Emergency Services Orders.
RECOMMENDATION: That the City Council:

1. Receive an update from the Director of Emergency Services;
2. Adopt **Resolution No. 15,319** ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

The Fire Chief, Police Chief, and City Manager gave a report. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

I. CITY COUNCIL REPORTS

Councilmember Lopez reported on a recent food distribution event in Southwinds Park.

Councilmember Perello commented on a recent food distribution event at College Park. He acknowledged Wilfredo Chua, who recently stepped down from the Planning Commission. He commented on speeding motorists, and maintaining city functions during the COVID-19 emergency.

Councilman MacDonald thanked the first responders and medical providers who are assisting the community during the COVID-19 crisis.

Mayor Pro Tem Ramirez commented on the forthcoming “Great Plates” senior meals program. She encouraged everyone to complete their 2020 Census forms. She encouraged supporting local restaurants and asked everyone to remain patient during the continued stay-at-home orders.

Councilwoman Basua commented on a recent food distribution event at Lemonwood School and commented on Mothers Day.

Councilmember Madrigal thanked the front-line workers who are serving during the COVID-19 emergency, commented on his mother’s birthday and Mothers Day, congratulated the Channel Islands High School boys and Oxnard High School girls soccer teams for their recent championship victories, and commented on the Hueneme High School boys volleyball team.

Mayor Flynn commented on the upcoming transition to stage 2 of lifting the stay-at-home orders.

The Council gave a round of applause for college graduates this month.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-2, L-3, and L-5 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the April 21, 2020 regular meeting as presented.

Fire Department

2. SUBJECT: Accept 2019 Emergency Management Performance Grant (EMPG).
RECOMMENDATION: That the City Council adopt **Resolution No. 15,320** authorizing:
 1. The City Manager to accept a grant in the amount of \$47,569.81 to the Ventura County Office of Emergency Services for 2019 Emergency Management Performance Grant for the purpose of printing public education material and for offsetting the salary of the Emergency Services Manager;
 2. The Chief Financial Officer or designee to submit financial reports and grant claims, approve special budget appropriations for the use of the grant funds and perform all other required financial actions; and
 3. The Fire Chief or designee to submit non-financial reports.
3. SUBJECT: FEMA Public Assistance Program Coronavirus Application.
RECOMMENDATION: That City Council adopt **Resolution No. 15,321** authorizing:
 1. The City Manager or designee to submit an application for Federal Emergency Management Agency's (FEMA) Public Assistance Program in accordance with the COVID-19 Emergency Declaration to receive reimbursement for emergency protective measures taken by the City;
 2. The City Manager or designee to appropriate funds upon notification of award;
 3. The Chief Financial Officer or designee to submit financial reports and claims and approve administrative budget appropriation for the use of FEMA funds upon award; and
 4. The Fire Chief or designee to submit all program related progress or status reports.

Police Department

4. SUBJECT: FY 2020 Coronavirus Emergency Supplemental Funding Grant Application.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,322** authorizing:
 1. The City Manager to execute and apply for \$209,498 in unmatched grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, FY 2020 Coronavirus Emergency Supplemental Funding (CESF) Program;
 2. The City Manager or designee to execute grant agreements and appropriate funds upon confirmation of grant award;
 3. The Chief Financial Officer or designee to submit financial reports and grant claims, and approve special budget appropriations for use of CESF Microgrant funds; and
 4. The Chief of Police or designee to submit all program related progress or status reports.

Public Works Department

5. SUBJECT: Restructuring of Public Works Engineering and Traffic Engineering Divisions.
RECOMMENDATION: That the City Council approve and authorize:
 1. The Mayor to adopt **Resolution No. 15,323** to amend Resolution No. 15,241 authorizing full-time equivalent positions pursuant to Chapter 4 of the City Personnel Rules and Regulations; and
 2. The City Manager to approve a budget appropriation in the amount of \$18,469. (Public Works and Transportation Committee approved 3-0)

6. SUBJECT: Trade Services Agreement with BC Laboratories, Inc. for Samples Testing Services. RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8214 with BC Laboratories, Inc. for water, wastewater, and recycled water samples testing services in the amount of \$800,000 through May 5, 2023. (Public Works and Transportation Committee approved 3-0)

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the Information/Consent items as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

M. REPORTS

City Attorney Department

1. SUBJECT: Amendment of City Treasurer Functions; Persons Authorized to Sign Financial Instruments and Initiate Electronic Bank Transactions; Oversight of Payroll Functions; and Adjustment of Future Benefits and Compensation of the Office of City Treasurer Beginning in December 2020.
RECOMMENDATION: That the City Council:
 1. Approve the first reading by title only and waive further reading of an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING AND ADDING PROVISIONS TO THE CITY CODE TO DESIGNATE THE ASSISTANT CITY TREASURER AS THE "COLLECTOR" OR "LICENSE COLLECTOR" FOR SPECIFIC PERMITTING AND LICENSING FUNCTIONS; AMENDING THE CITY CODE AND ORDINANCE NO. 2350 TO LIMIT CITY TREASURER DUTIES TO THAT POSITION'S STATUTORY DUTIES NOT OTHERWISE ASSIGNED TO THE ASSISTANT CITY TREASURER, AND TO CHANGE CITY TREASURER COMPENSATION AND BENEFITS EFFECTIVE WHEN THE CITY COUNCIL DECLARES THE RESULTS OF THE CANVASS OF THE RETURNS FOR THE NOVEMBER 2020 MUNICIPAL ELECTION; AND ADDING SECTION 2-187 REGARDING PAYROLL FUNCTIONS BEING MANAGED BY THE DIRECTOR OF HUMAN RESOURCES;
 2. Adopt **Resolution No. 15,324** entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING CERTAIN PERSONS TO SIGN AND ENDORSE CHECKS AND DRAFTS AND INITIATE AND APPROVE ELECTRONIC BANK TRANSACTIONS FOR THE CITY OF OXNARD, ASSESSMENT DISTRICTS AND THE OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY; AND AMENDING THE TITLE AND EXHIBIT B OF RESOLUTION NO. 10,820 REGARDING THE JOB SPECIFICATIONS FOR THE CITY TREASURER; and
 3. Adopt **Resolution No. 15,325** entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING EXHIBIT A OF RESOLUTION NO. 15,242 AS IT RELATES TO THE SALARY RANGE FOR THE CITY TREASURER.

The City Manager and City Attorney gave a report. The City Treasurer made some remarks. Public comments were received from Daniel Chavez Jr., Lawrence Stein, Manuel Gonzales, Barbara Macri-Ortiz, Michael Gleason, Ruben Martinez, and George Miller. Written comments were

received from Larry and Shirley Godwin, Alex Rey Rivera, and George Miller. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted no on Recommendation No. 3. The motion carried 7-0 on Recommendation Nos. 1 and 2, and 7-0 on Recommendation No. 3.

Community Development Department

2. **SUBJECT:** Formation of the City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park).
RECOMMENDATION: That the City Council approve **Resolution No. 15,326** declaring its intention to establish the City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park), authorize the levy of a special tax within said District, and designate certain property for future annexation to the District.

The Community Development Director gave a report. The City Clerk announced receipt of a Petition Requesting the Establishment of a Community Facilities District from representatives of the Sakioka Farms Business Park. Discussion ensued among the Council and staff.

It was moved by Councilmember Madrigal, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

Finance Department

3. **SUBJECT:** Presentation of Single Audit Report and Update on Corrective Action Plan.
RECOMMENDATION: That the City Council receive the Single Audit Report from the audit firm Eadie + Payne, and an update on the Corrective Action Plan (CAP) from staff. (Finance and Governance Committee approved 2-0)

Eden Casareno of Eadie+Payne and the Senior Manager – Internal Controls gave reports. Discussion ensued among the Council and staff. No formal action was required.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:45 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.2**

DATE: May 19, 2020
TO: City Council
FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org
SUBJECT: Adoption of Ordinance No. 2977.

RECOMMENDATION

That the City Council adopt Ordinance No. 2977 entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING AND ADDING PROVISIONS TO THE CITY CODE TO DESIGNATE THE ASSISTANT CITY TREASURER AS THE "COLLECTOR" OR "LICENSE COLLECTOR" FOR SPECIFIC PERMITTING AND LICENSING FUNCTIONS; AMENDING THE CITY CODE AND ORDINANCE NO. 2350 TO LIMIT CITY TREASURER DUTIES TO THAT POSITION'S STATUTORY DUTIES NOT OTHERWISE ASSIGNED TO THE ASSISTANT CITY TREASURER, AND TO CHANGE CITY TREASURER COMPENSATION AND BENEFITS EFFECTIVE WHEN THE CITY COUNCIL DECLARES THE RESULTS OF THE CANVASS OF THE RETURNS FOR THE NOVEMBER 2020 MUNICIPAL ELECTION; AND ADDING SECTION 2-187 REGARDING PAYROLL FUNCTIONS BEING MANAGED BY THE DIRECTOR OF HUMAN RESOURCES.

BACKGROUND

This ordinance was introduced at the May 5, 2020 City Council meeting. The ordinance was read by title and further reading was waived by motion adopted by the City Council. There has been no communication received since its introduction. If the ordinance is adopted May 19, 2020, it will take effect after 30 days.

At the May 5 meeting, the City Treasurer misstated the statutory duties of a city treasurer set forth in Chapter 3 of Part 3 of Division 3 of Title 4 of the California Government Code (Gov. Code sections 41001, et seq). Those Government Code provisions read as follows:

41001. The city treasurer shall receive and safely keep all money the treasurer receives.

41002. (a) The city treasurer shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his or her possession.

(b) If the city has issued bonds, the city treasurer shall use a system of accounting and auditing that adheres to generally accepted accounting principles.

41003. The city treasurer shall pay out money only on warrants signed by legally designated persons.

41004. Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body.

41005. The city treasurer shall perform such duties relative to the collection of city taxes and license fees as are

prescribed by ordinance.

41006. The city treasurer may appoint deputies.

41007. The deputies shall hold office at the pleasure of the city treasurer and receive such compensation as is provided by the legislative body.

The California Government Code provides for alternative methods of performing various functions, including:

34004. Where any duty is imposed upon a municipal officer by any law of this State or any rule or regulation adopted under the authority of any such law the governing body of a city may, by ordinance, impose such duty or a portion thereof upon such other officer of such city as is charged under the charter of that city, or by applicable general law with the performance of duties of the same character in that city. A copy of any such ordinance as adopted shall be filed with the state officer or agency which has charge of the matter to which such duty pertains.

37203. Upon allowing a demand or approving a register of audited demands, the mayor shall draw a warrant or warrants upon the city treasurer specifying the purpose for which drawn and the fund from which payment is to be made. The city clerk shall countersign the warrant. The legislative body, by ordinance or resolution, may prescribe an alternative method of drawing warrants and checks.

Attached to this report are the grand jury reports referenced at the May 5 Council meeting and distributed following publication of the May 5 meeting agenda (Solano County Grand Jury 2011-12: "City Treasurer Functional Review"; San Luis Obispo County Grand Jury 2009-10: "Electing City Treasurers and Clerks: Wise or Otherwise?").

STRATEGIC PRIORITIES

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

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Stephen Fischer, City Attorney

ATTACHMENTS

1. Ordinance No. 2977
2. SLO Grand Jury Report
3. Solano County Grand Jury Report

ORDINANCE NO. 2977

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING AND ADDING PROVISIONS TO THE CITY CODE TO DESIGNATE THE ASSISTANT CITY TREASURER AS THE “COLLECTOR” OR “LICENSE COLLECTOR” FOR SPECIFIC PERMITTING AND LICENSING FUNCTIONS; AMENDING THE CITY CODE AND ORDINANCE NO. 2350 TO LIMIT CITY TREASURER DUTIES TO THAT POSITION’S STATUTORY DUTIES NOT OTHERWISE ASSIGNED TO THE ASSISTANT CITY TREASURER, AND TO CHANGE CITY TREASURER COMPENSATION AND BENEFITS EFFECTIVE WHEN THE CITY COUNCIL DECLARES THE RESULTS OF THE CANVASS OF THE RETURNS FOR THE NOVEMBER 2020 MUNICIPAL ELECTION; AND ADDING SECTION 2-187 REGARDING PAYROLL FUNCTIONS BEING MANAGED BY THE DIRECTOR OF HUMAN RESOURCES

THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-1(C) is added to the Oxnard City Code to read as follows:

“(C) LICENSE COLLECTOR - The Assistant City Treasurer or designee.”

Section 2. Section 11-1(F) of the Oxnard City Code shall be amended to read as follows:

“(F) COLLECTOR - The Assistant City Treasurer or designee.”

Section 3. Section 11-141 of the Oxnard City Code is amended to read as follows:

“Section 11-141. APPLICATIONS

The license collector shall provide each applicant for a dance permit with a form specifying the information required for the permit. The city shall begin processing an application when the completed form, the applicable fee, and documents required are provided to the license collector. For purposes of this article, the Assistant City Treasurer or designee shall be the license collector.”

Section 4. Section 11-170(C) is added to the Oxnard City Code to read as follows:

“(C) LICENSE COLLECTOR - The Assistant City Treasurer or designee.”

Section 5. Section 11-232(D) of the Oxnard City Code shall be amended to read as follows:

“(D) LICENSE COLLECTOR - The Assistant City Treasurer or designee.”

Section 6. Section 11-261(D) of the Oxnard City Code shall be amended to read as follows:

“(D) LICENSE COLLECTOR - The Assistant City Treasurer or designee.”

Section 7. Section 11-370(B) of the Oxnard City Code shall be amended to read as follows:

“(B) COLLECTOR - The Assistant City Treasurer or designee.”

Section 8. Section 12-8 is added to the Oxnard City Code to read as follows:

“Section 12-8. DEFINITION OF LICENSE COLLECTOR.

For purposes of this Chapter, “License Collector” shall mean the Assistant City Treasurer or designee.”

Section 9. Section 2-165 of the Oxnard City Code regarding the City Treasurer serving as the Department Head and administrative head of the City Treasurer Department is hereby repealed.

Section 10. Section 2-166 of the Oxnard City Code is amended to read as follows:

“Section 2-166. BENEFITS OF CITY TREASURER.

A. Until the City Council declares the results of the canvass of the returns for the November 2020 municipal election, the person occupying the city treasurer classification shall receive the same benefits as that person received as of the effective date of the ordinance that amended this section. Starting with the City Council declaring the results of the canvass of the returns for the November 2020 municipal election and continuing thereafter, the person occupying the city treasurer classification shall receive all benefits provided to the members of the City Council.

B. Notwithstanding the above, a person occupying the classification of city treasurer shall not be entitled to transfer to or be promoted or demoted to any other classification in the city service.”

Section 11. Section 2-168 of the Oxnard City Code is amended to read as follows:

“Section 2-168. DUTIES OF CITY TREASURER.

The city treasurer shall perform such statutory duties as are assigned to the city treasurer of a general law city by the laws of the State and which are not assigned to another City employee by ordinance or resolution. Pursuant to Cal. Gov't Code Section 34004, the duties imposed on the city treasurer by Cal. Gov't Code Section 41003 are transferred to the assistant city treasurer."

Section 12. Section 2-169 of the Oxnard City Code is amended to read as follows:

"Section 2-169. COMPENSATION OF CITY TREASURER.

Until the City Council declares the results of the canvass of the returns for the November 2020 municipal election, the person occupying the city treasurer classification shall receive the same compensation as that person received as of the effective date of the ordinance that amended this section. Starting with the City Council declaring the results of the canvass of the returns for the November 2020 municipal election and continuing thereafter, the person occupying the city treasurer classification shall receive such compensation as determined by City Council resolution for that position."

Section 13. Section 2-184 of the Oxnard City Code is amended to read as follows:

"Section 2-184. PROCEDURE FOR PAYMENT OF DEMANDS, WARRANTS AND CHECKS.

The finance director shall prepare a written form of demand and proposed check for each approved invoice and claim. Supporting documents such as the purchase order, and invoice or claim for payment shall be attached thereto. Demands shall be individually audited by the finance director or designee, who shall certify as to the accuracy of each demand and the availability of funds for payment thereof. Such demands may be in the form of check-warrants and when approved by all officers as required by this code, shall be delivered to the assistant city treasurer. The assistant city treasurer shall subscribe a direction to the depository of funds to pay the funds to the order of the payee, which action shall convert the warrant, or demand, to a bona fide check."

Section 14. Section 2-186(B)(2) of the Oxnard City Code is amended to read as follows:

"(2) Such warrants, when presented to the assistant city treasurer, shall be paid by the finance director out of the fund therein designated if there be sufficient money in such fund for that purpose."

Section 15. Part 6 of Ordinance No. 2350 relating to the compensation of the city treasurer for statutory duties is hereby repealed effective as of the date that the City Council declares the results of the canvass of the returns for the November 2020 municipal election. Ordinance No. 2350 was adopted on December 6, 1994.

Section 16. Part 8 of Ordinance No. 2350 relating to the compensation of the city treasurer for administrative duties is hereby repealed effective as of the date that the City Council declares the results of the canvass of the returns for the November 2020 municipal election.

Section 17. Part 9 of Ordinance No. 2350 is hereby amended to read as follows:

“Part 9. The City Council, by resolution, may include the City Clerk classification as part of the management pay for performance system. The inclusion of the City Clerk classification in the management pay for performance system is limited to the evaluation and establishment of compensation of the City Clerk for performance of administrative duties.”

Section 18. Part 10(B) of Ordinance No. 2350 is hereby amended to read as follows:

“B. The City Manager will establish the administrative functions of the City Clerk. These administrative functions are in addition to the statutory duties that are mandated by State law to be performed by the person elected as City Clerk in a general law city.”

Section 19. Part 10(C) of Ordinance No. 2350 regarding the administrative duties of the City Treasurer is hereby repealed.

Section 20. Section 2-187 is added to the Oxnard City Code to read as follows:

“Section 2-187 - PAYROLL FUNCTIONS MANAGED BY DIRECTOR OF HUMAN RESOURCES.

Notwithstanding any language in this Division 5 to the contrary, the payroll functions of the City of Oxnard shall be delegated to and managed by the Director of Human Resources. The Budget and the General Accounting Divisions of the Finance Department will continue to have ‘read-only access’ to the payroll database and reports.”

Section 21. If any subsection, sentence, clause, phrase or word of the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

Section 22. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published a minimum of five (5) days before the City Council's adoption of the ordinance and within fifteen (15) calendar days of the adoption in a newspaper of general circulation published and circulated in the City; and shall post a certified copy of this Ordinance in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 2977 was first read on May 5, 2020, and adopted on May 19, 2020 to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this ____ day of May, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

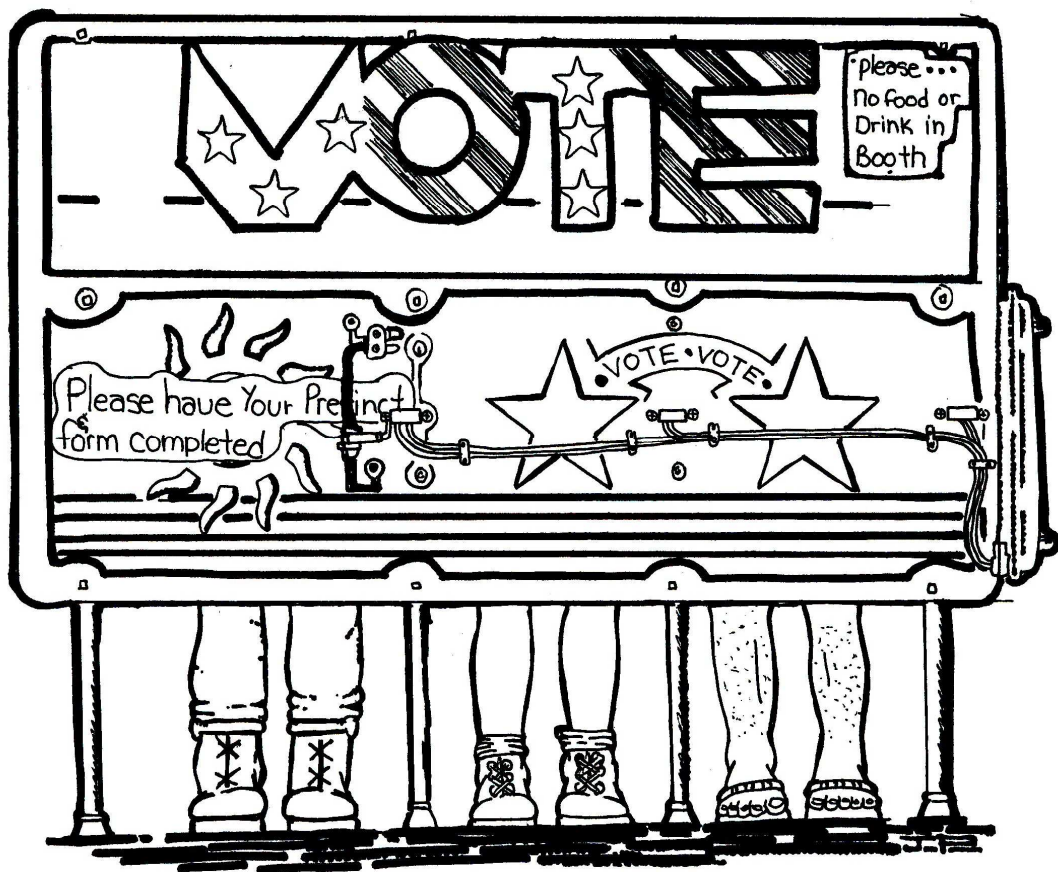
APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

Electing City Treasurers And Clerks:

Wise or Otherwise?



ELECTING CITY TREASURERS AND CLERKS: WISE OR OTHERWISE?

SUMMARY

The Grand Jury investigated the value and appropriateness of electing (vs. appointing) city clerks and treasurers in general law cities in San Luis Obispo County.

We determined that Atascadero has been lax in adhering to state government code requirements and that their elected treasurer shows little interest in the financial oversight responsibilities that are part of his job. The elected treasurer in Paso Robles is fully qualified and attentive to the discharge of his duties. In Arroyo Grande, the elected treasurer is a clerk who simply deputizes her boss in the city manager's office to actually do the job. We find this arrangement presents potential problems.

In all three cities the elected city clerks are regular full-time city employees. They either perform their legally defined tasks themselves or deputize another city employee to do so on their behalf.

In the three cities the elected clerks and treasurers are paid stipends ranging from \$5 to \$600 per month. In addition they are entitled to health care benefits that can be substantial. If, however, the elected clerk or treasurer is also a full-time city employee, those health care benefits are already covered.

Convincing the electorate of the three cities to make these jobs appointive might, if appropriate safeguards were established at the same time, improve efficiency and in the case of city treasurers clarify oversight responsibilities.

PROCEDURE

- Elected city treasurers and clerks were interviewed, as were two appointed city treasurers. State laws governing the establishment and duties for those positions were reviewed.
- City ordinances prescribing the pay and duties of those positions were studied.
- Investment policies and financial holdings of the three cities as well as other cities were reviewed.
- Background and data related to those posts were collected from the League of California Cities and statewide associations for city clerks and treasurers.

NARRATIVE

Candidates for the offices of city treasurer and city clerk often run for office unopposed. All three cities with elected treasurers and clerks have benefited by having city staff members who live within the city boundaries run and win those offices. Where that occurs, the system tends to function well and the cities avoid paying health benefits for elected office holders.¹ This strategy

¹ The California Municipal Law Handbook states: “Benefits. A city may provide health and welfare benefits, such as medical, dental and life insurance, to members of its city council.” Cal. Gov’t Code §§ 53200 - 53210. Any amounts paid by a city for retirement, health and welfare, and federal social security benefits are not subject to the salary limits in the Government Code “provided the same benefits are available and paid by the city for its employees.” Cal. Gov’t Code § 36516(e); see 83 Cal. Op. Att’ Gen. 124 (2000); 89 Cal. Op. Att’y Gen. 107 (2006) (addressing cash in-lieu payments for waived benefits).

also allows the cities to comply with a state law that requires elected officials to live within the city. City employees who may be deputized to actually perform some or all of the treasurer or city clerk functions are not required to live in the city.

City treasurers and clerks are elected in more than a third of California cities. The League of California Cities, in its latest available tracking, counted 146 cities with elected city clerks and 174 with elected treasurers. There are 368 general law cities governed by state codes requiring them to have either elected or appointed city clerks and treasurers. A limited number of incorporated cities in the state, including San Luis Obispo, operate under a voter-approved charter that determines whether these positions are filled by election or appointment.

City clerks maintain city records and make them available to the public. They perform under public scrutiny. Many of the clerks' duties are prescribed by laws governing open meetings, public records and election procedures.

A city treasurer's functions are less obvious to the general public. Public disclosure of financial reports varies from city to city. Current monthly reports of receipts, disbursements and fund balances are often unavailable on city web sites though some of the cities in this report may be changing their practice in that. Treasurers are required by statute to prepare these reports and file them with the city council. The investment policies that govern a treasurer's action are not always kept up to date or posted on the web. And a city's annual financial report that is to be prepared for the state controller and published for the public's benefit within 120 days of the end of the fiscal year is often difficult to find. A full, audited statement of the city's financial position often takes six months or more to produce and may, or may not, be made available to the public on the city's web site.

In addition, California Government Code section 36517 provides that the city clerk and the city treasurer shall receive, at stated times, a "compensation fixed by ordinance or resolution." Therefore, it is up to the city council to set the compensation for the clerk and treasurer.

The specific duties of a city treasurer as established in state law include -- in addition to complying with all laws governing the deposit and securing of public funds -- issuing only those checks signed by legally designated persons, making a monthly report to the city clerk that accounts for all receipts, disbursements and fund balances, and filing a copy of that report with the city council. The treasurer may also collect taxes prescribed by ordinance.

Significantly, state law allows an elected treasurer to deputize a city employee to perform the treasurer's duties. When a city employee runs for these offices, that candidate often runs unopposed. When a city employee wins the job, this arrangement can give a city manager discretionary powers over the elected official -- whether those powers are exercised or not. While electing a city staff member as clerk or treasurer may save the city money on health benefits, it also creates the questionable situation in which the elected official is at once an employee responsible to a city manager or other executive and an elected officer responsible to the electorate at the ballot box. Under these circumstances potential conflicts of interest are inherent.

There are reasons to be especially concerned about the practice of electing city treasurers. Any citizen who is a resident of the city can run for the office, without possessing any particular qualifications. If a candidate with an agenda markedly at odds with the city council and city manager -- one with little commitment to professional investing, for example -- were to win, many millions of city dollars could be at risk or, alternatively, tied up in a dispute over power. State law gives the treasurer supervisory and monitoring powers over the city's finances.

In all three cities voters have been asked to make the clerks and treasurers appointed rather than elected officials and have turned that request down, presumably so the voters would have a more direct say in city management. But ironically, when these folks are elected but concurrently serve as city employees, it could be difficult for them to function as independent public watchdogs. In Arroyo Grande, the elected treasurer appoints her boss to do the job to which she (the employee) was elected.

Following is a description of the various ways elected treasurers and city clerks function in San Luis Obispo County:

Arroyo Grande

The Arroyo Grande treasurer performs none of the functions of the job. She had served as an accounting clerk for two years when the city manager requested she run for city treasurer in 2008 because the city's director of finance could not run. She did not live in the city. The accounting clerk agreed to stand for that office, which pays \$5 a month. No one filed against her. In Arroyo Grande that year, no general election was held for any of the city offices because only one person filed for each position up for election: mayor and city council member, city clerk, and city treasurer. Given that circumstance, state law specifies that the city council can appoint all candidates to office without holding an election.

The Arroyo Grande treasurer, who remains a payroll clerk earning in the range of \$40,000 - \$48,000 a year, immediately appointed the city's director of financial services as deputy city treasurer. She (the payroll clerk) received little or no briefing about her on-going responsibilities as city treasurer. The finance director performs all of the duties of the treasurer and oversees the staff that helps with those duties which generally require important technical skills and knowledge. This is in accordance with the city's detailed investment policy which is reviewed annually by the city council. Virtually all of the city's ongoing funds -- approximately \$18 million which may go up or down as the city's bills come due -- are invested in the state-operated Local Agency Investment Fund which currently pays about one percent (1%) in annual interest and allows the city to move money in or out of the fund on a daily basis. The city investment policy states that "to protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the city shall be held in safekeeping by a third party bank trust department."

The current city clerk was hired by the city in 1999 to serve as deputy city clerk, ran unopposed for the post in 2004 and, as the only candidate, was appointed city clerk in 2008. As a city employee she is paid about \$85,000 a year and holds the title of director of legislative and

information services. Her staff helps her perform all of the state prescribed functions of city clerk.

By city ordinance, an elected treasurer who was not an employee of the city would be paid only \$5 a month, but would also receive city paid health benefits, which are valued at about \$12,000 a year. An elected city clerk, who was not a city employee, would be paid only \$25 a month and would receive the same health benefits. Today, the city saves the cost of those benefits because the positions are currently held by persons who already receive health benefits as employees.

Both office holders now intend to run for re-election in 2012.

Atascadero

The elected city treasurer in Atascadero is an independent office holder. He runs his own tax and financial planning business and signs off on financial reports prepared by the city staff. The reports are supposed to be prepared monthly, but that doesn't always occur. The last of those reports that could be summoned from the city's web site is from March 2008. An unsigned copy of such a report for September 2009 was provided to the Grand Jury.

The Atascadero City Council's approved investment policy dates back to 2006. It calls for the oversight of investments to be conducted by the city manager, the director of administrative services and the treasurer. The city maintains a safekeeping trust account for paperwork and processing investments. All three of the officials with oversight duties can access the money in that account.

Atascadero's elected treasurer has not deputized any city staff members to perform the functions required of him by law. The elected treasurer invests city funds in certificates of deposit. He is paid \$200 a month plus health benefits which are valued at about \$8,000 a year. The treasurer was first elected to the post in 2002 and re-elected in 2006, running unopposed both times. He will be up for election again in 2010 and is not expected to run for re-election. He initially ran for the job to help assure that no candidate who might interfere with city operations was elected.

Atascadero's elected treasurer was managing investments of about \$9 million in certificates of deposit, \$924,000 in government securities and \$25.8 million in Local Agency Investment Funds in September 2009, according to a report prepared by the city finance department. The director of administrative services, although not deputized, oversees the rest of the city's funds, most of which are invested in the state's Local Agency Investment Fund. The remainder of the city's \$37.2 million was held in cash accounts, according to the monthly report provided to the Grand Jury.

Neither the city council nor the city manager meet every three months with the treasurer as the council's investment policy prescribes. Nor does the treasurer attend city council meetings. When first elected, the treasurer attended some training conducted by a statewide association on municipal finance, but has not recently participated in any such session. He is not currently conversant with state laws prescribing appropriate city investments though he is aware that most of the city's money is invested in the respected Local Agency Investment Fund.

The Atascadero City Clerk operated a private secretarial service when she was appointed to the city clerk position in November 1996. She then was elected without opposition in 1998, 2002 and 2006. She plans to run for re-election in 2010. She was paid \$200 a month for performing the clerk's ceremonial duties when first elected, and a staff member in the city manager's office handled most of the paperwork. But that arrangement soon changed, and she was hired to fill a full-time city staff position while continuing to perform the city clerk functions. Her staff title is administrative assistant to the city manager. She is now paid more than \$78,000 a year for her work, which includes handling the job of city clerk. She continues to receive a \$200 monthly stipend for being elected city clerk.

Paso Robles

The city of Paso Robles has a veteran investment officer serving as its elected city treasurer. He was first elected in 1988 and served in that capacity while on the city staff as director of administrative services. He retired from his city job in 2007 but continues to serve as the elected

treasurer. He was most recently re-elected in 2008. As a city staffer he received no pay or extra benefits as treasurer but, under a 1998 voter-approved ordinance, as an independent city treasurer he is paid the same \$600 a month received by city council members along with health benefits worth about \$9,600 a year.

The Paso Robles treasurer actively manages a portfolio that had a market value of just over \$67 million at the end of August 2009. At that time, some 38 percent, or about \$25.6 million, was invested in the Local Agency Investment Fund. Another 43.6 percent (about \$29.2 million) was in federal agency coupon securities, and 13.2 percent (about \$8.8 million) of the portfolio was in government housing bonds. Bank certificates of deposit were 2.7 percent (about \$1.8 million) of the portfolio, and smaller categories included medium term notes and miscellaneous coupon securities. The city-council-adopted investment policy specifies arrangements for “safekeeping institution” but allows some accounts to be held by the city alone.

The treasurer currently plans to seek re-election in 2012.

Paso Robles’ elected city clerk is paid \$120,000 a year for his staff position as the city’s maintenance services superintendent in charge of streets, city buildings and the city vehicle fleet. His pay as city clerk is zero and he receives no additional money for health benefits. A clerk who was not a city employee would make \$600 a month and the city would pay for health benefits.

In Paso Robles the elected city clerk retains the rights and duties of the office, but deputizes the assistant city manager and secretaries in the community development and police departments to perform the functions of the office. The deputy city clerk position is vacant and the elected clerk contributes by attending council meetings and paying more attention to the clerk’s tasks.

Other general law cities

In Grover Beach, Morro Bay and Pismo Beach the city treasurers are appointed. The city’s chief financial officer is named to that post and designated to perform the state- required duties.

CONCLUSIONS

By law, elected city treasurers play a limited but important role in the ongoing financial health of general law cities in San Luis Obispo County. In fact, their approaches to the job vary significantly. In Arroyo Grande, the treasurer has delegated her job without knowledge of its responsibilities. In Atascadero, the treasurer's oversight effort is negligible. In Paso Robles an experienced investment officer manages the money with close attention to detail. He may quit in 2012 and the city will be hard pressed to replace him. The three cities could benefit from appointed treasurers. At a minimum, the cities should do a better job of informing the public of city finances and the important oversight role that treasurers are assigned in maintaining the financial health of the municipality. That said, they need to be trained and attentive. There is continued risk of electing treasurers who can win office with a political agenda and no qualifications.

In each of the three cities, the city clerks who are paid employees with other duties, are doing the job or are knowledgeable of its importance. Over the long haul, city clerk positions could be streamlined by making them appointive although there could be concern that public access to documents may be more easily limited when the position is appointive.

FINDINGS

1. Elected city treasurers sometimes lack the technical skills and professional experience to adequately perform the duties of the office.
2. Health benefits alone may be sufficient to attract unqualified persons to run for the job, leaving the work to city staff and costing the cities health benefits for persons performing no useful function.

3. Efforts to convince voters to approve making the job appointive have failed in all three cities.
4. The cities have found different ways to deal with these challenges. One approach is to arrange for a city employee to be elected treasurer and have that employee designate the finance director to do the job. But that approach can have inherent conflicts of interest.
5. Communication is minimal between the Atascadero treasurer and the other city officials who have financial oversight responsibilities. .
6. Atascadero officials failed to complete and provide the council with the state-required monthly financial reports in a timely manner for the period of April 2008 through November 2009.
7. The elected Arroyo Grande treasurer has received very minimal training about the responsibilities of the position.
8. Elected city clerks in the three cities are all staff members and generally perform the jobs according to the requirements of state law.
9. Recognizing that the offices of treasurer and city clerk generally require technical skills and knowledge, Arroyo Grande's city management is recommending that provisions to allow these posts to become appointed positions again be placed before the voters.

RECOMMENDATIONS

1. Given state law, city councils should make sure that their investment policies are as air tight as possible and assure that those policies are carefully and continually followed to eliminate the potential for an elected treasurer to misuse his or her powers. (Findings 1, 2

and 5)

2. City councils and city managers should require that their functioning treasurers and city clerks, whether elected, appointed or deputized, provide all reports required of those offices at the time designated in state law. (Finding 6)
3. Financial reports, and backup documents recording changes in investments, should be carefully scrutinized by a council member on a monthly basis. (Findings 1, 2, 5 and 6)
4. City councils in Arroyo Grande, Atascadero and Paso Robles should consider trying again to convince the electorate to make at least the position of treasurer appointive, while educating the electorate about qualifications needed in a treasurer and committing the city to require appointed treasurers to possess those qualifications. (Findings 1, 2,3,4 and 5)
5. All general law cities in the county should post the state-required monthly treasurer's report and annual financial statement on the city's web site in a location easy to find. (Finding 6)
6. Arroyo Grande should, at a minimum, send its elected treasurer to a training session where she can learn about the responsibilities she is delegating.

REQUIRED RESPONSES

The Arroyo Grande City Council is required to respond to Recommendations 1, 2, 3, 4, 5 and 6. The responses shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Atascadero City Council is required to respond to Recommendations 1, 2, 3, 4 and 5. The responses shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Paso Robles City Council is required to respond to Recommendations 1, 2, 3, 4 and 5. The responses shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The mailing addresses for delivery are:

Presiding Judge	Grand Jury
Presiding Judge Charles S. Crandall Superior Court of California 1050 Monterey Street San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93402



SOLANO COUNTY GRAND JURY
2011-12

CITY TREASURER FUNCTIONAL REVIEW

CITY TREASURER FUNCTIONAL REVIEW

2011-12 Solano County Grand Jury

I. SUMMARY

The Grand Jury investigated Solano County city treasurers to determine and review treasurer duties, functions, and responsibilities and to ensure that treasurers complied with applicable state and local requirements. The Grand Jury concluded that, over time, most city treasurer tasks had migrated to other city staff, primarily finance directors. As a result, city treasurers in Solano County generally did not perform the tasks identified by state code. For example, California Government Code §41001 states, “The city treasurer shall receive and safely keep all money coming into his hands as treasurer.” The Grand Jury found no city treasurer in Solano County who had “money coming into his hands” (receipt of funds was generally accomplished by the finance department); therefore, the requirement to “receive and safely keep all money” was not applicable to city treasurers.

The following table summarizes the city treasurer duties, functions, and responsibilities found in the California Government Code, and indicates whether those tasks were performed or were not applicable to a particular city:

Accomplishment of California Government Code: Results Summary

	§41001 Receive & Keep \$ Properly	§41002 Deposit & Secure \$ Properly	§41003 Properly Pay out \$ on Auth. Signature	§41004 Properly Submit Written Rpt.	§41005 Collect Taxes & Fees Properly	§41006 Appoint Deputies	§41007 Deputies Serve Treasurer
Benicia	NA	NA	Electronic Signature. No Review	No	NA	NA	NA
Dixon	NA	NA	NA	No	NA	NA	NA
Fairfield	NA	NA	Electronic Signature. No Review	No	NA	Yes	NA
Rio Vista	NA	NA	Hand Signature. W Review	No	NA	NA	NA
Suisun City	NA	NA	Electronic Signature. No Review	No	NA	NA	NA
Vacaville	NA	NA	NA	No	NA	NA	NA
Vallejo	❖	❖	❖	❖	❖	❖	❖

NA= Not Applicable. ❖= Not Relevant (as a charter city, Vallejo is not bound by these sections of State Code).

As reflected by the table, although most provisions were not applicable, the section of code related to submitting a monthly written report was not accomplished by any city treasurer in Solano County. In addition, the Grand Jury noted several issues and concerns, including the following:

- The duties, functions, responsibilities, and organizational reporting structure for city treasurers were not accurately, clearly, and/or succinctly reflected in city documents. Weaknesses were identified in all seven cities. However, the City of Benicia passed an ordinance (see attachment) during the course of the review that could serve as a model for formalizing city treasurer duties, functions, and responsibilities.
- Documentation supporting public notice of committee meetings attended by city treasurers did not exist or were not accurate in four cities, indicating possible non-compliance with the Ralph M. Brown Act. As a best practice, City of Rio Vista meeting agendas contained a certified statement that attested to the date, time, and location of public notice.

II. INTRODUCTION

City treasurer is an officer within city government. A city treasurer may be elected or appointed depending on the prevailing laws of the city. Although a public treasurer is generally responsible for “managing the revenue and cash flow of the agency, banking, collection, receipt, reporting, custody, investment or disbursement of ... funds,”¹ over the years, many of the duties and responsibilities originally performed by city treasurers have been transferred to other officers and staff of the city. As a result, in many cases the city treasurer has little or no responsibility or authority.

California cities are generally classified as either charter or general law.² Charter cities have flexibility in the way they are governed. General law cities (i.e., cities that do not establish a charter) are bound by California Government Code. According to the League of California Cities, as of July 1, 2011, there were 482 cities in California, of which 120 (25 percent) were charter cities. In Solano County, Vallejo is the only charter city.

Among other things, charter cities can determine if a city treasurer is required, if the position is elected or appointed, minimum requirements/qualifications for the post, and the duties associated with the job. As a city’s needs change, the charter can be revised (by voter approval), to update (or in fact delete) the City Treasurer position.

¹ www.en.wikipedia.org

² The lone exception to the general law or charter designation is the consolidated City and County of San Francisco

By default, city treasurers in general law cities are elected. Voter approval is needed to make the position appointive.³ As of April 29, 2010, the League of California Cities reported that 173 (36 percent) of California cities had elected city treasurers, leaving 309 (64 percent) with either an appointed treasurer or no treasurer at all.

By ordinance, a general law city may opt to delete the position of city treasurer by transferring the functions of the position to the County Treasurer;⁴ however, the fees associated with such a transfer (1/4 of one percent of money collected by the County Tax Collector⁵) make this option less than desirable.

No specialized training, background, or professional certification is required to be a city treasurer in a general law city. The only requirement is that the treasurer be a registered voter residing within the city limits.⁶

Compensation for the city treasurer is determined by the city council.⁷

Duties, functions, and responsibilities of city treasurers in general law cities are identified in California Government Code §§41001-41007. General law cities may add functions to those required by state code. For example, some cities in Solano County require their city treasurer to sit on the City's Investment or Finance Committee. Some cities utilize the treasurer's electronic signature on their checks, while other cities require city treasurer approval/authorization to open bank accounts.

Meetings of a city's investment, finance, or other like organizations /committees are generally considered public meetings and must adhere to the Ralph M. Brown Act (Brown Act). The Brown Act is California's open meeting law. In part, the law requires published agendas for public meetings. An agenda must list all items that will be discussed or acted upon, and must be written in such a way as to allow the general public to understand the nature of the meeting and to make an informed decision to attend the meeting or not. The Brown Act further requires that agendas for regular meetings be posted in an area accessible to the public at least 72-continuous hours prior to the meeting. Meetings designated as "special" require a minimum 24-hour public notice.⁸

³ The process for making the City Treasurer an appointed position is identified in California Government Code §§36508-36509

⁴ California Government Code §51501

⁵ California Government Code §51515

⁶ California Government Code §36502

⁷ California Government Code §36517

⁸ California Government Code §§54950-54962

The Grand Jury conducted this investigation to identify and review the functions, duties, and responsibilities of city treasurers within Solano County, and to determine if city treasurers complied with prevailing state and local requirements.

III. METHODOLOGY

The scope of the review focused on the functions, duties, and responsibilities performed by city treasurers in Solano County. The scope did not extend to treasurer activities that had migrated to other city officers or staff. For example, where cities utilized automated bill-paying processes to issue warrants/checks, the Grand Jury simply noted if the treasurer's signature was administratively used (embedded in the check-writing software, for example) and if the treasurer reviewed support documents to ensure that checks were appropriate and authorized. The Grand Jury did not review the compensating checks and balances that may have occurred in other city offices and departments, such as the Finance Department. The methodology used by the Grand Jury included:

- Interviews and discussions with the City Treasurers of
 - Benicia
 - Dixon
 - Fairfield
 - Rio Vista
 - Suisun City
 - Vacaville
 - Vallejo
- Interviews and discussions with various city officials, including, but not limited to, city managers, city attorneys, and finance directors for some or all of cities listed above.
- Review of California Government Code
- Examination and analysis of local codes, ordinances, policies, and memorandums
- Review and analysis of agendas and minutes of local committees attended by city treasurers
- Review of city websites
- Analysis of records maintained by the Solano County
 - Registrar of Voters
 - Assessor
 - Tax Collector
- Research of Internet articles and reports
- Inspection of various city documents including, but not limited to:
 - Investment records
 - Bank statements
 - Revenue and expenditure reports
 - Organization charts
 - Financial Reports

IV. STATEMENT OF FACTS

California Government Code §§41001-41007 identifies the functions, duties, and responsibilities of city treasurers in general law cities. The specific code, and what the Grand Jury discovered regarding compliance with that code by Solano County city treasurers, is as follows:

- §41001: “The city treasurer shall receive and safely keep all money coming into his hands as treasurer.”

The Grand Jury found no city treasurer who received money.

- §41002: “He shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.”

The Grand Jury found no city treasurer who made deposits or handled trust funds.

- §41003: “He shall pay out money only on warrants signed by legally designated persons.”

The Grand Jury found three cities (Benicia, Fairfield, and Suisun City) that administratively utilized their treasurer’s electronic signature on all city warrants/checks. None of the three treasurers reviewed support documents to ensure that warrants/checks bearing their signature were appropriate and approved by legally designated persons.

The Grand Jury identified one treasurer (Rio Vista) who physically signed checks as an alternate signatory. The treasurer stated that checks were not signed unless they were properly approved and adequately supported.

- §41004: “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

The Grand Jury found no city treasurer who provided a written accounting as required by the provision.⁹

- §41005: “The city treasurer shall perform such duties relative to the collection of city taxes and license fees as are prescribed by ordinance.”

The Grand Jury found no city treasurer who collected city taxes and license fees, nor did the Grand Jury identify any local ordinance that required said collection.

⁹ The Grand Jury requested the accounting reports for May, June, and July 2011. No city was able to provide a report that satisfied the criteria of “accounting of all receipts, disbursements, and fund balances.”

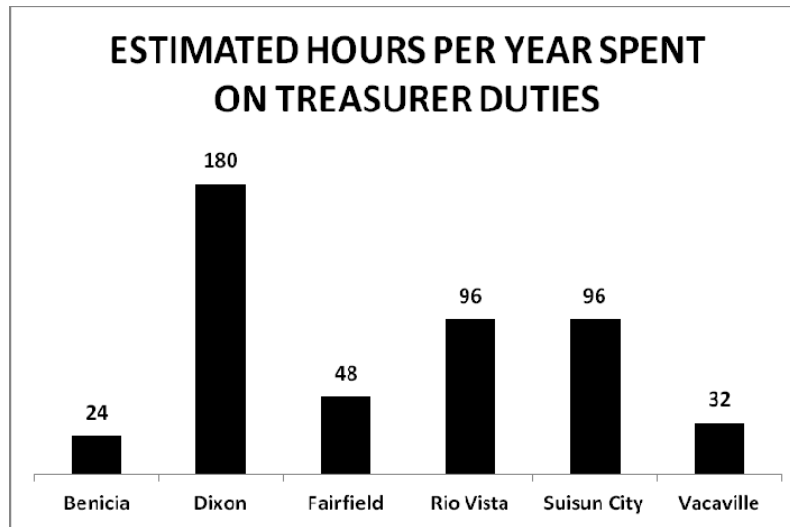
- §41006: “The city treasurer may appoint deputies for whose acts he and his bondsmen are responsible.”

The Grand Jury found one city treasurer (Fairfield) who appointed deputies. However, the appointing document was nearly eight-years old, and, two of the three appointed deputies were no longer associated with the city, including one who was deceased.

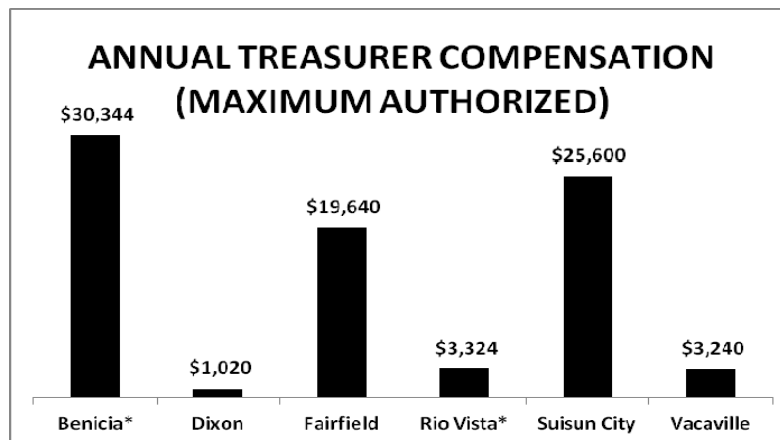
- §41007: “The deputies shall hold office at the pleasure of the city treasurer and receive such compensation as is provided by the legislative body.”

The Grand Jury found no deputy city treasurer who received compensation.

As part of the investigation, the Grand Jury obtained compensation information for each of the six elected treasurers in Solano County. In addition, estimates of time spent performing treasurer duties was gathered. Comparison of time spent performing duties and authorized compensation found no correlation between effort and pay.¹⁰



Source: Interview



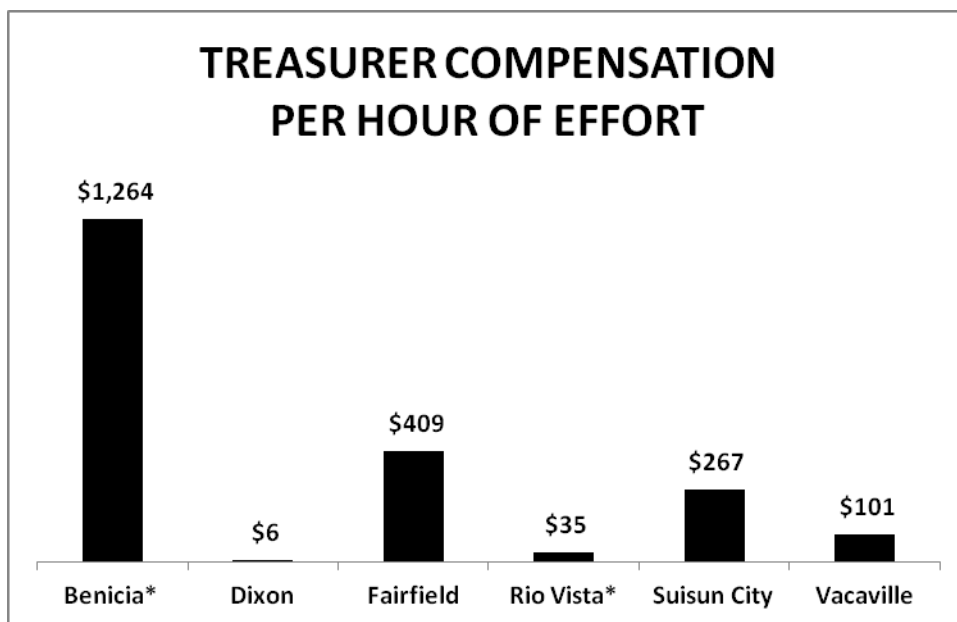
Source: Written submission

*Footnote 10 applies

¹⁰ Compensation information reflects what was in effect at the time each city treasurer was interviewed. The Benicia City Treasurer was interviewed on September 15, 2011. At the time of interview, the Benicia City Council was considering an ordinance to reduce the treasurer's compensation. The ordinance was passed on September 20, 2011, and established a maximum annual entitlement of \$2,400 plus a related retirement benefit. In addition, no compensation information was available for the City of Rio Vista because City staff was unable to locate an ordinance or other document that detailed the City Treasurer's compensation package. As a result, the Grand Jury used actual compensation information obtained from the City of Rio Vista's 2011-12 budget for a period (2007-08) wherein the City Treasurer did not appear to waive compensation.

Using the compensation data and the estimated hours of effort, the Grand Jury calculated the hourly rate for each treasurer. Although the results provide an interesting comparison, the following cautions and or notes apply:

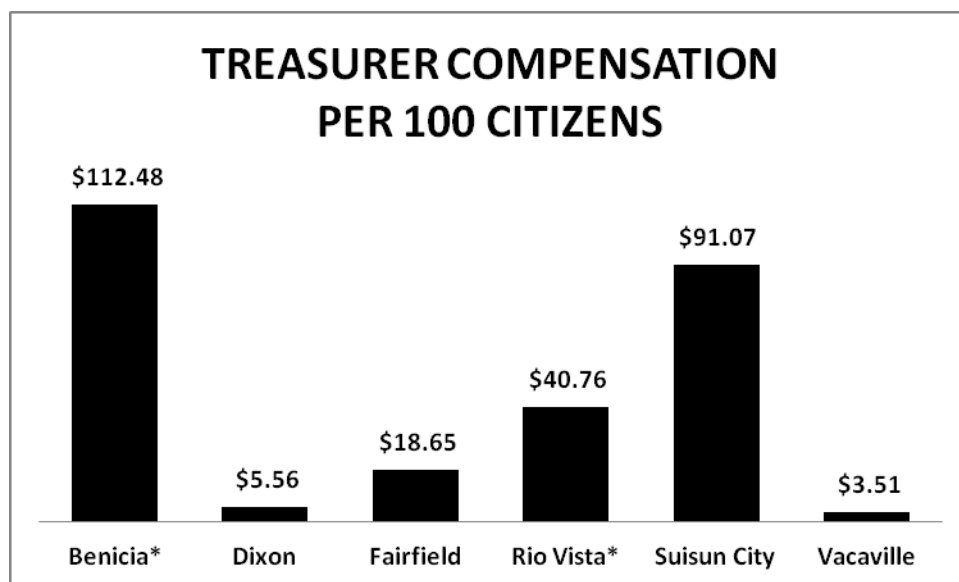
- Compensation reflects the maximum a city treasurer was authorized, and may not reflect what an incumbent actually received (e.g., two incumbents waived all compensation).
- Compensation data represents what was in place at the time each city treasurer was interviewed.
- The City Council of Benicia reduced the City Treasurer's maximum compensation package to \$229 per month effective October 20, 2011. Based on the estimate of two hours of effort per month, the revised package reflects a rate of \$115 per hour, not \$1,264 per hour as indicated by the following graph.
- Hours of work are an unsubstantiated estimate.
- Rio Vista officials were unable to determine the authorized compensation package for the City Treasurer. Therefore, the Grand Jury used actual compensation information obtained from the City of Rio Vista's 2011-12 budget for a period (2007-08) wherein the City Treasurer did not appear to waive compensation.



* Footnote 10 applies

Utilizing 2010 census information, the Grand Jury calculated each city treasurer's maximum authorized compensation package per 100 citizens. Readers are reminded that:

- The City Council of Benicia reduced the City Treasurer's maximum compensation package to \$229 per month (\$2,748 per year) effective October 20, 2011. Using the new compensation figure, the cost per 100 citizens for the City Treasurer of Benicia is \$10.19, not \$112.48 as shown on the following graph.
- Rio Vista officials were unable to determine the authorized compensation package for the City Treasurer. Therefore, the Grand Jury used actual compensation information obtained from the City of Rio Vista's 2011-12 budget for a period (2007-08) wherein the City Treasurer did not appear to waive compensation.



*Footnote 10 applies

Benicia

The elected Treasurer died in office. As a result, a treasurer was appointed by the City Council to complete the term. The Grand Jury confirmed that the City Treasurer was a registered voter and resided within the City. At the time of inquiry (September 15, 2011), the incumbent had served approximately one year.

The Treasurer's functions and duties were not formalized. The Grand Jury ascertained that the following functions were performed:

- Attend monthly meetings of the City's Finance Committee
- Countersign warrants

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41003: The City utilized the Treasurer's electronic signature on all City warrants. However, the Grand Jury determined that the incumbent did not review support documents to ensure that warrants bearing the Treasurer's signature were appropriate and approved by legally designated persons.
- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately two hours per month (i.e., attending the Finance Committee meeting). At the time of the Grand Jury's inquiry, the City Treasurer was authorized an annual compensation package up to \$30,344;¹¹ however, the Treasurer had waived all compensation.

Review of Finance Committee agendas found that they appeared to be properly posted as required by the Brown Act.

Of note is that on September 20, 2011, the Benicia City Council passed Ordinance 11-09 (see attachment), which did four things that impacted the City Treasurer position:

- Transferred all statutory duties to other city officers and staff.
- Formalized the duties; i.e., countersign warrants and serve on the Finance Committee.
- Reduced annual compensation beginning in October 2011 to \$2,400 (\$200 per month) with related retirement benefits.

¹¹ The rounded compensation package totals included monthly benefits for salary (\$583), retirement (\$108), health/dental/vision insurance (up to \$1,836), and life insurance (\$2).

- Identified a list of desirable qualifications (e.g., knowledge of municipal revenue sources and ability to invest idle funds in a wise and prudent manner).

City of Benicia Summary (Data Date September 15, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41003	Pay approved warrants	*
CGC §41004	Submit monthly accounting report	NO ¹²

* The Grand Jury did not review processes and controls that were not directly managed by the Treasurer.

ESTIMATED HOURS WORKED PER MONTH	2
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$ 30,344 ¹³
ANNUAL PAY AND BENEFITS (ACTUAL)	\$ 0

¹² City of Benicia Ordinance 11-09 (approved on September 20, 2011) transferred all “statutory duties and responsibilities” from the City Treasurer to the City Manager, the Finance Director, or the City Clerk. Per discussion with city officials, the monthly reporting requirement was not being accomplished.

¹³ City of Benicia Ordinance 11-09 (approved on September 20, 2011) revised the authorized pay and benefits beginning in October 2011 to \$2,400 per year plus related retirement benefits.

Dixon

The elected Treasurer resigned and a replacement was appointed by City Council. The Grand Jury confirmed that the appointed City Treasurer was a registered voter and resided within the City. At the time of inquiry (September 22, 2011), the incumbent had served approximately eighteen months.

The City of Dixon did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Instead, City Treasurer functions, duties, and responsibilities were found in portions of at least two City documents:

- Ordinance 99-003: Various duties and functions of the City Treasurer were found throughout the ordinance. Specifically:
 - “The Treasurer’s Funds and Unrestricted Funds shall be delivered to the City Treasurer for deposit.”
 - “The City Treasurer has the statutory authority to select the depository or depositories for the Treasurer’s Funds and the Unrestricted Funds.”
 - Submit quarterly investment reports to the City Manager and City Council as required by California Government Code §53646(b)(1).¹⁴
 - Submit monthly reports to the City Manager and City Council as required by California Government Code §41004.
 - Serve on the Investment Oversight Committee.
- City of Dixon Statement of Investment Policy for FY 2011-12:
 - “The City Treasurer will be an active member of the Investment Committee as well as performing for the City those depository and investment functions as to the funds of the City which come into his or her hands as said depository and investment duties are provided for by statute, regulation, ordinance or resolution.”
 - “Reports on the status and performance of the City’s investment program will be provided by the Treasurer to the City Manager and the City Council within four weeks after the end of each quarter.”

The Grand Jury ascertained that the following functions were performed:

- Oversee City banking

¹⁴ California Government Code §53646(b)(1) states that “The treasurer or chief fiscal officer may render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency. The quarterly report shall be so submitted within 30 days following the end of the quarter covered by the report.”

- Serve on Dixon's Investment Committee (the committee meets at least quarterly)
- Review the City's investment policy

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately fifteen hours per month. The Dixon Treasurer received annual compensation totaling \$1,020 (\$85 per month) with no other benefits.

The Grand Jury was advised that Investment Committee agendas were posted in compliance with the Brown Act.

At least one investment report was not submitted to the City Manager and City Council within four weeks following the end of the quarter as required by City of Dixon Statement of Investment Policy for FY 2011-12 and within 30 days of quarter's end as required by California Government Code §53646(b)(1). Specifically, at the time of the Grand Jury's request for information (August 18, 2011), the investment report for the quarter ended June 30, 2011 was scheduled to be submitted at the September 2011 City Council meeting.

The Grand Jury ascertained that no monthly reports were prepared or submitted during the period of review as required by both California Government Code §41004 and City of Dixon Ordinance 99-003.

The City of Dixon Statement of Investment Policy for FY 2011-12 states that the Investment Committee "will meet at least quarterly." In part, the Grand Jury's request for information dated August 18, 2011 asked for agendas and minutes of the last two meetings of Dixon's Investment Committee. In response, the Grand Jury received agendas and minutes for a meeting held on June 24, 2010 and an agenda for a meeting scheduled for November 10, 2010.

The City of Dixon organization chart¹⁵ indicated that the City Treasurer reported to the City Council. As an elected official, the City Treasurer answers to the voters. In addition, the organization chart reflected that the City Treasurer was responsible for finance, information technology, and administrative services. With the exception of the organization chart, the Grand Jury reviewed no document and heard no testimony to support that the City Treasurer was responsible for the day-to-day operation of any City department.

¹⁵ The organization chart was obtained from the City of Dixon's website on October 16, 2011.

City of Dixon Summary (Data Date September 22, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41004	Submit monthly accounting report	NO
Ordinance 99-03	Establish bank accounts	YES
Ordinance 99-03	Deposit Treasurer and Unrestricted funds	NO
Ordinance 99-03	Submit quarterly investment reports within 30 days	NO
Ordinance 99-03	Submit monthly accounting report	NO
Ordinance 99-03	Serve on Investment Committee	YES
Invest. Policy 2011-12	Perform depository and investment duties	YES
Invest. Policy 2011-12	Submit quarterly investment reports within 4 weeks	NO

ESTIMATED HOURS WORKED PER MONTH	15
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$ 1,020
ANNUAL PAY AND BENEFITS (ACTUAL)	\$1,020

Fairfield

The City Treasurer for Fairfield has held the position continuously since 1995. The Grand Jury confirmed that the City Treasurer was a registered voter and resided within the City.

The City of Fairfield did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Review of City documents found one reference to a function of the City Treasurer: City of Fairfield Internal Investment Instructions dated July 9, 1998 stated, “No bank accounts shall be opened without written authorization from the City Treasurer.” However, this requirement was contradicted by City of Fairfield Investment Instructions to Investment Manager dated January 10, 1989 and revised on February 29, 2003, which stated, “No bank accounts shall be opened without written authorization from the Director of Finance.” Upon inquiry by the Grand Jury, an official for the City of Fairfield stated that, in fact, the City Treasurer (or an assigned deputy) was the only person authorized to open bank accounts for the City.

The Grand Jury ascertained that the following functions were performed:

- Open and close all city bank, investment, and trust accounts
- Sign checks (Note: The treasurer’s signature was embedded in the check-writing software)
- Monitor investment portfolio and meet quarterly with investment managers

Subsequent review of city documents found no requirement for City Treasurer involvement in the investment process. To the contrary, City of Fairfield Internal Investment Instructions dated July 9, 1998 stated, “Investment Committee – A committed [sic] comprised of the Director of Finance, Assistant Finance Director, Revenue Officer, and Principal Accountant shall meet no less than quarterly to review investment markets, strategies and performance.” However, the Grand Jury was advised that, in fact, the City Treasurer was a member of the Investment Committee.

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41003: The City utilized the Treasurer’s electronic signature on all City checks. However, the Grand Jury determined that the incumbent did not review support documents to ensure that checks bearing the Treasurer’s signature were appropriate and approved by legally designated persons.
- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

- §41006: A Finance Department memorandum dated December 5, 2003 appointed three city employees as City Treasurer deputies. Grand Jury inquiries revealed that:
 - o Deputies were required to perform treasurer functions if the incumbent was to become incapacitated.
 - o Two of the three deputies were no longer associated with the city.
- §41007: The Grand Jury was advised that deputies received no compensation or other benefit for their assignment.

Accomplishment of Treasurer duties required approximately two hours per month. However, the estimate was increased to eight hours on months when the Investment Committee met. The City Treasurer received an annual salary of \$2,280 (\$190 per month), and approximately \$1,000 in various benefits such as payment of professional dues and training. Although the Treasurer was entitled to City paid health/dental/vision insurance up to \$16,377 per year, that entitlement was waived by the incumbent.

The Grand Jury was advised that the Investment Committee prepared neither agendas nor minutes of meetings. As a result, the Grand Jury was unable to validate the attendance at, or the frequency of, committee meetings. In addition, the absence of publically posted agendas may be a violation of the Brown Act.

City of Fairfield Summary (Data Date September 30, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41003	Pay approved warrants	*
CGC §41004	Submit monthly accounting report	NO
CGC §41006	Assign deputies	YES
CGC §41007	Pay deputies	NA
Investment Instr.	Open bank accounts	YES

* The Grand Jury did not review processes and controls that were not directly managed by the Treasurer.

ESTIMATED HOURS WORKED PER MONTH	2-8
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$19,640
ANNUAL PAY AND BENEFITS (ACTUAL)	\$3,263

Rio Vista

The City Treasurer of Rio Vista was elected in 2008. The Grand Jury confirmed that the incumbent was a registered voter and resided within the City.

The City of Rio Vista did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Review of City documents found the functions and duties of the City Treasurer scattered throughout a single document. Specifically, City of Rio Vista, California, Statement of Investment Policy 2010-11 stated that the Treasurer will manage the City's investment program. The investment policy reflected that the City Treasurer will:

- Establish written procedures for the operation of the investment program
- Be responsible for all investment transactions
- Establish a system of controls for the investment program
- Designate a third-party custodian for investments
- Provide quarterly investment reports to the City Council
- Chair the Investment Planning and Review Committee

The Grand Jury ascertained that the following functions were performed:

- Convene and oversee the semi-annual Investment Committee meetings
- Provide quarterly summaries of the City's investments to the City Council
- Submit monthly Funds Balance Reports to the City Council
- Provide monthly Revenue and Expenditures Reports to the City Council

The Grand Jury determined that in lieu of the quarterly investment report, the Treasurer provided monthly bank balance reports to the City Council. In addition, the Treasurer provided neither monthly Funds Balance Reports nor monthly Revenue and Expenditures Reports required by California Government Code §41004 because the Treasurer was not authorized access to the City's automated financial information system.

Except as discussed in the preceding paragraph, the provisions of California Government Code §§41001-41007 were not applicable.

Accomplishment of Treasurer duties required approximately eight hours per month. The Grand Jury was advised the position paid \$225 per month (\$2,700 per year) with no benefits. Grand Jury review of the State Controller's website found that for calendar year 2009, maximum salary

for the City of Rio Vista City Treasurer was reported as \$1,049 (approximately \$87 per month). Review of Rio Vista's approved 2011-2012 budget found that during 2007-2008, the City Treasurer received a compensation package that totaled \$3,324, which included \$2,859 for salary (\$238.25 per month) and \$456 for benefits. City of Rio Vista staff could not determine the source of the salary information reported by the State Controller and was unable to locate an ordinance or other City document that defined the City Treasurer's compensation package. As a result, the Grand Jury was unable to verify the compensation authorized for the City Treasurer of Rio Vista. Whatever the package, all compensation was waived by the incumbent.

The Grand Jury's request for information dated August 18, 2011 asked for agendas and minutes of the last two meetings of Rio Vista's Investment Committee. In response, the Grand Jury received minutes for meetings held on September 2, 2010 and February 16, 2011; however, the only agenda provided was for the September 2010 meeting. Although the agenda indicated it was for a "special" meeting, review of the minutes revealed that the meeting was nothing more than the committee's regular semi-annual meeting. The agenda for the September 2, 10 a.m. meeting, was certified by the City Clerk as being posted on the City Hall bulletin board on 30 August at 5:00 p.m., 65 hours prior to the meeting, a possible violation of the Brown Act.

City of Rio Vista Summary (Data Date September 27, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41004	Submit monthly accounting report	NO
Investment Policy	Establish written procedures for investments	NO
Investment Policy	Responsible for investments	YES
Investment Policy	Establish of controls for investments	NO
Investment Policy	Designate third-party custodian for investments	NO
Investment Policy	Provide quarterly investment reports	YES
Investment Policy	Chair Investment Committee	YES

ESTIMATED HOURS WORKED PER MONTH	8
ANNUAL PAY AND BENEFITS (AUTHORIZED)	Unknown*
ANNUAL PAY AND BENEFITS (ACTUAL)	\$ 0

* City staff was unable to determine the pay and benefits authorized for the City Treasurer.

Suisun City

The Suisun City Treasurer has served continuously for 27 years, having first been elected in 1984. The Grand Jury confirmed that the incumbent was a registered voter and resided within the City.

The City of Suisun City did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. A single duty was found in the City of Suisun City Investment Policy dated April 20, 2010: “The Treasurer shall submit a quarterly investment report to the City Council.”

The Grand Jury ascertained that the following functions were performed:

- Sign the quarterly investment report
- Attend two City Council meetings per month

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41003: The City utilized the Treasurer’s electronic signature on all City checks. However, the Grand Jury determined that the incumbent did not review support documents to ensure that checks bearing the Treasurer’s signature were appropriate and approved by legally designated persons.
- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately eight hours per month. The City Treasurer received an annual compensation package of \$25,600.¹⁶

Review of the City’s quarterly investment reports found them titled, “Financial Officer’s Investment Report.” At the bottom of the report was a City Treasurer Statement that read, “I hereby certify that I have examined the records and find this report to be correct, that all investments are made in accordance with the investment policy, and the City will be able to meet its obligations for the next six months.” The Grand Jury determined that the process used to ensure the correctness of the investment report was to compare the current report to the previous report to identify abnormalities.

¹⁶ The compensation package included monthly benefits for salary (\$200), retirement (\$41), health/dental/vision insurance (up to \$1,547), life insurance (\$42), and deferred compensation matching (up to \$303).

City of Suisun City Summary (Data Date September 12, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41003	Pay approved warrants	*
CGC §41004	Submit monthly accounting report	NO
Investment Policy	Submit quarterly investment report	NO

* The Grand Jury did not review processes and controls that were not directly managed by the Treasurer.

ESTIMATED HOURS WORKED PER MONTH	8
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$25,600
ANNUAL PAY AND BENEFITS (ACTUAL)	\$25,600

Vacaville

The City Treasurer resigned, and a replacement was appointed by City Council. At the time of inquiry (September 23, 2011), the Treasurer had served approximately one year. The Grand Jury confirmed that the incumbent was a registered voter and resided within the City.

The City of Vacaville did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. When asked for a position description or like document, City of Vacaville staff provided an unreferenced document (i.e., no title and no date) that stated in part, “The responsibility of the City Treasurer is to assure the proper handling and recording of all municipal funds and overseeing the investment of these funds in accordance with the California Government Code.” The document further stated, “Other responsibilities of the City Treasurer include review of the City’s investment activity to ensure that the Investment Policy of the City of Vacaville remains consistent with the City’s Investment Policy objectives, current law and economic trends. The Investment Policy is reviewed annually by the City Treasurer and the Finance Director.” The Grand Jury later determined that the document quoted above was used to advertise and recruit candidates for the vacant City Treasurer position. According to City officials, the document was only used to recruit candidates and was not a true reflection of the functions, duties, and responsibilities of the Vacaville City Treasurer position.

The Grand Jury found one document that identified a duty of the Treasurer. City of Vacaville Investment Policy of June 2011 stated, “The City Treasurer will submit an annual Investment Policy to the City Council.” The June 2011 policy was, in fact, submitted by the City Treasurer to the City Council.

The Grand Jury ascertained that the following functions were performed:

- Receive and review monthly cash-flow projections
- Receive monthly investment reports
- Attend budget workshops
- Review and propose the City’s annual investment policy

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately four hours per month. The Treasurer received entitlements totaling \$3,240 per year: \$70 per month in salary, and \$200 per month as a vehicle allowance.

The City's organization chart¹⁷ indicated the City Treasurer reports to the City Council. As an elected official, the City Treasurer answers to the voters.

City of Vacaville Summary (Data Date September 23, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41004	Submit monthly accounting report	NO
Investment Policy	Submit annual investment policy	YES

ESTIMATED HOURS WORKED PER MONTH	4
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$3,240
ANNUAL PAY AND BENEFITS (ACTUAL)	\$3,240

¹⁷ The organization chart was included in the City of Vacaville's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2010.

Vallejo

Vallejo is the only charter city in Solano County. The Grand Jury was told that the Finance Director served as the City Treasurer. This was supported by the Finance Director's classification specification, which included, "serve as the City Treasurer" in the position definition.

At the time of inquiry (September 14, 2011), the Finance Director/City Treasurer had been on the job approximately four months. The Grand Jury was unable to identify which, if any, functions accomplished by the Finance Director/City Treasurer were exclusive to City Treasurer. As a result, the hours spent performing City Treasurer duties could not be estimated. The Finance Director/City Treasurer received no additional pay for serving as the Treasurer.

The Vallejo Finance Director/City Treasurer did not vote or live in Vallejo. When the Grand Jury asked if the Vallejo City Charter included residency requirements for the City Treasurer, the Grand Jury was advised, "The City of Vallejo charter does not provide for a City Treasurer and, consequently, there is no specific residency requirement. The Vallejo Municipal Code provides for a Finance Department and a Finance Director. It does not contain a residency requirement for the Finance Director."

V. FINDINGS AND RECOMMENDATIONS

Benicia

Finding 1 – The City of Benicia Treasurer did not issue accounting reports required by California Government Code §41004 which states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

On September 20, 2011, the City of Benicia passed Ordinance 11-09. In part, the ordinance transferred all statutory requirements from the City Treasurer to other City officers and staff. Although the reporting requirement associated with California Government Code §41004 is no longer the responsibility of the Benicia City Treasurer, it is still a treasurer function that was not being performed.

Recommendation 1 – City of Benicia ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Dixon

Finding 2 – The City of Dixon did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Specifically, Treasurer duties and responsibilities were found in various portions of at least two city documents. In addition, the documented duties and responsibilities were not consistent with those accomplished by the City Treasurer.

Recommendation 2 – City of Dixon identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 3 – The City of Dixon Treasurer did not issue accounting reports required by both California Government Code §41004 and City of Dixon Ordinance 99-003. The specific requirement states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 3 – City of Dixon Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 and City of Dixon Ordinance 99-003 are performed.

Finding 4 – The City of Dixon Treasurer did not submit quarterly investment reports to the City Council within the timeframes established by California Government Code §53646 (30 days following the end of the quarter) and City of Dixon Statement of Investment Policy for FY 2011-12 (four weeks following the end of the quarter). Specifically, the investment report for the quarter ended June 30, 2011 was scheduled to be submitted to the City Council in September 2011.

Recommendation 4 – City of Dixon Treasurer submit quarterly investment reports to the City Council within the timeframes established by City of Dixon Statement of Investment Policy for FY 2011-12.

Finding 5 – The City of Dixon Investment Committee did not meet quarterly as required by the City of Dixon Statement of Investment Policy for FY 2011-12. Specifically, documentation submitted to the Grand Jury in September 2011 indicated that the last two committee meetings were held in June and November 2010.

Recommendation 5 – City of Dixon ensure that the Investment Committee meets quarterly as required by City of Dixon Statement of Investment Policy for FY 2011-12.

Finding 6 – The City of Dixon’s organization chart incorrectly reflected the City Treasurer’s position and role in City government. Specifically, the organization chart obtained from the City of Dixon’s website on October 16, 2011, indicated that the City Treasurer reported to the City Council, not the electorate. In addition, the organization chart showed the City Treasurer with a direct line of authority to the organization responsible for finance, information technology, and administrative services.

Recommendation 6 – City of Dixon review, and revise as needed, the City’s organization chart to accurately reflect the City Treasurer’s position and role in City government.

Fairfield

Finding 7 – The City of Fairfield did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer.

Recommendations 7 – City of Fairfield identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 8 – City of Fairfield documents were contradictory and erroneous. Specifically:

- City of Fairfield Internal Investment Instructions dated July 9, 1998 stated, “No bank accounts shall be opened without written authorization from the City Treasurer.” However, this requirement was contradicted by City of Fairfield Investment Instructions to Investment Manager dated January 10, 1989 and revised on February 29, 2003, which stated, “No bank accounts shall be opened without written authorization from the Director of Finance.”
- City of Fairfield Internal Investment Instructions dated July 9, 1998 did not include the City Treasurer as a member of the City’s Investment Committee. According to a City of Fairfield official, the instruction was in error.

Recommendation 8 – City of Fairfield correct the contradiction regarding authority to open bank accounts found in City of Fairfield Internal Investment Instructions and City of Fairfield Investment Instructions to Investment Manager. In addition, revise the Internal Investment Instructions to include the City Treasurer as a member of the Investment Committee.

Finding 9 – The Fairfield City Treasurer did not issue accounting reports required by California Government Code §41004, which states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 9 – City of Fairfield Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 10 – The Fairfield City Treasurer appointed three deputies to serve in his absence. However, the duties and responsibilities of the deputies were undefined, and two of the three individuals were no longer associated with the City.

Recommendation 10 – City of Fairfield Treasurer determine if City Treasurer deputies are required. If required, define the duties and responsibilities of the deputies and issue a current appointment letter. If deputies are not required, cancel Finance Department memorandum dated December 5, 2003.

Finding 11 – The City of Fairfield Investment Committee may not have complied with the Ralph M. Brown Act by not providing public notice of scheduled meetings. Specifically, the City Treasurer stated that agendas were not prepared for quarterly meetings of the City’s Investment Committee.

Recommendation 11 – City of Fairfield ensure compliance with all requirements of the Ralph M. Brown Act.

Rio Vista

Finding 12 – The City of Rio Vista did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. In addition, the documented duties and responsibilities were not consistent with those accomplished by the City Treasurer.

Recommendation 12 – City of Rio Vista identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 13 – The City of Rio Vista Treasurer did not issue accounting reports required by California Government Code §41004, which stated, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of

all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 13 – City of Rio Vista Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 14 – The Rio Vista Treasurer did not comply with City of Rio Vista, California, Statement of Investment Policy 2010-11. For example, the Treasurer neither established written procedures nor implemented a system of controls for the City’s investment program.

Recommendation 14 – City of Rio Vista Treasurer comply with City of Rio Vista, California, Statement of Investment Policy 2010-11.

Finding 15 – The City of Rio Vista Investment Committee may not have complied with the public notice requirements of the Ralph M. Brown Act. Specifically, the Investment Committee meeting of September 2, 2010, may have been improperly categorized as “special” to avoid the 72-hour notice requirement for regular meetings. In addition, no agenda was available for the meeting held on February 16, 2010.

Recommendation 15 – City of Rio Vista ensure compliance with all requirements of the Ralph M. Brown Act.

Suisun City

Finding 16 –The City of Suisun City did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer.

Recommendation 16 – City of Suisun City identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 17 – The City of Suisun City Treasurer did not issue accounting reports required by California Government Code §41004, which states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 17 – City of Suisun City Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 18 – City of Suisun City Investment Policy dated April 20, 2010 required the City Treasurer to submit quarterly investment reports to the City Council. Inspection found the report was actually compiled by the Senior Accountant and reviewed by the Financial Services Manager. The City Treasurer merely compared the current report with the previous report to identify obvious abnormalities.

Recommendation 18 – City of Suisun City review, and revise as needed, the City Treasurer’s reporting requirements identified in City of Suisun City Investment Policy dated April 20, 2010.

Finding 19 – The City of Suisun City Treasurer's quarterly audit of investment reports was not completed in sufficient detail to fulfill the review responsibilities identified in the certification statement (“I hereby certify that I have examined the records and find this report to be correct, that all investments are made in accordance with the investment policy, and the City will be able to meet its obligations for the next six months.”). Specifically, the comparative analysis performed by the City Treasurer was insufficient to ensure accuracy and compliance with the investment policy as attested to.

Recommendation 19 – City of Suisun City Treasurer either revise the certification statement on the quarterly investment reports to reflect work actually accomplished or refrain from signing the investment reports.

Vacaville

Finding 20 – The City of Vacaville does not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer.

Recommendation 20 – City of Vacaville identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 21 – The City of Vacaville Treasurer did not issue accounting reports required by California Government Code §41004, which stated, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 21 – City of Vacaville Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 22 – The City of Vacaville’s organization chart incorrectly showed the City Treasurer reporting to the City Council. As an elected official, the City Treasurer answers directly to the electorate.

Recommendation 22 – City of Vacaville review and revise, as needed, the City’s organization chart to accurately reflect the City Treasurer’s position and role in city government.

Vallejo

Finding 23 – The classification specification for the City of Vallejo Finance Director stated that the incumbent was to serve as the City Treasurer; however, the City of Vallejo charter does not provide for a City Treasurer.

Recommendation 23 – City of Vallejo remove reference to the City Treasurer from any and all City documents, including the Finance Director’s classification specification.

COMMENTS

By default, general law cities must have an elected treasurer; however, the legislature has provided a methodology for cities to make the position appointive, or to eliminate the position altogether. An elected treasurer offers independence; however, since California Government Code requires no specialized training, background, or professional certification to hold the office, some elected treasurers do not have the training, experience, and skills needed to accomplish financial and investment oversight. An appointed treasurer can have the skills, training, and experience needed to perform the tasks; however, an appointed treasurer may lack the independence that many citizens demand of the city treasurer. A strong argument can also be made that sophisticated accounting and auditing tools have made the treasurer position obsolete. The Grand Jury encourages each city council to identify what it expects from its city treasurer, and to set a course of action to bring that expectation to reality.

REQUIRED RESPONSES

City Treasurers for the Cities of:

- Benicia (Finding 1)
- Dixon (Findings 3 and 4)
- Fairfield (Findings 9 and 10)
- Rio Vista (Findings 13 and 14)
- Suisun City (Findings 17 and 19)
- Vacaville (Finding 21)

City Councils for the Cities of

- Benicia (Finding 1)
- Dixon (Findings 2, 5, and 6)
- Fairfield (Findings 7, 8, and 11)
- Rio Vista (Findings 12 and 15)
- Suisun City (Findings 16 and 18)
- Vacaville (Findings 20 and 22)
- Vallejo (Finding 23)

COURTESY COPIES

City Managers for the Cities of

- Benicia
- Dixon
- Fairfield
- Rio Vista
- Suisun City
- Vacaville
- Vallejo

Solano County Treasurer/Tax Collector

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 2.48 (CITY TREASURER) TO DIVISION 1 (ORGANIZATION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Division 1 (Organization) of Title 2 (Administration and Personnel) of the Benicia Municipal Code is amended by adding a new Chapter 2.48 (City Treasurer) to read as follows:

Chapter 2.48

CITY TREASURER

Sections:

- 2.48.010 Powers and duties.
- 2.48.020 Compensation and benefits.
- 2.48.030 Qualifications.

2.48.010 Powers and duties. All statutory duties and responsibilities not heretofore transferred to the county, the city manager or the finance director which are now performed by the city treasurer are transferred to the city clerk, who is ordered to perform all such duties, including but not limited to, those duties required by law.

The city treasurer shall countersign warrants and serve on the Finance Committee.

2.48.020 Compensation and benefits. The city treasurer shall receive a two hundred dollar per month stipend and related retirement benefit but no other benefits.

2.48.030 Qualifications. The city treasurer is an elected position so the only qualifications are that the individual be a registered voter of the city. Therefore, following qualifications are desirable, but not required.

- 1. Knowledge of:
 - A. Municipal revenue sources;
 - B. Methods, practices and principles related to the investment of City idle funds;

- C. Basic assessment district and bond financing techniques; and
 - D. Methods, practices and principles related to evaluating municipal cash flow needs.
2. Ability to:
- A. Invest City idle funds in a wise and prudent manner;
 - B. Meet the public and provide required information pleasantly and efficiently;
 - C. Communicate effectively and tactfully in both oral and written forms;
 - D. Establish and maintain complex and extensive financial record keeping systems and files;
 - E. Operate and use a variety of office equipment;
 - F. Establish and maintain effective work relationships with those contacted in the performance of required duties;

Section 2.

Conflicting provisions. All ordinances or resolutions inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 3.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.3**

DATE: May 19, 2020

TO: City Council

FROM: Terrel Harrison, Cultural & Community Services Director, (805) 385-7994, terrel.harrison@oxnard.org

SUBJECT: Ventura County Area Agency on Aging Senior Nutrition Program Grant.

RECOMMENDATION

That City Council adopt a resolution:

1. Authorizing the Cultural and Community Services Director or designee to submit an application in the amount of \$160,563 for the next Ventura County Area Agency on Aging (VCAAA) Older Senior Nutrition Program grant cycle (July 2020 to June 2021); and
2. If funding is received, authorize the City Manager or designee to execute grant agreements; the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of the grant funds; and the City Manager or designee to submit non-financial reports.

BACKGROUND

The City of Oxnard operates three senior centers, and nutrition services are provided as part of the City's offerings. Nutrition services include the procurement, preparation, transport, and service of meals in both congregate settings and in seniors' homes. Nutrition services also include outreach, client assessments (for home-delivered meals), monthly program reporting, and fiscal administration. The program's objective is to provide high-quality, nutritionally balanced meals, nutrition counseling and education, and related supportive services to persons aged 60 years and older.

The senior nutrition program will provide approximately 20,060 congregate meals at two of the City's three senior centers. In addition, through a memorandum of understanding between the City of Oxnard and Food Share, approximately 33,240 meals will be delivered to home-bound seniors. Funding for these services is provided through the Older Americans Act, Title HIC. The application is being submitted for Fiscal Year 2020-2021.

STRATEGIC PRIORITIES

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

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

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

FINANCIAL IMPACT

If the grant is awarded, the City would then recognize the Ventura County Area Agency on Aging Older American Act Senior Nutrition Program grant funds in the amount of \$160,563, along with the proposed City contribution of 10% in-kind match which will be met by permitting the program to use the City-owned facility. The recommended budget for Fiscal Year 20-21 will include the annual match amount of \$16,056 and grant award of \$160,563.

COMMITTEE OUTCOME

This item did not originate in committee.

Prepared by: Renee Rakestraw, Community Services Manager

ATTACHMENTS

1. Senior Nutrition Grant Resolution 2020

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

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

WHEREAS, the Cultural and Community Services Department has requested that City Council approve the submittal of an application to the Ventura County Area Agency for \$160,563 in the Senior Nutrition Program Grant to be used for the Senior Nutrition Program; and

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves to approve the submittal of a grant application by the Cultural and Community Services Director for the Ventura County Area Agency on Aging Senior Nutrition Program Grant. The City Council further resolves that the Cultural and Community Services Director or designee is authorized to execute grant agreements; the Finance Director or designee is authorized to submit financial reports and grant claims; and the Cultural and Community Services Director or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED THIS 19th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.4**

DATE: May 19, 2020

TO: Housing Authority Board

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: Award of Contract for the Kitchen Rehabilitation Project at Palm Vista.

RECOMMENDATION

That the Housing Authority Board of Commissioners approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$577,165 with Bentley Construction Group, Inc. (Agreement No. A-8215).

BACKGROUND

The project involves an extensive rehabilitation of 89 kitchens, including replacement of kitchen cabinets, sinks, faucets and range hoods, at Palm Vista (801 S C Street). In January, the OHA solicited bids for the rehabilitation of the kitchens. During the solicitation period six bids were received and evaluated. Bentley Construction Group, Inc. was considered to be the lowest and responsive bidder.

The project schedule is 120 days. The project manager will notify the residents based on the work schedule to stay out of the kitchen area during construction hours as much as they can. However, the contractor is expected to work with the tenants if they decide to stay home and use the refrigerator and/or stove during construction. City staff will also ask the residents to empty their kitchen cabinets a day before the construction. However, if some personal belongings are left in the cabinets the contractor is expected to work with the residents to items out of the way.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve our infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding. This item supports the following goals and objectives:

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

Objective 4a. Implement CIP plans.

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

FINANCIAL IMPACT

On April 2, 2019, the budget for the 2019 Capital Fund Grant was approved by the Housing Board of Commissioners. That approval included \$250,000 was appropriated for the Palm Vista Kitchen Rehabilitation project. On April 2, 2019, the OHA was estimated the grant award to be \$1.5 million. However, the HUD appropriation was \$2.2 million.

The OHA is using these appropriations for this project. The \$577,165 project will be funded by Public Housing Capital Fund Grants. This does not require any funding from the City.

COMMITTEE OUTCOME

The Housing and Economic Development Committee approved 3-0 on April 28, 2020 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Rhonda Hodge, Housing Finance Officer

ATTACHMENTS

1. Capital Improvement Contract A-8215

CAPITAL IMPROVEMENT CONTRACT

Contract No: **A-8215**

Name of Contractor: Bentley Construction Group, Inc.

Address: 240 Ford Avenue, Ventura, CA 93003

Project description: Kitchen Rehabilitation Project at Palm Vista (CAL 31-8)

This Capital Improvement Contract ("**Contract**") is made at Oxnard, California, as of this 19th day of May 2020 between the City of Oxnard Housing Authority, called herein the "**Authority**", and the above-named contractor ("**Contractor**") for the construction of the capital improvement project described herein. The parties hereto agree as follows:

I. Type of Contract

This contract is a firm-fixed price contract as defined by 2CFR Part 200 and the Department of Housing and Urban Development (HUD) Handbook 7460.8, Rev. 2.

2. Contract Price

Contractor shall perform the work described in **Exhibit A**, attached hereto and incorporated herein by this reference, Authority shall pay Contractor, as described in **Exhibit B**, attached hereto and incorporated herein by this reference, in full payment for said work, the following sum: **\$577,165**.

The above sum includes all taxes and the costs of any required bonds, required certificates and permit fees.

3. Payment Schedule

Authority shall pay Contractor no later than 30 calendar days after Authority accepts Contractor's invoices and Authority shall make final payment no later than 60 calendar days after Authority has issued and approved a certificate of completion for the work contemplated herein, provided that the Authority may withhold from progress payments an amount equal to 5 percent of the progress payment and may withhold from final payment an amount sufficient to protect the Authority from disputes equivalent to 150 percent of the value of any disputed amount of work.

4. Scope of Work

Contractor shall furnish all tools, equipment, apparatus, facilities, labor and materials necessary to, and shall perform and complete in a good, safe and workmanlike manner, the work described in Exhibit A.

5. Contract Documents

The complete Contract consists of all the following, which are specifically incorporated herein by reference:

- a. Change Orders
- b. Contract Amendments –
- c. This Contract
- d. Amendments to HUD Form 5370
- e. HUD Form 5370 General Conditions for Construction Contracts – Public Housing Programs
- f. Specifications
- g. Plans
- h. Permits
- i. Contractor's bid proposal and list of subcontractors (if applicable).
- j. Addenda to Notice Inviting Bids:
- k. The Notice Inviting Bids
- l. Performance and payment bonds as required by the specifications and applicable law. Unless otherwise specified, each such bond shall be 100 percent of the Contract price.
- m. Insurance as required by the specifications and applicable law.
- n. All applicable wage determinations, safety and health regulations, non-discrimination provisions, labor standards, and requirements if the Contract is federally assisted. This includes but is not limited to such items enumerated in the specifications and addenda thereto.

6. Indemnity

Contractor agrees to indemnify, hold harmless and defend Authority, its Commission, and each member thereof, and every officer, employee, representative or agent of Authority, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Contractor or its agents, employees, Subcontractors, Contractors, and other persons acting on Contractor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, willfulness or acts for which Contractor or its agents, employees, subcontractors, consultants and other persons acting on Contractor's behalf would be held strictly liable.

7. Time for Performance

The time limit for the completion of the work is **120 working days** after receipt of the Notice to Proceed.

Contractor shall not perform any work until the Authority issues a Notice to Proceed. Work will be completed within the time limit specified above and in the Notice to Proceed.

8. Acknowledgement

Contractor by signing hereunder acknowledges that he has reviewed all the foregoing documents and agrees with the requirements, conditions and covenants contained therein.

CITY OF OXNARD

BENTLEY CONSTRUCTION
GROUP, INC

Tim Flynn
Chairman

Ernest Bentley
President

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:

Stephen M. Fischer,
Housing General Counsel

Rhonda Hodge
Housing Finance Officer

APPROVED AS TO COMPLIANCE:

Rhonda Hodge
Contract Administrator

SECTION A

SPECIFICATIONS/SCOPE OF WORK

**Kitchen Rehabilitation Project
CAL 31-8 Palm Vista Apartments**

The purpose of the project is to remodel and improve the existing kitchens by replacing the existing cabinets with higher quality cabinets and amenities that would be more durable and more suitable for public housing residents.

Scope of Work:

Scope of work includes but is not limited to the following.

A: Prepare documentation and apply for permits. Use provided documents and/ or provide additional documentation and information, if needed, until the permits are approved. Pay for and pull all the required permits for 89 units. (See Drawings & addresses below)

Call for inspection as required and get a final sign off, from the inspectors, on each permit.

B: Remove and dispose of (recycle) the existing wall cabinets, base cabinets, and countertops in 89 units.

Also remove and dispose of range hoods, kitchen sinks, kitchen faucets, p-trap, extension pipes, and garbage disposal (if any) etc. in all units and install new ones as specified in the specification section below.

Note 1: A few units may have **garbage disposal** which shall be removed and recycled but will not be replaced.

Note 2: When removing the wall cabinet, salvage the existing ductwork for the range hood passing through the wall cabinets

Clean-outs: before installing the base cabinets, adapt and install a clean-out with a screw-on cap on the exposed horizontal section of the drain lines in every unit. A horizontal -y- clean-out to match the existing drain line in size and in material will do the job. Face the clean-out towards the base cabinet door and extend it closer to the door.

Note: Contractors will need to make holes on the side wall of the sink cabinet and adjacent base cabinet to be able to install the clean-out, install and/or adjust the drain lines.

C: Supply and fit installation of all base cabinets, wall cabinets, and countertops including fillers and moldings where needed in all units (See drawings).

Note 1: Please note that contractors are required to provide shop drawings of the new cabinet layouts for approval prior to installation. The drawings must present the best fit possible; that is the most efficient lay out that could possibly be fit in the kitchens. The existing cabinets seems to be built in place cabinets. Their height and sizes may not match the standard sizes available in the market. Contractors to design the layout (shop drawings) and install the new cabinets to match the existing layout as much as possible. (See the proposed new kitchen interior elevations)

Note 2: The base of the existing base cabinets is about 21.5". Contractors to make sure the new base cabinets, once installed, cover the existing vinyl flooring properly. If a gap is seen on the floor, the contractor shall add an additional wood base over the base of the cabinet **or** install spacer blocks behind the cabinet to make up for the short width and cover the gap, whichever is easier for them to do.

Note 3: Contractor will need to make square holes on the sides of 2 wall cabinets to allow the existing duct work be re-used for the new range hood.

LED Undercabinet Light:

Supply and install an 18" undercabinet LED light above kitchen sink.

Use the existing recessed J-box on the ceiling to supply power to the new LED light through the ceiling and the top and behind the wall cabinet. Provide and install required new mounting J-box and wiring from the J-box through the cavity on the top and behind the wall cabinet to power the newly installed undercabinet light fixture in compliance with the Electrical Code. Install conduit to cover the wiring where they are exposed on the ceiling.

D: In some units, we have observed negative drop on the drain lines. Contractors to correct the slop of these drain lines during replacement of the p-traps and drain lines as much as possible.

E: Supply and properly install and seal new range hoods, new kitchen sink, new kitchen faucet, new supply lines, new p-trap, and new angle stops per contract and per specifications in each unit. In installation of these items allow for any modification that may be required to be done on the existing plumbing lines and ductwork depending on the size and style of the fixtures.

Range Hood:

Existing range-hoods are fake and do not have a motor. The contractor to supply and install new range hoods, as specified, under the wall cabinet above the stove. Use the adjacent electrical outlet to supply power to the new range hoods through the wall and behind the wall cabinet as needed in compliance with the Electrical Code. Also connect and seal the new range hood to the existing duct work for proper ventilation.

F: Finish the job by installing ¼" round matching moldings at all exposed corners including wall cabinets exposed sides and tops under the ceiling and at the toe boards of the base cabinets to cover the gaps of the existing floor covering in the kitchen. Apply clear silicon on the top of countertops and open joints and anywhere else where needed.

G: Supply paint and paint the affected area on the walls and ceiling to match existing paint as needed basis. (Paint specs will be provided.)

H: Clean up the kitchen area in each unit properly on a daily basis and after the job is completed.

Location of the Project:

The project site is located at 801 South C Street in Oxnard, California. (See floor plans)

Units 112, 113, 114, and 115 on the 1st floor and 85 units on the 2nd, 3rd, 4th, 5th, and 6th floors, 17 units per floor.

Note: Parking spaces are limited in the area and usually numbered and assigned to the residents. The contractors may park on the parking spaces for the guests (Not numbered) or on adjacent 8th and 9th Streets, where available, and they will be responsible for their own violations.

Drawings:

Drawings in this section include, existing site plan, existing unit plan, existing kitchen floor plans with existing kitchen cabinets layout for a typical unit, and typical elevation view of the existing kitchen cabinet in each unit, plus a proposed

layout and elevations of the new cabinets. (See Plans / 7 pages).

Note: The dimensions given on the drawings are for bidding purposes only. The actual dimensions may vary by 1-2 inches more or less. Since the project is a retrofit project the contractor is required to accurately measure the existing kitchen walls and areas in each unit and fit the cabinets in place. Please allow for matching fillers in your shop drawings for best fit where needed. (Field verification is required)

Specifications:

Wall and Base Cabinets (per approved shop drawings)

CONSTRUCTION:

Advanta Cabinets, Extreme™ Box Series Construction or approved equal.

DOOR STYLE: Advanta Cabinets or approved equal. Raised Panel/ Coronet/ Plantation Hardwood
Finish: Honey

DIMENSIONS:

Wall cabinets Height: 42" above Fridges 24" above Stoves and Sinks 30"

Wall cabinets Depth: 15"

Wall cabinets Width: See proposed elevation or as designed by contractors

Base cabinets Height: 34 ½" Base cabinets Depth: 24" Toe board Height: 4"

EXTREME CONSTRUCTION: (See also Advanta Specifications)

FRONT FRAME - 3/4" Thick kiln dried solid hardwood. Stiles 1 1/2" wide. Mulls 3" wide. Rails 1 3/4" wide.

END PANELS: Nominal 1/2" thick (12mm), multi-ply Type 1 exterior glue hardwood plywood, dados to receive tops and bottoms.

TOP/BOTTOM PANELS - Nominal 1/2" thick (12 mm), multi-ply hardwood plywood.

HANGING RAILS - Wall cabinets: nominal 3/4" thick (18 mm) x 3" high multi-ply hardwood plywood, running full cabinet length at the top and bottom. Base cabinets: nominal 3/4" thick (18 mm) x 7 1/4" high solid pine running full cabinet width at the top.

BACK PANEL - Nominal 1/4" thick (6 mm), hardwood plywood

SHELVES -Nominal 1/2" thick (12 mm), multi-ply hardwood plywood, 13 7/8" deep with hardwood veneer banded front edge. Shelves are fixed into dadoes in end panels on all cabinets.

TOE BOARD: Toe kick is 4" min. high and recessed 4 9/16", 3/4" thick (18 mm), Alkaline Copper Quaternary pressure treated toe board captured between end panels.

BASE I-BEAM BRACES - Two 1/2" x 2 7/8" wide plywood braces running full depth front to back of cabinet. All braces are glued and pinned at top of cabinet to front frame, rear hanging rails and end panels.

DRAWERS - 5/8" thick solid wood front, back, and sides with dovetail construction. Drawer bottoms are nominal 1/4" thick (6 mm) multi-ply plywood inserted and stapled into dadoes in all four drawer box sides.

DRAWER GUIDES - High quality epoxy coated steel, Extreme grade, side mounted guides, self-adjusting in mounting brackets. Built-in stop, self-closing and stay-closed features with a 100 lb. rated load capacity.

HINGES: Heavy duty, high quality steel, concealed 6-way adjustable hinge with self-closing feature.

FINISH: Honey: Furniture quality protective finish system on doors, drawer fronts, front frames and veneer end panels consisting of sanding, stain, catalyzed sealer and catalyzed clear top coats. All interior end, top, bottom and back panels are finished plywood with clear sealer and top coat.

Countertops:

CONSTRUCTION: Hampton Bay Laminate Countertops or approved equal.

- Style: Juparama with Valencia Edge and Integrated Backsplash.
- Design: Premium Design: Mesa Gold 4580K-07
- Build-Up Kit: No miter cut needed, straight cuts only if needed.
- End Cap Kit: No end cap needed
- Install 4 matching side splash per kitchen.

Under-Cabinet Kitchen Light (wired and installed)

Manufacture: General Electric or approved equal

- 18 inch premium LED direct wire under Cabinet light fixture
- 3000k bright white light, fully diffused with no hotspots
- UL listed with limited-lifetime warranty.

Kitchen Range Hood

Manufacture: Broan Buezo24WW or approved equal

- 24 in undercabinet Range Hood with light in White
- 3-1/4 inch x 10 inch ducted opening vent with built-in damper
- 160 CFM Min. with 2-speed fan
- Rocker-type fan with light switches
- Provide and include LED light bulb. **Energy Star** certified fixture is required.
- Provide and include xx" to xx" galvanized vent adapter with flap damper, if needed.

Kitchen Sink

Manufacture: Kraus or approved equal

- Standard PRO 18 in, Single Bowl 1 Hole Drop-In Stainless-Steel Kitchen Sink.
- Overall Dimensions :18 inch x18 inch x 10 inch
Faucet mount: 1 hole
Durable 16 Gauge min. T304 stainless steel construction

Note: Includes sink, drain assembly, dish grid, mounting hardware

10 Year Limited Manufacturer Warranty

Kitchen Faucet

Manufacture: Wolverine Brass 85050 chrome (without spray) or approved equal

- Single lever kitchen faucet has 3/8" x 11-1/2" flexible copper w/1/2" male iron pipe brass inlet connections.
- Loop/Lever handle design
- 8" oval spout
- Solid brass crafter body and sleeve
- Solid brass escutcheon
- Stainless steel underbody with 2 tiedown studs
- Triple chrome plated for a durable finish
- Uses ceramic disc cartridge # 85107 with temperature limit stop.
- Lead free. AB 1953 Compliant

- Accessible, ADA Compliant

Kitchen Sink Water Supply Hoses (2)

Manufacturer: Wolverine Brass 80906/ or approved equal.

- Fluidmaster no-burst 16" Stainless-steel supply hoses or approved equal.
- Provide water supply hoses for both hot and cold lines.
- Verify length and connections before bidding or ordering

Angle Stops (2)

Manufacturer: Wolverine Brass 83423 heavy duty ¼ turn angle stop or approved equal.

- All new angle stops shall have 5/8 Compression inlet and 3/8 Compression outlet connection for the existing 1/2 copper pipes.
- Verify connections and sizes before bidding or ordering.

P-Traps & Extensions Lines

Manufacturer: Wolverine Brass 52674/ or approved equal.

- All p-traps will be 1/1/2" PVC Repair Trap with Slip Joint Connection/ adaptor
- All extension lines and connectors shall be heavy duty PVC as needed.

Other Specifications:

- All caulking shall be a good grade kitchen and bathroom white caulking and shall be paintable supplied by contractors.
- All screws shall be rust proof, zinc coated, stainless steel, or equal supplied by contractors. Screws shall be placed on the wall studs for securing support or they shall be anchored to the walls.
- All other material not listed here and/or in the scope of work above shall be Wolverine Brass or approved equal supplied by the contractors.

Work Hours:

From 8:00 AM to 5:00 PM max. Including 1 hour lunch.

No work is allowed Saturdays, Sun days and during any official holidays.

Housing Authority is closed every other Fridays. No work is also allowed on the off Fridays.

Safety and Security:

The contractor is required to secure the kitchen area during work hours and lunch hours and assure the safety of the residents during construction. We require the contractor to remodel as many kitchens as they can replace each day. This way the units will be secured after complete installation.

Project Schedule:

The contractor is expected to complete the job in not to exceed one hundred-twenty **(120) working days**.

Tenant Notification:

Based on the above schedule, the contractor is expected to work with the project manager in working out a work schedule. We will notify the residents based on the work schedule to stay out of the kitchen area during construction hours as much as they can. However, the contractor is expected to work with the tenants if they decide to stay home and use the refrigerator and/or stove during construction. We will also ask the residents to empty their kitchen cabinets a day before the construction. However, if some stuff is left in the cabinets the contractor is expected to work with the residents to move them out of the way.

Construction Debris:

The contractor shall remove and dispose any generated construction debris from each unit on a daily basis and shall return the unit back to its original situation before construction.

Due to the nature of the job, the amount of debris generated will be a lot and may require installation of additional trash bins on the street. The old cabinets, old counter tops, etc... shall be moved out of the residential units into the trash bin or be taken away out of the site on a daily basis.

Storage Bin and Trash Bin

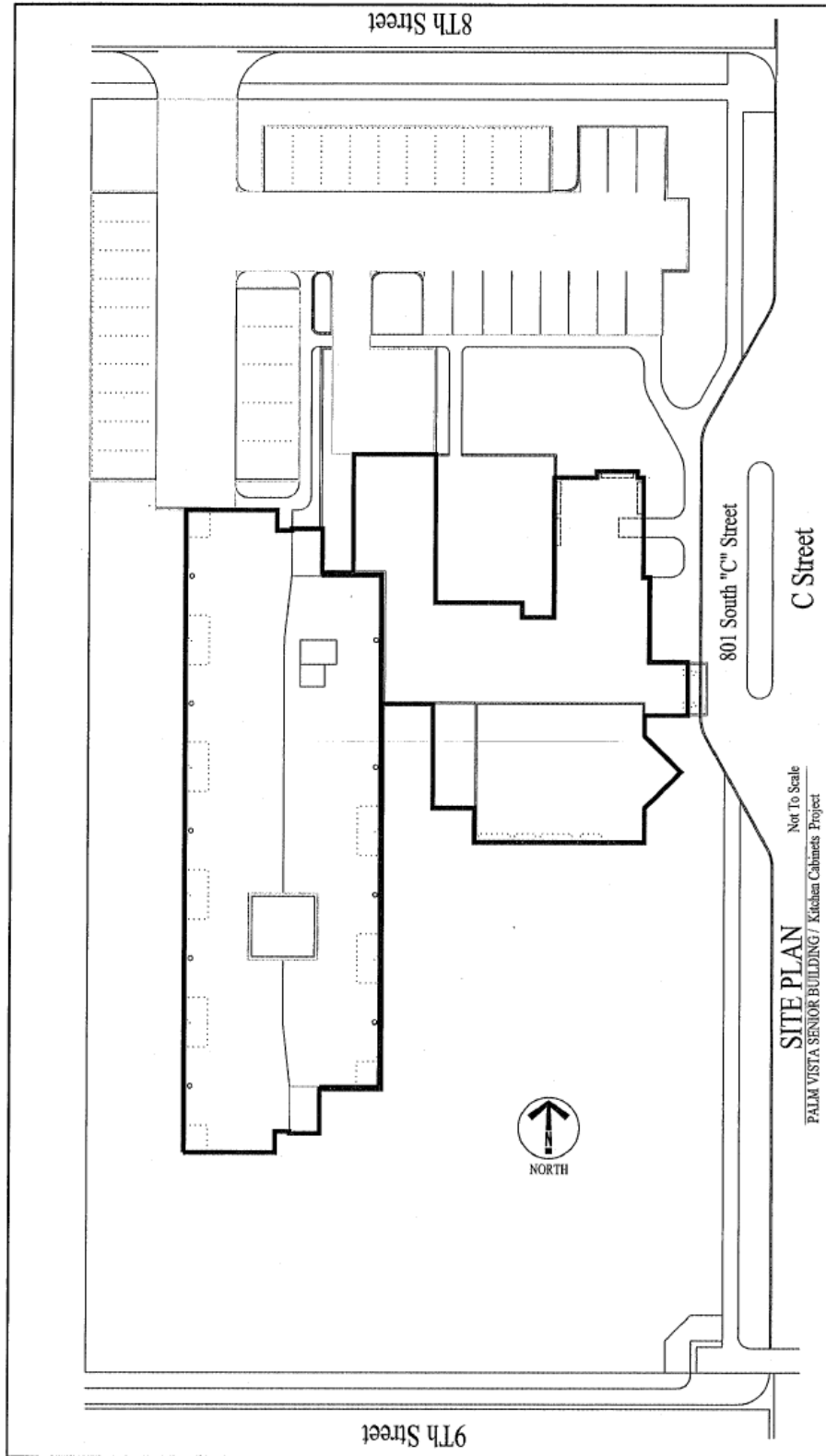
The contractor shall provide bins and/or containers for the temporary storage of the cabinets and other related materials at the job site and/or in a nearby warehouse or in their own warehouse and to coordinate delivery of the cabinets and materials to the job sites on as needed basis whichever is more cost effective and works best for them.

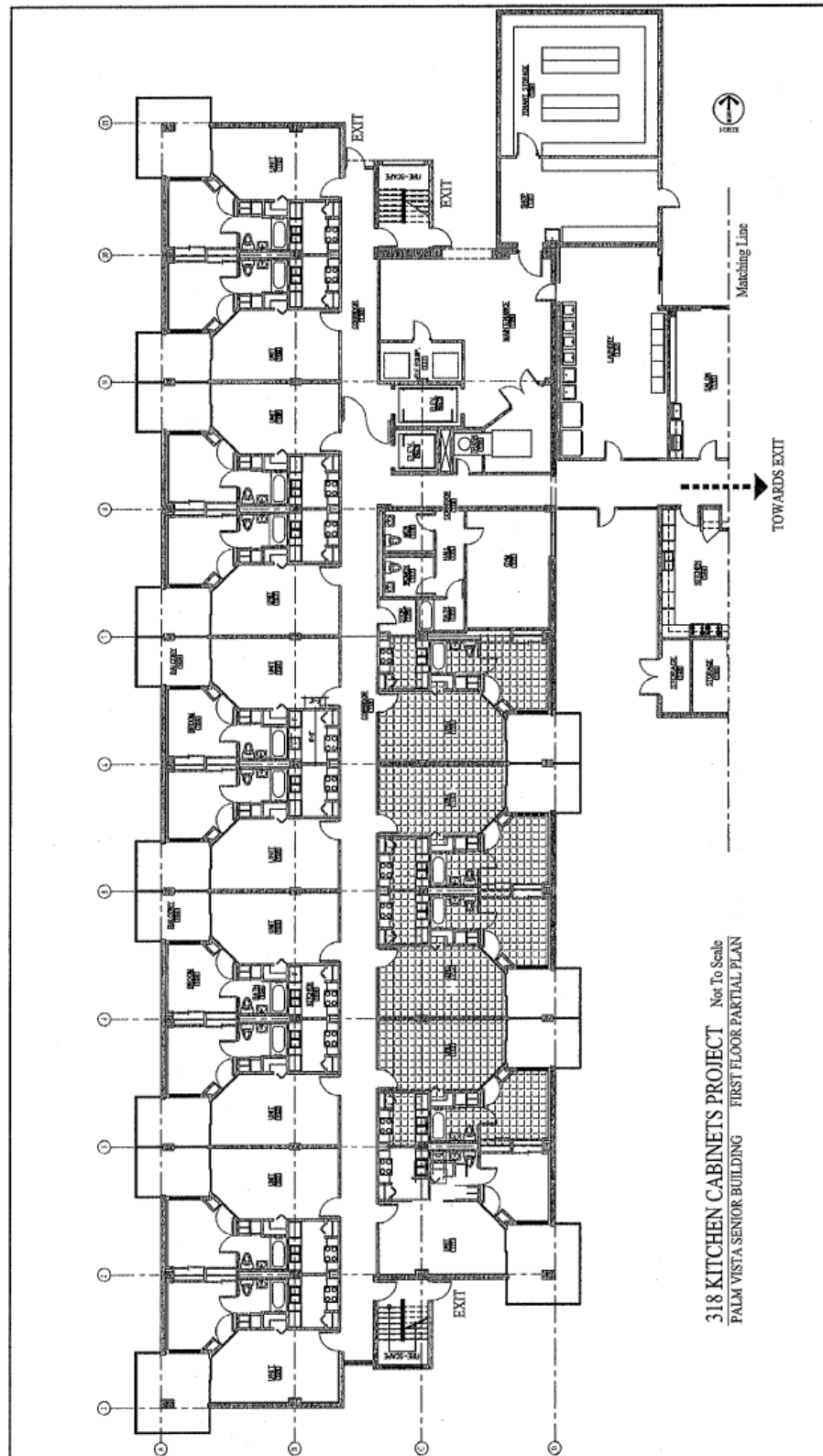
Warranty:

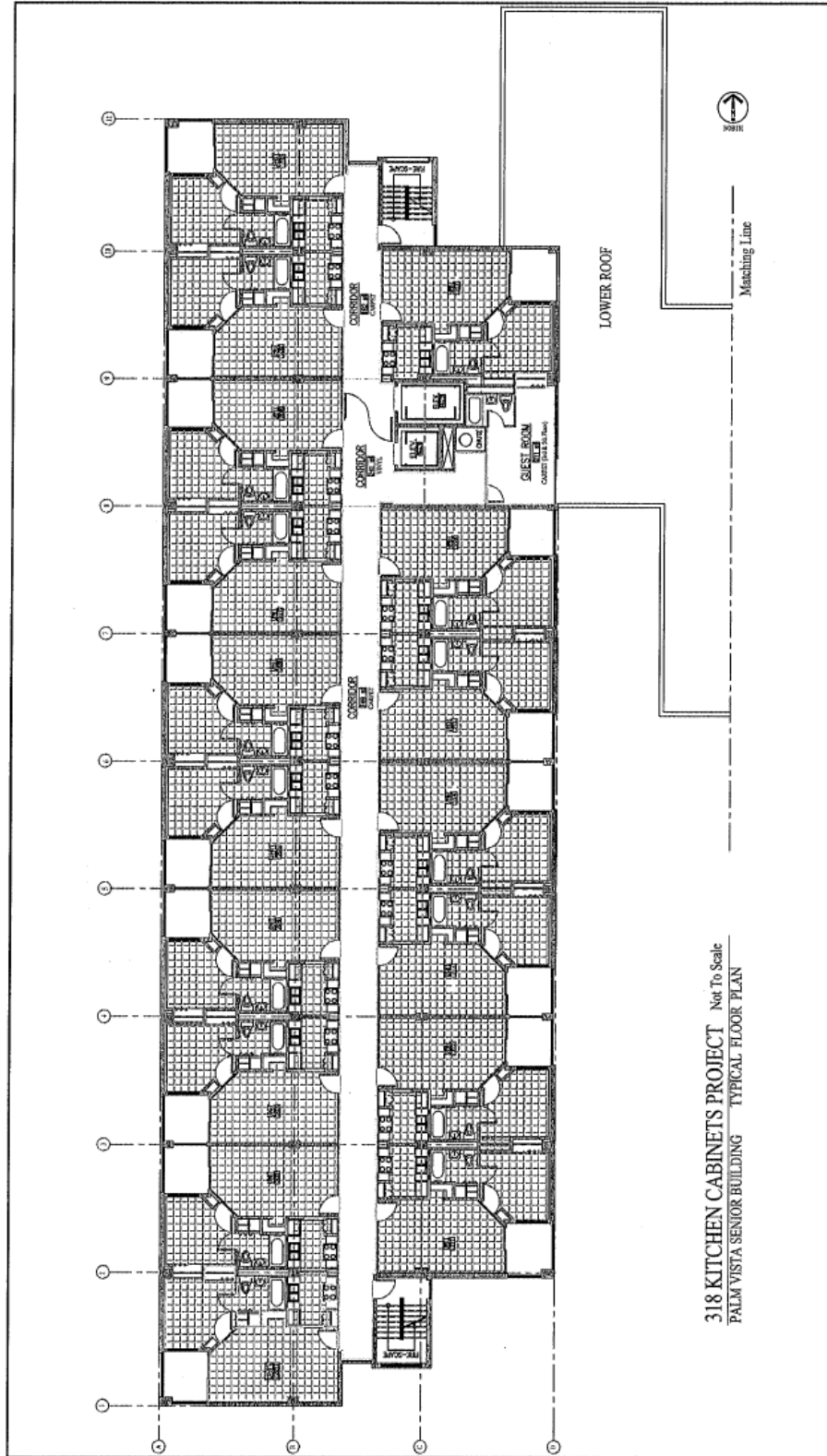
The contractor shall warranty the work for a period of **One (1) year** against workmanship and **Five (5) years** for the material by the manufacturer.

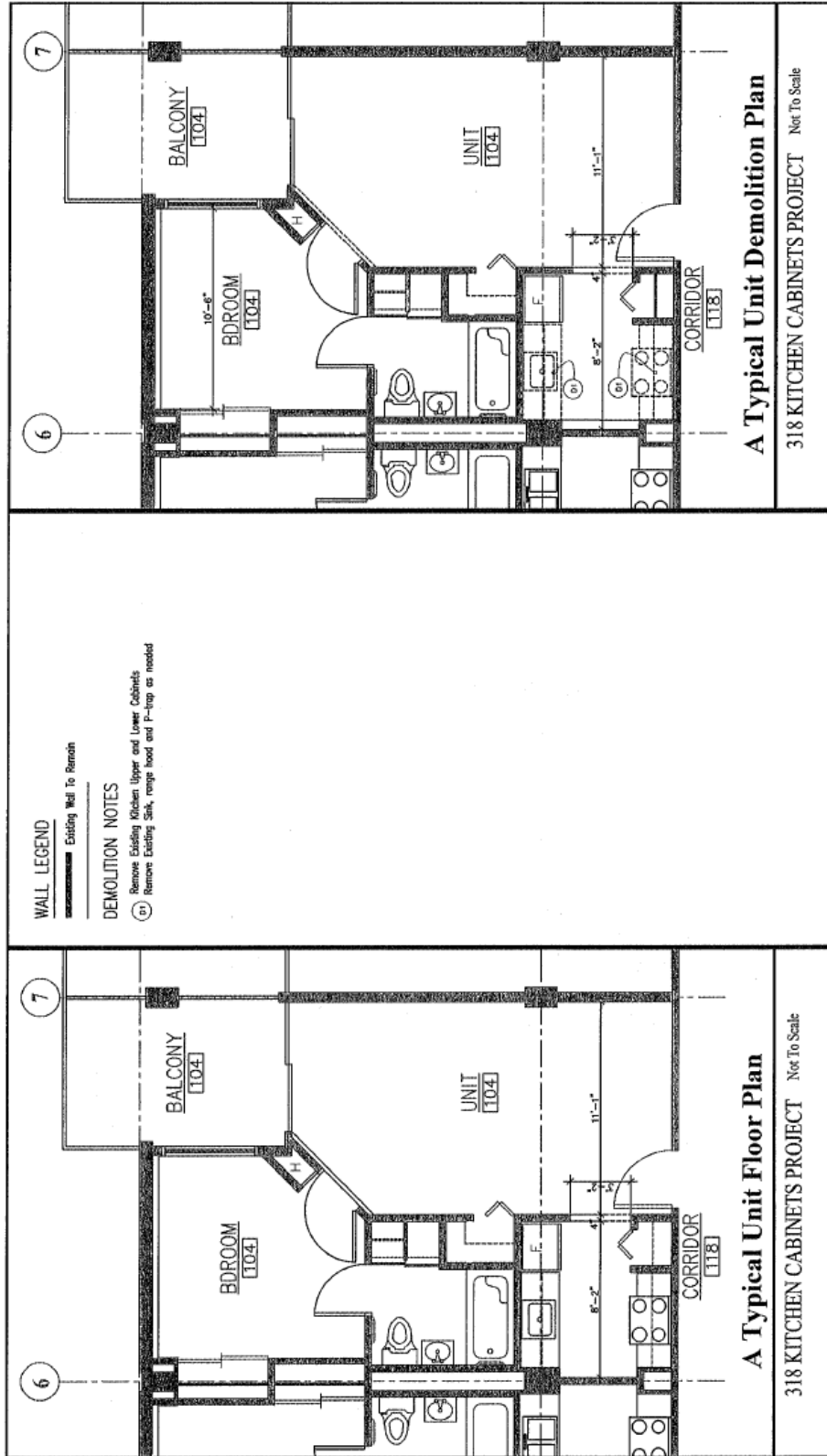
Final Walkthrough, and Sign off:

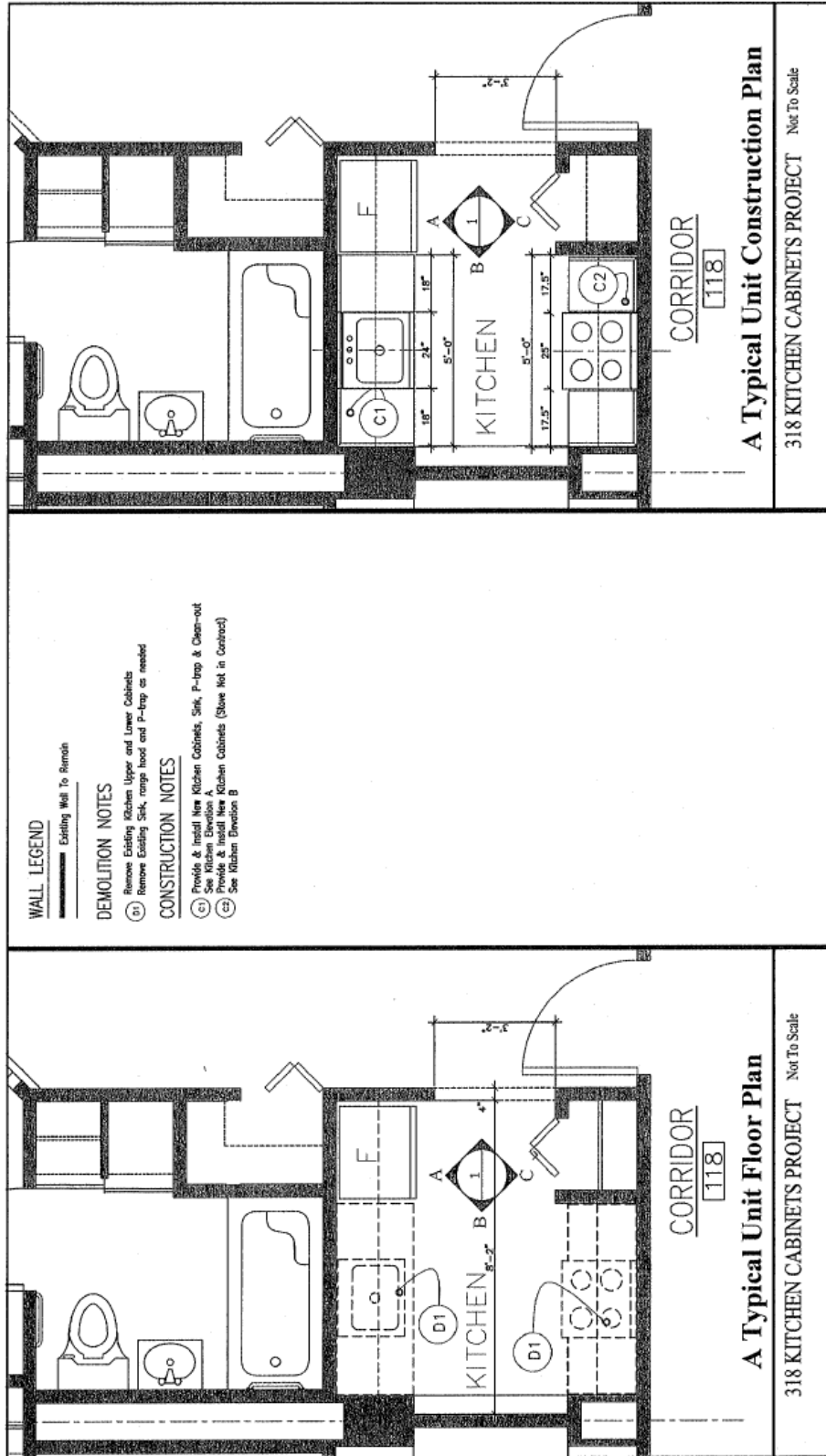
The contractor is required to call for a final walk through with the project manager and/ or the Housing Authority staff after completion of each building at the job sites. Upon approval the contractor may partially bill the Housing Authority for that completed building. All the payments will be pending obtaining a final sign off from the City inspector and turning in those permits.

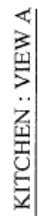


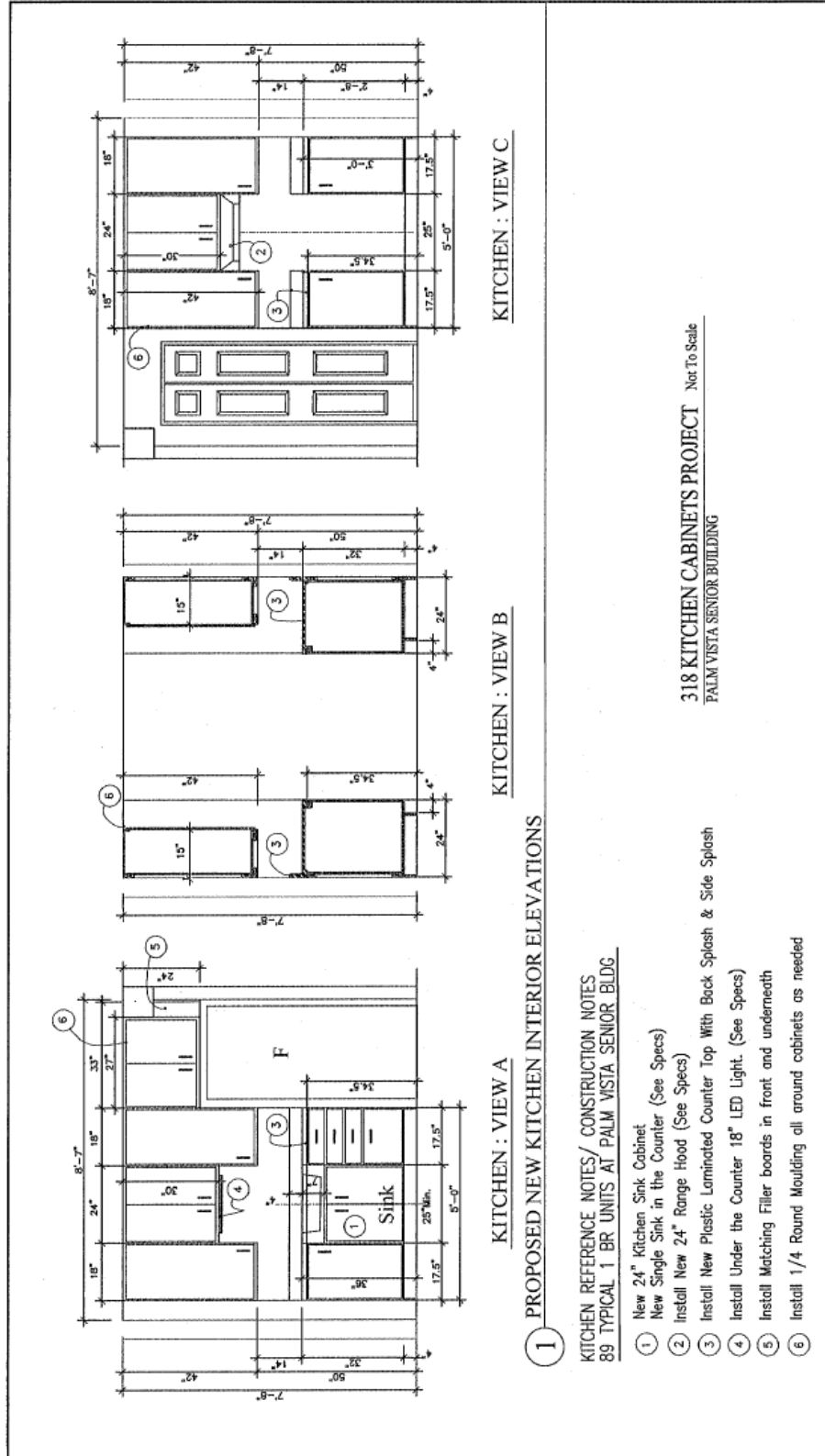




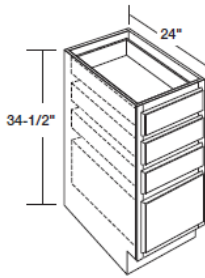








BASE CABINETS



FOUR DRAWER BASE CABINETS

- Three standard-depth drawers on top and one deep drawer on bottom

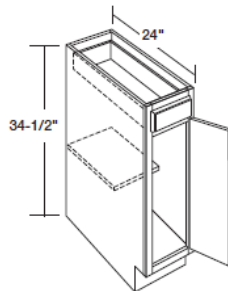
DB12
DB15
DB18
DB21
DB24

elements
Organized Solutions

See pages 4.43-4.55 for available **in-cabinet accessories** (shipped loose with order for field installation).

■ CFO
■ AD
FDS
FI
■ AW
■ MPE

Choose DB18



SINGLE DOOR AND DRAWER BASE CABINETS

- One 5/8" thick adjustable half-depth shelf (fixed in Extreme construction)
- Two hinges per door
- Specify L or R door hinging
- Calibra II and Coronet have two butt doors on B24

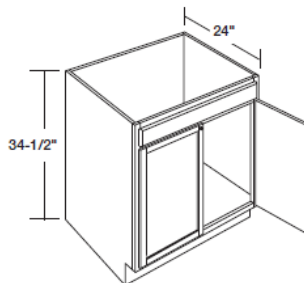
B12 L or R
B15 L or R
B18 L or R
B21 L or R
B24 L or R

elements
Organized Solutions

See pages 4.43-4.55 for available **in-cabinet accessories** (shipped loose with order for field installation).

■ CFO
■ AD
FDS
FI
■ AW
■ MPE

Choose B18 2 Right, 1 Left



BUTT DOOR SINK BASE CABINETS

- Two hinges per door
- One false drawer front on top

SB24BD
SB27BD
SB30BD
SB33BD
SB36BD

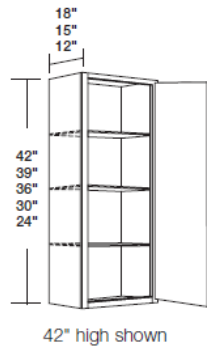
elements
Organized Solutions

See pages 4.43-4.55 for available **in-cabinet accessories** (shipped loose with order for field installation).

■ CFO
■ AD
FDS
FI
■ AW
■ MPE

ADVANTA
CABINETS

Choose SB24BD



elements
Organized Solutions

See pages 3.28-3.31 for available **in-cabinet accessories** (shipped loose with order for field installation).

SINGLE DOOR WALL CABINETS

- 42" and 39" high cabinets have three 5/8" thick shelves in Premier and AllWood construction and two 5/8" thick shelves in Extreme construction. 36" and 30" high cabinets have two 5/8" thick shelves. 24" and 18" high cabinets have one 5/8" thick shelf.
- **Shelves are fixed in Extreme construction and adjustable in Premier and AllWood construction.**
- 42" and 39" high cabinets have three hinges per door. 36", 30", 24", and 18" high cabinets have two hinges per door.
- **Calibra II and Coronet are not available on W2442, W2436, and W2430 (see Butt Door wall cabinets). W2424 comes with two butt doors in Calibra II and Coronet.**
- Specify L or R door hinging.
- **MW and DGW Cabinets come standard with plywood construction and matching finished interior in Premier and Allwood construction. See page 10.1 for MW and DGW availability by door style. Glass ordered separately.**

■	CFO
■	AD
+	DGW
+	MW
■	FI
■	AW
■	MPE

Mullion Doors
Cabinets (MW)

Doors Cut For Glass
Cabinets (DGW)

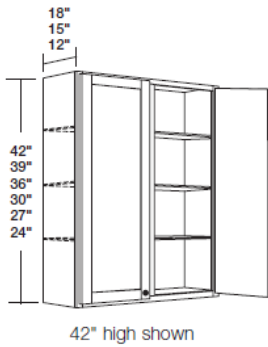
42" HIGH

W0942 L or R
W1242 L or R
W1542 L or R
W1842 L or R
W2142 L or R
W2442 L or R

MW1542 L or R
MW1842 L or R
MW2142 L or R

DGW1242 L or R
DGW1542 L or R
DGW1842 L or R
DGW2142 L or R

Choose: W1842 2 Right, 2 Left



DOUBLE DOOR WALL CABINETS

- 42" and 39" high cabinets have three 5/8" thick shelves in Premier and AllWood construction and two 5/8" thick shelves in Extreme construction
- 36", 30" and 27" high cabinets have two 5/8" thick shelves
- 24", and 21" high cabinets have one 5/8" thick shelf
- **Shelves are fixed in Extreme construction and adjustable in Premier and AllWood construction**
- 42" and 39" high cabinets have three hinges per door
- 36", 30", 27", 24", 21" and 18" high cabinets have two hinges per door
- Calibra II and Coronet have four butt doors on 48" wide cabinets
- W4542, W4842, W4536, W4836, W4530 and W4830 are not available in Altered Depth
- 27" and 21" high cabinets are not available in Arch Door Styles
- MW and DGW Cabinets come standard with plywood construction and matching finished interior in Premier and AllWood construction. See page 10.1 for MW and DGW availability by door style. Glass ordered separately

■	CFO
■	AD
+	DGW
+	MW
■	FI
■	AW
■	MPE

	Mullion Doors Cabinets (MW)	Doors Cut For Glass Cabinets (DGW)		Mullion Doors Cabinets (MW)	Doors Cut For Glass Cabinets (DGW)
42" HIGH			30" HIGH		
W2742			W2730		
W3042	MW3042	DGW3042	W3030	MW3030	DGW3030
W3342			W3330		
W3642	MW3642	DGW3642	W3630	MW3630	DGW3630
W3942			W3930		
W4242	MW4242	DGW4242	W4230	MW4230	DGW4230
W4542			W4530		
W4842			W4830		
39" HIGH			27" HIGH		
W2739			W3027		
W3039	MW3039	DGW3039	W3327		
W3339			W3627		
W3639	MW3639	DGW3639	NEW W3927		
W3939			24" HIGH		
W4239	MW4239	DGW4239	W2724		
W4539			W3024	MW3024	DGW3024
W4839			W3324		
36" HIGH			W3624	MW3624	DGW3624
W2736			W3924		
W3036	MW3036	DGW3036	W4224		
W3336			W4524		
W3636	MW3636	DGW3636	W4824		
W3936			21" HIGH		
W4236	MW4236	DGW4236	W3021		
W4536			W3321		
W4836			W3621		
			NEW W3921		

elements
Organized Solutions

See pages 3.28-3.31 for
available **in-cabinet
accessories** (shipped loose
with order for field installation).

Choose 1 W2724

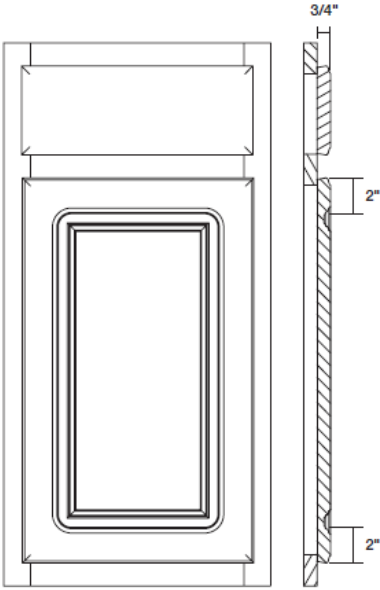
CORONET™

ORDER NOMENCLATURE:

PH
059COR

DOOR STYLE DETAILS:

DOOR DESCRIPTION	3/4" thick solid routed door frames and drawer fronts
WALL DOOR STYLE	Square
DOOR PROFILE	Double-step rolled edge on outer and inner door profile
DRAWER FRONT OPTION	Slab
OVERLAY	Standard Reveal
CENTER PANEL MATERIAL	PH Solid
AVAILABLE CONSTRUCTION	Premier, AllWood, and Extreme
DECORATIVE HARDWARE	Optional (available separately)



		PLANTATION HARDWOOD STAIN FINISHES		
		MOCHA	HONEY	UNFINISHED
GLAZE OFFERINGS	NO GLAZE	PH	PH	PH

ADVANTA.
CABINETS

DOORS 1.13

PRODUCT DESCRIPTION		FINISH OFFERINGS								LIST PRICE	
		BRUSHED GOLD	BRUSHED PEWTER	BRUSHED OIL RUBBED BRONZE	MATTE BLACK	POLISHED NICKEL	POLISHED CHROME	SATIN BRONZE	SATIN NICKEL		STAINLESS STEEL
ALVAR		4-7/16" Overall Length Cabinet Pull Holes are 96 mm center-to-center	264-96 BNBDL	264-96 DBAC		264-96 NI	264-96 PC	264-96 SBZ	264-96 SN		\$ 13.00
		5-3/4" Overall Length Cabinet Pull Holes are 128 mm center-to-center	264-128 BNBDL	264-128 DBAC		264-128 NI	264-128 PC	264-128 SBZ	264-128 SN		\$ 15.00
		7" Overall Length Cabinet Pull Holes are 160 mm center-to-center	264-160 BNBDL	264-160 DBAC		264-160 NI	264-160 PC	264-160 SBZ	264-160 SN		\$ 18.00

EXTREME series



ADVANTAGE

- Specifically created to meet the rigor of public housing projects and other hard-use applications.
- Extremely durable
- 3/4" thick pressure treated toe board
- Same front frame as other series
- Exterior plywood resists water damage
- Fixed shelves
- 11/16" thick solid wood drawer

AVAILABLE OPTIONS

- 3-sided pressure-treated toe box
- Matching plywood end panels
- High quality steel wrap-around hinge with self-closing feature
- Gentle-Touch Soft Close Hinge

EXHIBIT B

Schedule of Work and Prices

89 Typical Kitchen in 89 Typical Units	Unit Price	Total Price
Install new base & wall cabinets per approved layout/ Per scope and specs	4,790	426,310
Install new counter tops / Per scope and specs	613	54,557
Install new undercabinet kitchen light (wired) Per scope and specs	155	13,795
Install new kitchen single sink / Per scope and specs	314	27,946
Install new kitchen faucet / Per scope and specs	170	15,130
Install new kitchen range hood / (Wired and installed) Per scope and specs	233	20,737
Install new kitchen sink water supply hoses (2/unit) Per scope and specs	37	3,293
Install new angle stops (2/unit) / Per scope and specs	45	4,005
Install Clean-outs / Per scope and specs	84	7,476
Install new P-traps/ Extension lines / Drain lines slopes /Per scope and specs	42	3,738
Install other components as needed	2	178
Total Project		\$ 577,165



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.5

DATE: May 19, 2020

TO: City Council

FROM: Rosemarie Gaglione, Public Works Director, (805) 385-8055, rosemarie.gaglione@oxnard.org

SUBJECT: Purchase Order to Badger Meter, Inc. for Water Meters and Parts.

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute a Purchase Order with Badger Meter, Inc. to purchase residential, commercial, irrigation, industrial, and fire service water meters and parts in the amount of \$250,000 for a one-year term. (Public Works and Transportation Committee approved 3-0.)

BACKGROUND

The City of Oxnard's Water Division installs and replaces water meters for residential, commercial, irrigation, industrial, and fire service applications. The current Automated Meter Reading (AMR) system requires staff to collect meter readings by a special radio installed in a city vehicle. Water Division staff drive past the meters that send out a radio signal containing the meter reading to the vehicle. The Water Division has begun planning the transition to Advanced Metering Infrastructure (AMI) and it is estimated to be completed within the next five years. The AMI system will allow meter readings to be collected remotely through a cellular network, which means staff will no longer need to drive by the meters to collect readings.

DISCUSSION

The purpose of the purchase order is to replace existing failed water meters while the Water Division is transitioning from the existing AMR to the new AMI systems. Staff will bring forward the new water meter replacement program (AMI system) for the City Council approval in the near future.

The new AMI system has the following advantages over the existing AMR system.

- New meters will be solid state type meters that will eliminate mechanical wear
- Meter registers will be sealed and tamper proof
- Capture low flow rates
- No lead content to comply with the lead free provisions of the Safe Drinking Water Act
- Capable of registering consumption, rate of flow, reverse flow indicators and have various alarm setting to identify leaks and tampering
- Allow water customers to access their water usage, profile history, and leak detection

The existing meter contract with Aqua Metric is expiring on March 30, 2020. A Request for Bidding was published on January 14, 2020 with a close date of February 17, 2020. A total of three bids were received from Badger Meter Inc., Smart Earth Technologies, and Zenner USA. Badger Meters Inc. was the only bidder that met all requirements and

specifications.

Failure to repair or replace meters in a timely fashion requires that water consumption be estimated, resulting in a potential loss of revenue in both water and wastewater as well as impacting our water resource management.

STRATEGIC PRIORITIES

Infrastructure and Natural Resources Strategic Priority Area. To preserve and improve our infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding.

FINANCIAL IMPACT

Total value of Agreement with Badger Meter, Inc. is \$250,000 for a one-year term . The spending plan for FY 2019-20 is \$60,000. Budgeted funds are available in the Water Operating Fund (Account 601-6003-843-81-21) for Fiscal Year 2019-20. The remaining balance of \$190,000 will be requested for the subsequent fiscal year.

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 3-0 on April 28, 2020, to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Thien Ng, Assistant Public Works Director

ATTACHMENTS

1. PO 7634 Badger Meter, Inc.
2. RFB PW 20-45 Bid Tabulation (Badger Meter)
3. RFB PW 20-45 Badger Meter Bid



PURCHASE ORDER
CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

**PURCHASE
ORDER NO.
007634**

DATE: 3/30/2020

VENDOR PHONE: (800)876-3837

VENDOR FAX: (888)371-5982

VENDOR #: 11516

VENDOR ADDRESS: BADGER METER INC.
4545 W. BROWN DEER ROAD
MILWAUKEE, WI 53223

SHIP TO: WATER DIVISION
251 S. HAYES AVENUE
OXNARD, CA 93030

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY		REQUISITION #	REQUISITION DATE	CONFIRMED BY	
05/05/2021		0000004890	03/12/2020	THERESA M. SZAFRANSKI, AS	
FOB		ACCOUNT NUMBER		AUTHORIZED BY	
		60160038438121		JOSE CHAVEZ	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE		UNIT COST	EXTENDED COST

1	ULTRASONIC E SERIES METERS	
60,000.00 /		1.0000 60,000.00
DL		

20-00082875 EXP 3/31/20*AM
03/30/20 AGMT NTE \$250000.00 APPROVED FY 19/20
FOR \$60000.00 FY 20/21 \$190000.00 PRICE QUOTED
FROM VENDOR EXPIRES 02/16/2021. JC.

TOTAL PURCHASE AMOUNT	\$60,000.00
------------------------------	--------------------

In order to receive payment, email all invoices to:
invoices@oxnard.org

In the subject line, reference the Purchase
Order number above.

AUTHORIZED SIGNATURE. _____

ee to the attached terms and conditions of the City of Oxnard

PURCHASE ORDERS
TERMS AND CONDITIONS

The City Purchasing Officer and the Vendor agree as follows:

1. Vendor shall furnish to City the labor, materials, equipment, supplies and/or services described in the Purchase Order preceding this page.
2. City shall pay to Vendor the price, or prices, specified in the Purchase Order upon delivery of the labor, materials, equipment, supplies and/or services, and acceptance thereof by the City Purchasing Officer, or upon the completion of the services to be performed and acceptance thereof.
3. If the Purchase Order is continuing in nature, City shall pay to Vendor the amount due Vendor for labor, materials, equipment or supplies furnished, or services completed and accepted.
4. Vendor shall deliver the labor, materials, equipment or supplies, or cause the services to be performed, within the time and in the manner specified in the Purchase Order. Vendor shall be excused in performance for delays resulting from causes beyond the control of Vendor.
5. If services are performed or labor furnished to City under the Purchase Order, Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, willfulness or acts for which Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf would be held strictly liable. Vendor's obligation to defend shall arise when a claim, demand or action is made or filed, whether or not such claim, demand or action results in a determination of liability or damages as to which Vendor is obligated to indemnify and hold harmless.
6. Insurance
 - a) Vendor shall obtain and maintain during the performance of any services under this Agreement the following insurance coverage issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Vendor obtain and maintain such insurance coverage.
 - i. Commercial general liability insurance, including a contractual liability endorsement, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability coverage (Occurrence Form CG0001ED, November 1988);
 - ii. Business automobile liability insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Auto Liability Insurance Services Office coverage (Occurrence Form CA000TED, June 1992) covering Code No. 1, "any auto";
 - iii. Workers' compensation insurance in compliance with the laws of the State of California, including employer's liability insurance in an amount not less than \$1,000,000 per claimant.
7. Vendor, in the performance of any services or the furnishing of any labor under this Purchase Order, shall be considered an independent contractor, and Vendor and Vendor's agents and employees shall not be considered officers or employees of the City.
8. Vendor, without the written consent of the City Purchasing Officer, shall not:
 - a) Assign the Purchase Order, or any interest therein, or any money due thereunder; or
 - b) Make any changes, alterations or variations in the terms of the Purchase Order.
9. The cost of inspection on deliveries, or offers to make deliveries that do not meet specifications, will be paid by Vendor or deducted by City from amounts due Vendor.
10. Vendor shall indemnify and hold harmless City, its officers and employees, from liability, claims, loss or expense of any kind or nature on account of any copyrighted or uncopyrighted composition, patented or unpatented process or invention, article or appliance furnished or used under this Purchase Order.
11. Vendor shall comply with all applicable federal, state and local ordinance, laws and regulations and shall obtain and pay for all required licenses and permits, including a City of Oxnard business license.
12. Return or exchange of materials, equipment or supplies will not be permitted without written approval by the City Purchasing Officer.
13. All materials, supplies and equipment furnished under the Purchase Order shall, where applicable, be in full compliance with the Safety Orders and Regulations of the Division of Industrial Safety of the State of California and the Williams-Steiger Federal Occupational Health and Safety Act of 1970.
14. City may terminate this Purchase Order at any time by giving written notice of termination to Vendor. If termination is for cause, termination shall become effective on the date of the notice or at a later date, specified in the notice. If termination is without cause, termination shall become effective five days after the date of the notice or at a later date specified in the notice.
15. Vendor shall comply with all applicable equal employment opportunity requirements of the California Department of Fair Employment and Housing in performing or contracting for any services under this Purchase Order.
16. For public projects, Vendor shall pay prevailing wages in accordance with Labor Code Sections 1720 et seq.

ADDITIONAL REQUIREMENTS FOR GRANT-FUNDED PROJECTS

17. The following requirements apply to any Purchase Order funded in whole or in part by federal grant funds.
 - a) Upon expiration of the time specified on the reverse side, this Purchase Order shall terminate unless City and Vendor have mutually agreed in writing to an extension of time.
 - b) If legal action is brought by either party because the other has failed to comply with terms or conditions of this Purchase Order, the prevailing party shall be awarded its attorney's fees and costs in addition to its damages and/or equitable relief.
 - c) Vendor shall comply with all applicable requirements of Executive Order 11246 as amended by Executive Order 11375 and the regulations adopted pursuant thereto (41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin.
 - d) Vendor shall insure that the grantee (City), the Federal Grantor Agency, the Comptroller General of the United States, or any duly authorized representative, shall have access to any books, records, documents and papers, specifically relating to this Purchase Order, for the purpose of making audit, examination, excerpts and transcriptions for not less than three years after completion of the project and/or until the completion of the final project audit as required by the Federal Grants Agency.

Badger Meter

Qty	Nomenclature	Unit Price
1	Ultrasonic E-Series Meter, Stainless Steel, 3/4" x 9", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$135.00
1	Ultrasonic E-Series Meter, Stainless Steel, 3/4" x 7-1/2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$126.00
1	Ultrasonic E-Series Meter, Stainless Steel, 1", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$149.00
1	Ultrasonic E-Series Meter, Stainless Steel, Elliptical, 1-1/2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$353.00
1	Ultrasonic E-Series Meter, Stainless Steel, Elliptical, 2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$476.00
1	*ALTERNATE* Ultrasonic E-Series Meter, Polymer, 3/4" x 9", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$112.00
1	*ALTERNATE* Ultrasonic E-Series Meter, Polymer, 3/4" x 7-1/2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$104.00
1	*ALTERNATE* Ultrasonic E-Series Meter, Polymer, 1", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$126.00
1	*ALTERNATE* Ultrasonic E-Series Plus Meter with Integrated Flow Restriction Valve, Stainless Steel, 3/4" x 9", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable	\$400.00



Badger Meter

CITY OF OXNARD

Request for Bid PW 20-45
AMI Capable Water Meters
February 17, 2020 at 2:00 P.M. PT



4545 W Brown Deer Road
PO Box 245036
Milwaukee, Wisconsin 53224-9536
414-355-0400 | 800-876-3837
www.badgermeter.com

February 17, 2020

Mr. Jose Chavez
City of Oxnard
300 West Third Street
Suite 202
Oxnard, CA 93030

RE: AMI Capable Water Meters

Opening Date: February 17, 2020 at 2:00 PM PST

Dear Mr. Chavez:

This letter is attached to and becomes part of the above-referenced bid.

Payment terms are net 30 days.

Prices quoted in this bid, if awarded to Badger Meter, Inc. (Badger Meter), will remain firm for one year, through February 16, 2021, if acceptance is made within 60 days.

As an alternate product offering, we would like to introduce the E-Series® Ultrasonic Plus meter with an Integrated Valve. This innovative design allows remote partial and full disconnect and reconnect of water in residential, utility applications. The E-Series Plus ultrasonic meter will be available for utility purchase end of Q1, beginning of Q2.

Badger Meter is a 115 year old company, which is headquartered in Milwaukee, WI. The core pillars of our organization are quality, excellence, and service. To achieve this, Badger Meter focuses exclusively on measuring flow and our products have been specifically designed for the water utility market. Meter pits are extremely harsh environments requiring meters that will operate for 20 years even while fully submerged. In 2002, we designed a process to encapsulate our electronics in a waterproof “potting” material. Since 2002, we have shipped millions of product using this process; eliminating water intrusion and resulting in a return rate of <0.5%. Once the electronics are encapsulated, the battery cannot be replaced. Our philosophy is “if you can get in to change a battery, water molecules can get in even faster” resulting premature failures due to corrosion. To accommodate our philosophy, we design a meter with 3.6-volt lithium thionyl chloride batteries that support a 20-year life. We are currently enhancing our E-Series ultrasonic meters to allow field replacement of the full electronics package (includes the battery).

To support extended low-flow leak detection, our E-Series 5/8-1” ultrasonic meters register in 1/1000th cubic feet (e.g. 0.001) with the 1.5”-2” meters in 1/100th cubic feet (e.g., 0.01). A meter with 10 cubic feet

Mr. Jose Chavez
Page 2
February 17, 2020

registration could only report leaks of 10 cuft/hour or larger. Billing resolution is supported by truncating the data in the Meter Data Management System (MDMS) before sending reads to the billing software. For utilities less concerned with leak detection and/or MDMS without truncation support, we are adding the ability to program the meter resolution between 1 and .001 cubic feet for the 5/8"-1" meters and 10 to .001 cubic feet in the enhanced design.

The enhanced E-Series Ultrasonic 3/4" meters are expected to be available in June 2020 with the 1" following in December, 2020 and the 1-1/2"-2" available in March, 2021.

We will extend bid pricing to participating agencies based on similarly situated products, including exact product specifications and similar quantities, as per this bid, provided those agencies qualify as direct customers of Badger Meter and are not authorized accounts to a distributor of Badger Meter.

We provide certification files to help manage meter and endpoint inventory and to maintain meter accuracy data. The standard method of delivery for this format is via electronic mail. Any deviations from our standard format, or any custom file formats, will be considered on a time and material basis.

A copy of the bid tabulation, for our records, is appreciated. Electronic results can be emailed to bids@badgermeter.com.

In the event you have any questions regarding this correspondence, we can be reached by telephone at 800-876-3837 ext. 12728 or via email at bids@badgermeter.com. Additionally, you may contact your Account Manager, Lisa Engstrom, via email at lengstrom@badgermeter.com or by phone at 949-445-7171.

We appreciate the opportunity to support your metering needs.

Sincerely,

BADGER METER, INC.


Korrine L. Fleming
Assistant Secretary

CERTIFICATION OF SIGNATURE AUTHORITY

I certify as follows:

By Board Resolution adopted by the Board of Directors of Badger Meter, Inc. and in full force and effect as of this date:

The following *elected executive officers* are, among other things, hereby authorized to execute, amend, and cancel bids and contracts for the sale of products, distributor and representative agreements, bid bonds, surety bonds, contracts, leases and certain other legally binding documents in the ordinary course of business, in the name of Badger Meter, Inc. (or Badger Meter, Inc. dba National Meter & Automation):

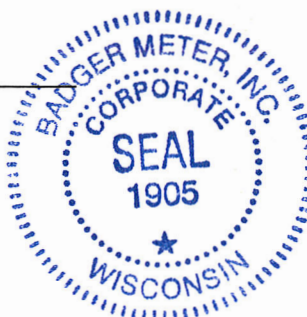
William R.A. Bergum	Vice President – General Counsel & Secretary
Kenneth C. Bockhorst	President and Chief Executive Officer
Kimberly K. Stoll	Vice President – Sales & Marketing
Robert A. Wrocklage	Sr. Vice President – Finance, CFO, and Treasurer

The following *elected non-executive officers* are hereby authorized to execute, amend, and cancel bids, bid-related contracts and documents, requests for proposals and quotes, and all other bid-related documentation in the name of Badger Meter, Inc. (or Badger Meter, Inc. dba National Meter Automation)

Wayne Dennis	Assistant Secretary	Sr. Director – International Sales and Marketing and Business Development
Charla D. Dury	Assistant Secretary	Project Manager – Bid and Contract Administration
Frank J. Fenton	Assistant Secretary	Director – Utility Sales
Korrine L. Fleming	Assistant Secretary	Manager – Bid and Contract Admin.
Jessica L. Kent	Assistant Secretary	Senior Project Manager – Bids and Contract Administration
Nathaniel R. Hawley	Assistant Secretary	Director – Distribution Administration
Rebecca L. Loomans	Assistant Secretary	Senior Project Manager – Bids and Contract Administration
Benjamin E. Loomis	Assistant Secretary	Milwaukee Credit Manager
Pamela G. Stokke-Ceci	Assistant Secretary	Assistant General Counsel and Director
Christopher D. Washington	Assistant Secretary	Senior Proposal Lead

February 17, 2020

Date



BY: William R. A. Bergum

William R.A. Bergum
Vice President – General Counsel & Secretary
Badger Meter, Inc.

CONFIDENTIALITY STATEMENT

The information contained herein is to be considered confidential and proprietary to the extent allowable by law. © 2020 Badger Meter, Inc. All rights reserved.

TABLE OF CONTENTS

Company Profile

Attachment A

Attachment B

Attachment C

Appendices

- Appendix 1 – Section 1.6; B (i): Company Ownership and Affidavit of Non-Collusion
- Appendix 2 – Section 1.6; C (ii): Company Hierarchy and Organizational Chart
- Appendix 3 – Section E: Authorized Negotiator
- Appendix 4 – Section F: Credentials/Resumes/Certifications/Licenses
- Appendix 5 – Price Proposal
- Appendix 6 – Product Data Sheets
- Appendix 7 – Product Warranties

COMPANY PROFILE



City of



Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020



City of Oxnard
Request for Bid
PW 20-45
AMI-CAPABLE WATER METERS
Bid Close Date: (Feb 17, 2020)
By 2:00 p.m. PT

Purchasing Division
300 West Third Street
Oxnard, CA 93030
<https://www.oxnard.org/>
Solicitation opportunities: <https://www.oxnard.org/rfps-and-rfqs/>

PREPARATION OF BID

1.1 In addition to responding to other sections of this request for bid, **bidder shall submit Attachments A, B, and C, in its entirety, which includes the bid documents and specifications.** Failure to do so may cause rejection of the bid.

1.2 Bidder's response shall state on a point-by-point basis whether the bid is in compliance with the requirements and specifications of this request for bid. Deviations to the requirements and specifications may be considered, provided that the vendor submits full description and explanation of, and or justification for the proposed deviation supported by specifications and descriptive literature that fully describes the item(s) offered.

1.3 Bidders may reproduce Attachment A to submit alternate bids, if the City requests alternate bids.

1.4 The bid must be submitted by an authorized agent of the submitting entity.

1.5 Term of Agreement:

It is the intent of the City to issue a non-exclusive agreement for a **one (1) year** term with pricing locked in for this term, with the option if agreed upon by both parties for **one** additional one-year periods.

1.6 Company Profile

This section of the proposal is designed to establish the bidder as an entity with the ability and experience to operate the program as specified in the solicitation. The Company Profile should be concise and clear, including descriptive information regarding service delivery. The following information must be provided as follows:

A. Business name and legal business status (i.e. partnership, corporation, etc.).

BIDDER'S RESPONSE: Badger Meter, Inc. - Corporation

B. Company overview and disclosure of services or activities performed, including:

- i. The City of Oxnard is a public agency with a City Council composed of elected officials. The elected officials are restricted from voting on any action concerning a contract whose owners have made a campaign contribution of \$250 or more in the previous 12 months. To assist them in their decision making process, please indicate the owners of the company and if any contributions were made to the Elected Officials. Please refer to Appendix Section 1.
- ii. Company hierarchy (President, Vice President, Company Officers, etc.) and an organizational chart. The organizational chart shall clearly identify all staff members that will provide services under this contract. Please refer to Appendix Section 2.
- iii. The number of years in business under the present business name, as well as prior business names, and the number of years of experience providing the proposed, equivalent or related services. Badger Meter has been in business under its present name, and providing the proposed goods and services for the last 115 years, since its founding in 1905. Badger Meter has also operated under the prior business name of Badger Meter, Inc. DBA National Meter & Automation.

- iv. Location of the office from which the work under this contract will be provided and the staff allocation at that office.

i. **BIDDER'S RESPONSE:** [Headquarters - 4545 W. Brown Deer Rd., Milwaukee, WI 53223](#)
Staff allocation as of 12/2019: 476

ii. **BIDDER'S RESPONSE:** [California - 940 Riverside Pkwy. Ste. 30, West Sacramento, CA 95605](#)
Staff allocation as of 02/2020: 5

iii. **BIDDER'S RESPONSE:**

iv. **BIDDER'S RESPONSE:**

- C. Provide any financial interests in any other business. Individuals who are personally performing the contracted services and governmental agencies are exempt from this requirement. If exempt, please indicate with an "N/A" in the box below.

BIDDER'S RESPONSE: [Not applicable.](#)

- D. An explanation of any litigation involving the Bidder or any principal officers thereof in connection with any contract. Is your firm, or the principals associated with your firm, under investigation, being sued, suing, or affiliated in any lawsuit or alternative dispute resolution with any governmental agency? If so, please provide details.

BIDDER'S RESPONSE: [Not applicable.](#)

- E. List the members of your organization who are authorized to negotiate the Agreement.

BIDDER'S RESPONSE: [Please refer to Appendix Section 3.](#)

F. Credentials/Resumes/Certifications/Licenses:

This section shall state all employees/subcontractors responsible for administering or providing services. Provide a summary list of the organizational personnel that will actively participate and contribute their skills to this project. Include in this list the individual's name, job title, work location and relevant experience in projects of similar size and complexity. (Responses may be one page per individual.)

[Please refer to Appendix Section 4.](#)

Bidder shall specifically provide the following information on all employees to be providing services related to this RFB:

- i. Position Title
- ii. Current Responsibilities
- iii. Qualifications/Experiences
- iv. Education
- v. Certifications/licenses, if applicable

- vi. List other pertinent information that will assist in evaluating Bidder's qualifications.

i. ***BIDDER'S RESPONSE:***

ii. ***BIDDER'S RESPONSE:***

iii. ***BIDDER'S RESPONSE:***

iv. ***BIDDER'S RESPONSE:***

v. ***BIDDER'S RESPONSE:***

vi. ***BIDDER'S RESPONSE:***

Bidder can add as many sections to this bid response box as they need to state all employees providing services.

ATTACHMENT A



DESCRIPTION OF EQUIPMENT

2.0 The specifications provides for Advanced Metering Infrastructure (AMI)-Capable Water Meters in the anticipated amounts as indicated.

- Provide a meter that is AMI capable (cellular infrastructure or a standalone fixed network) [Badger Meter complies with this requirement.](#)
- Meters sized $\frac{3}{4}$ through 2" shall have no moving parts via (ultra-sonic or mag type) [Badger Meter complies with this requirement.](#)
- Meters $\frac{3}{4}$ in size shall be no more than 3.5" in height [Badger Meter complies with this requirement.](#)
- Meters shall be constructed of composite, Stainless Steel or other material containing no lead metal [Badger Meter complies with this requirement.](#)
- Meter to be 100% lead free (0 lead) is preferred [Badger Meter complies with this requirement.](#)
- Meters to meet AWWA and NSF 61 compliance Standards [Badger Meter complies with this requirement.](#)
- Meter shall be tamper proof along with a sealed type body to protect from the environment [Badger Meter complies with this requirement.](#)
- Meter remote shutoff must not increase the length of the meter [Badger Meter complies with this requirement.](#)
- Register/Encoder with each meter and register is LCD display for manual reads in field [Badger Meter complies with this requirement.](#)
- Meter accuracy warranty for an accuracy of +/- 1.5% for normal operating range, and a +/-3% extended low flows on all size meters [Badger Meter complies with this requirement.](#)
- Batteries for Meter, Register/Encoder warranty is 20 years and 10 years prorated [Badger Meter complies with this requirement.](#)
- Battery to have a field replacement option [Please refer to our cover letter for product clarification.](#)
- Meters are to be programmed to register in 10 cubic feet [Please refer to our cover letter for product clarification.](#)

City of



Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020

**ATTACHMENT A
BID DOCUMENTS
FOR
(AMI-CAPABLE WATER METERS)**



AMI-Capable Water
Meter Specifications (

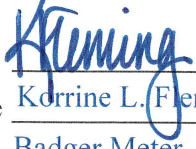
The following addenda are acknowledged: (Enter # & date or "None" if appropriate)

No.	Date	No.	Date
1	January 28, 2020		
2	February 5, 2020		

() Check here if "NO Bid".

(X) Check here if your bid will be extended to other public agencies. Your response will in no way affect consideration of your bid.

The undersigned agrees to provide the above items and/or services to the City of Oxnard at the price quoted hereon, hold the price firm for 60 days after the designated date to receive bids, and provide the above items and/or services upon receipt of a City of Oxnard purchase order.

Bidder's Signature  Date February 17, 2020
Printed Name & Title Korrine L. Fleming, Assistant Secretary
Business Name Badger Meter, Inc.
Business Address 4545 W. Brown Deer Rd.
Milwaukee, WI 53223
Telephone No. 800-876-3837 Email bids@badgermeter.com
Federal Taxpayer Identification No. 390143280

ATTACHMENT B



City of



Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020

ATTACHMENT B
CITY OF OXNARD
SIGNATURE SHEET, AFFIDAVIT

I, Korrine L. Fleming

depose and say that I am Assistant Secretary
(“Sole Owner”, “A Partner”, “President”, or other proper title)

of Badger Meter, Inc.

Name of Bidder

Whoever submits this proposal to the City of Oxnard declares:

1. That the bidder has read these bid documents and specifications, will abide by and agrees to the conditions herein, and does hereby propose to furnish all equipment required for the item totals listed in the Bid Proposal.
2. That this bid is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure an advantage over any other bidder.
3. That the addenda indicated on page 1 of this proposal are acknowledged.

I certify or declare under penalty of perjury that the foregoing is true and correct and I am an authorized agent to submit bids.

A handwritten signature in blue ink that reads "Korrine L. Fleming".

Korrine L. Fleming

Signature Assistant Secretary

February 17, 2020

Date

ATTACHMENT C



CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2852

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA,
ESTABLISHING A SMALL LOCAL BUSINESS
PURCHASING PREFERENCE PROGRAM

WHEREAS, the unemployment rate in the City of Oxnard in recent years consistently has been higher than the unemployment rate of other cities in Ventura County and in the State; and

WHEREAS, the Council finds it necessary, desirable, and in the best interests of the City to establish a small business preference program in order to attract businesses to Oxnard, to retain businesses, and to increase employment and reduce competitive barriers faced by small local businesses; and

WHEREAS, the City is authorized by its municipal affairs authority and state law to establish such a program.

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

Part 1. In cases where the Oxnard City Code requires a written competitive bid for the purchase of goods or services, in determining the lowest responsible bidder when responsibility and quality are equal, a credit in a percentage of the bid submitted by the lowest responsible bidder meeting specifications shall be given to a bidder that meets the definition of a "Small Local Business" in this ordinance as follows: 5% of the amount up to \$500,000; 4% of the amount between \$500,001 and \$750,000; 3% of the amount between \$750,001 and \$1,000,000; 2% of the amount between \$1,000,001 and \$1,250,000 and 1% of the amount between \$1,250,001 and \$1,500,000. For example, if the lowest responsible bid is \$1,000,000, the preference would be \$42,500 ($\$500,000 \times .05 + \$250,000 \times .04 + \$250,000 \times .03$). The preference applies to all contracts, including contracts over \$1,500,000, but the amount of the preference is limited as provided herein, so that the maximum preference is \$50,000.

Part 2. "Small Local Business" shall mean a business entity that has for at least thirty six (36) months immediately preceding submittal of its bid held a current business license issued by the City and maintained its principal business office within the City's geographic boundaries, and has average annual gross receipts of twenty million dollars (\$20,000,000) or less over the thirty six (36) months immediately preceding submittal of its bid, and that employs fewer than one hundred (100) employees at least fifty percent (50%) of whom are Oxnard residents and have been Oxnard residents for at least 90 days prior to submission of the bid.

Part 3. As an alternative to the employment requirements described in Part 2, and only with respect to trade services or construction contracts to perform which the contractor intends to

City of



Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020

Ordinance No. 28522

Page 2

hire employees or to subcontract, a contractor submitting a bid shall satisfy the resident employment requirements for obtaining preference as follows. With the submission of its bid, the contractor shall submit a certification under penalty of perjury that it has verified its own proposed employee base for performance of the contract and confirmed with all subcontractors providing bids used to formulate the contractor's bid, all of whom have subcontracted with or will subcontract with the contractor, that at least 50% of the labor hours devoted to performance of the contract will be provided by residents of the City of Oxnard. During, or within one year after performance of the contract, the City Manager or designee shall have the right to audit all the contractor's records to confirm the accuracy of the contractor's certification and the contractor shall provide to the City all documents (including subcontractors' records) appropriate to perform such an audit. Should it be determined after such audit by the City Manager that the requirements of this Part 3 have not been met or should the contractor not upon request provide documents sufficient for the audit required by this Part 3 to be performed, the contractor shall be required to pay upon demand to the City the entire amount of any preference granted, which amount may be withheld from any payment otherwise due the contractor. The foregoing is in addition to any other consequences which may be imposed upon the contractor for violation of the provisions of a City ordinance. The City Manager's determination under this Part 3 may be reviewed pursuant to sections 1 – 55 et seq., of the City Code, enacted by Ordinance No. 2840.

Part 4. The principal business office shall mean the place where the principal officers or owners generally transact business and the place to which reports are made and from which orders and payments are made, and the place which the business represents to government authorities as its principal office or principal place of business. Subject to review by the City Manager or designee, the requirements to obtain a Small Local Business preference may be established by submission with the bid of certification under penalty of perjury that the business meets such requirement, including a list showing all employee addresses and affirming that the employees have granted permission for the use of their addresses.

Part 5. The City Manager or his designee shall determine whether a business is a Small Local Business under this ordinance, including whether the principal office of the business is in the city, and whether employees are residents of the City. The City Manager's determination shall be final and not appealable under any provision of the City Code, except for the determination described in Part 3.

Part 6. The City Manager may adopt or instruct the purchasing agent to adopt such regulations, applications and forms as the City Manager determines are appropriate to implement the provisions of this ordinance.

Part 7. The provisions of this ordinance shall not apply when the Small Local Business preference described herein is contrary to or precluded by requirements of State or federal law or contrary to or precluded by requirements of a State of federal funding source or program providing assistance to the City for the particular project.

Part 8. In addition to any other consequence which may be imposed for violation of a City ordinance, the City Manager may prohibit a business entity which he determines has falsely claimed to be a Small Local Business from bidding on City contracts for a period of up to five

City of



Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020

Ordinance No. 2852
Page 3

years. The City Manager's determination may be reviewed pursuant to sections 1 – 55 et seq., of the City Code, enacted by Ordinance No. 2840.

Part 9. Within fifteen days (15) after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City.

Part 10. Ordinance No. 2852 was first read on Dec. 6, 2011, and finally adopted on Dec. 13, 2011, to become effective thirty days thereafter.

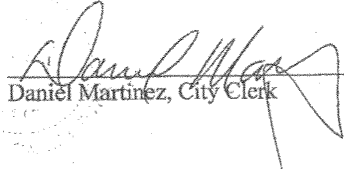
AYES: Councilmembers Holden, MacDonald, Flynn, and Ramirez.

NOES: None.

ABSENT: Mayor Pro Tem Pinkard.


Dr. Thomas E. Holden, Mayor

ATTEST:


Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Alan Holmberg, City Attorney

City of



Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020

Attachment C**Local Business Qualification Affidavit**

The City of Oxnard's Local Business Preference may be applied to this solicitation. If you qualify for this preference, this form must be submitted along with each bidder's response to this solicitation. If a Bidder fails to provide a completed Local Business Qualification Affidavit form with their bid submittal, the Bidder may be disqualified from obtaining local preference. It is the sole responsibility of the Bidder to identify local preference with each bid submittal. Reference Ordinance 2852.

Definition of Local Business

A local business shall mean a business firm meeting the following requirements:

1. Fixed offices located within the geographical boundaries of the City of Oxnard, authorized to perform business within the City, and in doing so, holds a current City Business license, and provides, produce/s, or performs contracted work using employees, of whom the majority are physically located in said local offices, and
2. A City of Oxnard business street address, shall be open and staffed during normal business hours with an annual gross receipts of twenty million dollars (\$20,000,000) or less thirty-six months (36) and,
3. Employee fewer than one hundred (100) employees at least fifty percent (50%) Oxnard residents, per the Ordinance. (Refer to Ordinance 2852).
4. Post office box numbers shall not suffice to establish status as a "local business."

Additional supporting documentation is required to verify qualification includes:

1. A copy of a current BOE 531-A and/or BOE 530-C form (State, Local & District Sales, and Use Tax Return Form). This is what businesses submit to the State Board of Equalization when paying the sales tax to the State of California indicating the amount of the payment to be credited to each jurisdiction (i.e. Counties, Cities).
2. A current business license if required.
3. Proof of the current business address. The business address must match for points 1, 2 and 3.

Business Name: _____

Physical Address: _____

Phone: _____

E-Mail: _____

Length of time at this location: _____

Number of Company Employees at this address: _____

If less than 36 months, list previous City of Oxnard location: _____

Business License _____

Hours of Operation: _____

Primary function of this location (i.e., sales, distribution, production, corporate, etc): _____

Signature of Company Official _____

Date _____

Badger Meter does not have a local established office for distribution of product, however we have relationships with local existing businesses to distribute our products.



City of

Oxnard
Purchasing Department

Solicitation #PW20-45
Bid Close Date: 02/17/2020

Print Name, Title

Submittal of false data will result in disqualification of local preference and/or doing business with the City of Oxnard.

APPENDICES



APPENDIX 1 - SECTION 1.6; B (i): COMPANY OWNERSHIP AND AFFIDAVIT OF NON-COLLUSION



4545 W Brown Deer Road
PO Box 245036
Milwaukee, Wisconsin 53224-9536
414-355-0400 | 800-876-3837
www.badgermeter.com

**Badger Meter, Inc.
Company Ownership of Five Percent and Greater
February 28, 2019**

Shareholders of Common Stock	Percentage Interest in Shareholders' Equity
BlackRock, Inc. 55 E. 52 nd St. New York, NY 10055	14.7%
The Vanguard Group, Inc. 100 Vanguard Blvd. Malvern, PA 19355	11.2%
Kayne Anderson Rudnick Investment Management, LLC 1800 Ave. of the Stars, 2 nd Fl. Los Angeles, CA 90067	6.4%

Badger Meter obtains the shareholder ownership information from the SEC 13-F forms filed by holders no later than 45 days after each quarter end, and compiled by an outside service provider.



4545 W Brown Deer Road
PO Box 245036
Milwaukee, Wisconsin 53224-9536
414-355-0400 | 800-876-3837

February 17, 2020

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of the bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

The prices in the bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

Unless otherwise required by law, the prices which have been quoted in the bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other competitor; and

No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit a bid for the purpose of restricting competition.

Sincerely,

Badger Meter, Inc.

A handwritten signature in blue ink, appearing to read 'K. Fleming'.

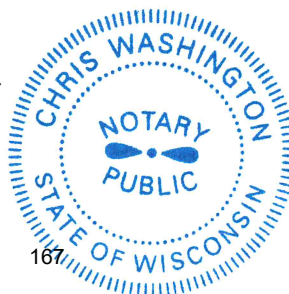
Korrine L. Fleming
Assistant Secretary

STATE OF WISCONSIN
COUNTY OF MILWAUKEE

Subscribed and sworn to before me this 17th day of February, 2020.

A handwritten signature in blue ink, appearing to read 'Chris Washington'.

Chris Washington, Notary Public



My commission expires January 18, 2022.

APPENDIX 2 - SECTION 1.6; C (ii): COMPANY HIERARCHY AND ORGANIZATIONAL CHART

Badger Meter, Inc. Corporate Officers
November 1, 2019

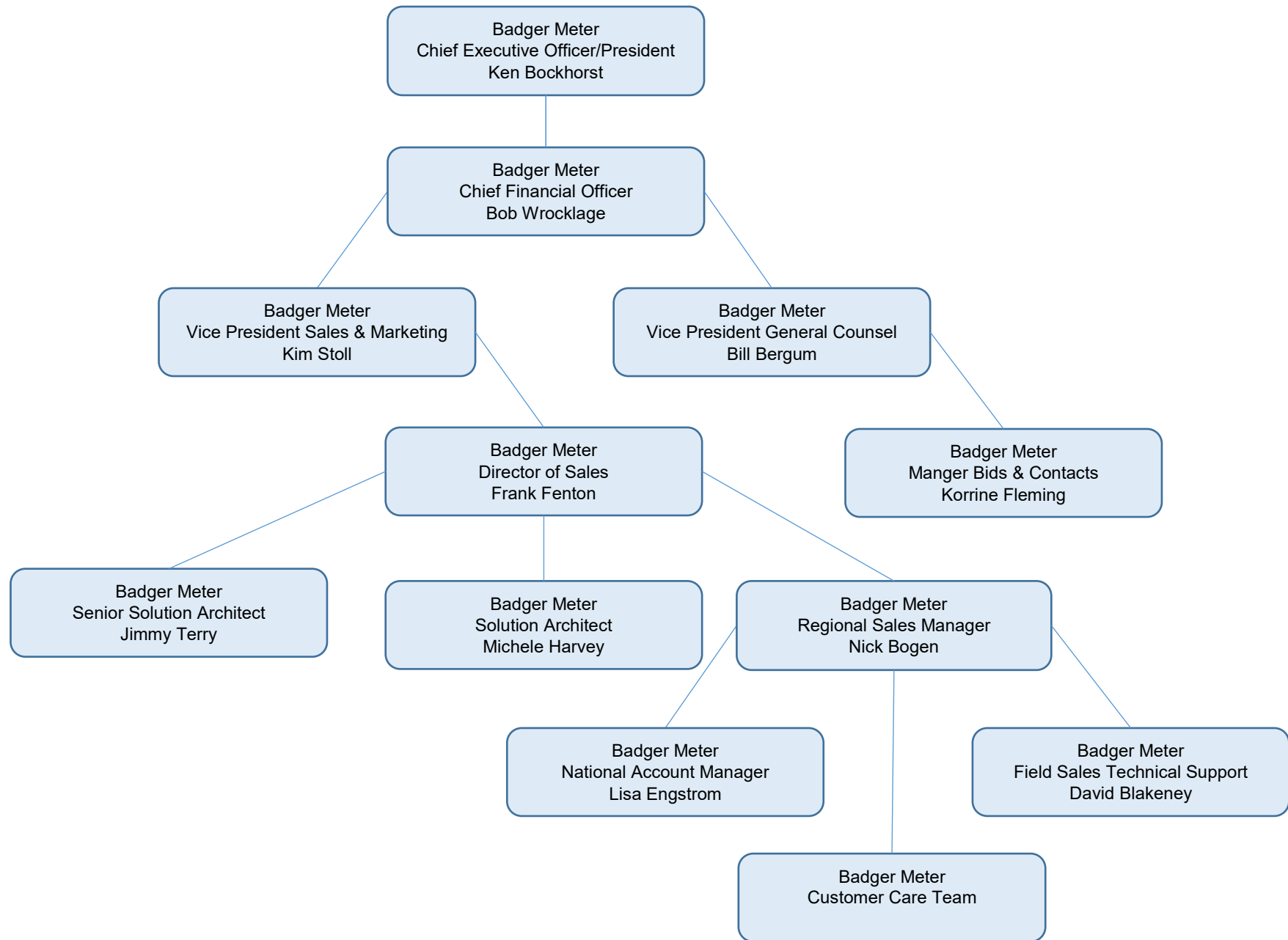
Elected Executive Officers:

Kenneth C. Bockhorst	President and Chief Executive Officer
Robert A. Wrocklage	Vice President – Chief Financial Officer
Karen M. Bauer	Vice President – Investor Relations, Corporate Strategy and Treasurer
Fred J. Begale	Vice President – Engineering
William R.A. Bergum	Vice President – General Counsel and Secretary
Gregory M. Gomez	Vice President – Global Flow Instrumentation and International Utility
Trina L. Jashinsky	Vice President – Human Resources
William J. Parisen	Vice President – Global Operations
Kimberly K. Stoll	Vice President – Sales and Marketing
Daniel R. Weltzien	Vice President – Controller

Elected Non-Executive Officers*:

Joanne K. Crumer-Pascale	Assistant Treasurer	Milwaukee Accounting Manager
Charla D. Dury	Assistant Secretary	Project Manager – Bid & Contract Admin.
Frank J. Fenton	Assistant Secretary	Director – Utility Sales
Korrine L. Fleming	Assistant Secretary	Manager– Bid & Contract Admin.
Nathaniel R. Hawley	Assistant Secretary	Director – Distributor Administration
David A. Kutil	Assistant Treasurer	Milwaukee Assistant Controller
Rebecca L. Loomans	Assistant Secretary	Sr. Project Manager – Bid & Contract Admin.
Benjamin E. Loomis	Assistant Secretary	Milwaukee Credit Manager
Pamela G. Stokke-Ceci	Assistant Secretary	Assistant General Counsel and Director
Christopher D. Washington	Assistant Secretary	Senior Proposal Lead

**Scope of authority for Assistant Secretaries determined by job description and duties, as approved by the Corporation's Secretary*



APPENDIX 3 - SECTION E: AUTHORIZED NEGOTIATOR

Korrine Fleming

Manager – Bids & Contracts

Office: 414-371-2728

Email: kfleming@badgermeter.com



Summary of Qualifications

Korrine Fleming is the Manager of the Bids & Contracts Department of Badger Meter. In this role, Korrine oversees a team of proposal management professionals dedicated to the successful contract life cycle of customer projects, ranging from opportunity identification, content management, and proposal development. While serving in this role, Korrine applies a strategy-driven method focused on efficiency and best practices to create accurate, compliant, and compelling proposals for standard supplier bid opportunities and full turnkey AMR/AMI implementation proposals. She collaborates with Badger Meter's legal counsel, field support services, sales, and marketing departments within Badger Meter to ensure contractual obligations and performance requirements are properly managed from a risk and contract perspective.

Education & Associations

Korrine is a certified Proposal Management Professional, maintains her membership with the Association of Proposal Management Professionals, and has over 15 years of experience in contract administration, contract management, and negotiation. She holds a bachelor's degree in Legal Studies and an associate's degree in Paralegal Studies from South University in Savannah, Georgia.

Professional Experience

Before beginning her career with Badger Meter in 2017 Korrine worked in the private law firm setting for several years. As her career progressed, she directed her experience and skillset towards supporting the advancement of the water and wastewater industry in contract management roles. Specifically, she worked for CRANE Nuclear, Inc., located in Kennesaw, Georgia, to deliver a broad offering of solutions to the nuclear industry. In addition, Korrine served as a Sr. Contract Specialist at Rexnord Corporation/VAG, LLC, which manufactures water supply and waste management products and has locations in Milwaukee, Wisconsin and Cranberry, Pennsylvania.

APPENDIX 4 - SECTION F: CREDENTIALS/RESUMES/ CERTIFICATIONS/LICENSES

Nick Bogen

Regional Manager

Office: 414-371-7240

Cell: 414-339-5680

nbogen@badgermeter.com



Summary of Qualifications

Nick Bogen is the Western Regional Sales Manager for the Utility Sales Group at Badger Meter. Nick started with Badger Meter in March 2013 and brings over 23 years of successful sales and sales management experience. Prior to joining Badger Meter, Nick was the Director of Sales at Adaptive Micro Systems, a manufacturer of electronic LED displays and billboards. Nick's previous experience also includes his role as the Western Regional Manager for Cerro Flow products where he was responsible for over \$50 million in annual sales of copper water pipe and refrigeration pipe in a commodity market dynamic. Nick has a broad understanding of manufacturing processes including plastic molding, extrusion, circuit board, casting and radio frequency (RF) technology. Nick's diverse background makes him ideally suited to support his utility customers' metering needs.

Education & Associations

Jacksonville University, Jacksonville, Florida, *Bachelor of Science in Business Administration*, 1991

Member of American Water Works Association (AWWA)

Professional Experience

Badger Meter, *Regional Manager-Utility Sales*, 2013-present

- Responsible for overall management of sales plan development, sales strategy, forecasting, budgets, revenue and margin goals
- Manages sales professionals to achieve corporate goals while providing executive management with market trends in the industry to improve our product offering to ensure a successful deployment of Badger products and water systems
- Responsible for bringing knowledge of Badger Meter products to the market to help Badger Meter remain at the forefront of innovation

Adaptive Micro Systems, *Director of Dealer Sales*, 2008-2013

- Responsible for sales and marketing efforts for dealer, productivity and billboard sales channels while serving on the executive management team

Cerro Flow Products, *Northwest Regional Manager*, 2004-2008

- Responsible for pricing to meet profit, spread, and volume objectives by daily monitoring raw material costs and competitive climate

Hartwell DZUS, *Regional Sales Manager for the Consumer Electronic Sector*, 2003-2004

- Developed, implemented, and managed the first organized distribution program for Hartwell's products
- Developed contracts and pricing strategy

Richco, Inc., *US Sales Manager, Regional Manager, NAM, Program Manager, Sales Representative*, 1991- 2003

- US Sales Manager: (2001-2003) Responsible for the development, implementation and management of the overall US sales plan;
- Western Regional Manager: (2000-2001) Responsible for overall sales management of 22 state western region including 8 sales territories, and developed, motivated and managed a distribution network of 40+ organizations;
- National Accounts Manager-Global: (1999-2000) Responsible for creating and developing a National Account program to maintain and grow sales to major accounts and contract manufacturers
- Contract Manufacturing Program Manager: (1999-2000) Responsible for creating a program to capture, maintain and grow sales to the contract Manufacturing industry
- Mountain Regional Manager: (1994-1999) Responsible for overall sales management of 17-state mountain region
- Territory Sales Representative: (1991-1994) Responsible for five-state sales territory

Accomplishments

Nick has been involved with hundreds of RFPs, RFIs, and negotiated system sales opportunities. Through his tenure at Badger Meter, his team has successfully won large and small projects that have provided the right solution to each utility. Nick has been involved with several large turnkey deployments and has a vast knowledge of the components that need to be provided to ensure a successful deployment. Additionally, he has reorganized the market coverage and strategy to meet the growing needs of the customer base of Badger Meter. Nick has also restructured the go-to-market strategy in Canada to offer his customers a strong and knowledgeable support team to ensure success with Badger Meter water systems.

Lisa Engstrom

Account Manager

Office: 949-445-7171

Cell: 949-565-5698

lengstrom@nationalmeter.com



Summary of Qualifications

Lisa Engstrom is an Account Manager with National Meter and leverages her experience to support and provide solutions for water utilities throughout southern California.

Lisa's primary objective is to work with utilities on a consultative basis to identify their meter and meter reading needs and match those needs to solutions from Badger Meter and our partners. Lisa successfully manages Badger Meter's resources to provide her customers with state-of-the-art solutions and excellent service for both residential and commercial applications. Working with Badger Meter's existing customers and new accounts, Lisa's role is to build and maintain relationships, and provide long-term solutions, support, and training while achieving her annual sales objectives.

Education & Associations

San Diego State University, Bachelor of Science in Business Finance

Member of the California-Nevada Section of the AWWA

Professional Experience

Badger Meter, Inc. DBA National Meter & Automation, Account Manager, February 2011-present

- Consults with utility customers to determine their needs and goals and also provide innovative, customized Badger Meter solutions
- Manages Badger Meter team and resources to ensure both smooth deployment of solutions and resolution of issues
- Plans and conducts educational seminars for utility contacts and industry partners
- Awarded #1 in Sales Growth and #1 Margin Producer in 2016 for Badger Meter

AT&T, Sales Manager, January 2006-February 2011

- Successfully executed sales and daily operations for team of eight sales professionals while managing the company's largest and most strategic market segment in Los Angeles, California
- Continually increased brand awareness and expanded market for global provider of IP and wireless-based communications services to a diverse B2B client base
- Consistently outperformed sales plan and achieved Circle of Excellence designation in 2010; Awarded 2007, 2008, 2009, and 2010 Market Leaders Club
- Winner of BCS President's Significant Sales Award in October 2007

AT&T, Senior Account Manager, January 1998-January 2006

- Built solid executive relationships and successfully grew a key account base of AT&T enterprise business customers in a \$6 million territory that included San Francisco, San Jose, and later, Orange County
- Utilized expert knowledge of business and government market niches to provide consultative technology sales
- Won "President's Managed Services Showdown" and was #1 in overall sales performance in 2005 earning the "Market Leaders Award" six times from 1999 to 2005
- Promoted to position after two years as Account Manager while achieving 383% of annual sales target in 1999 and being awarded the "President's Club"

Verizon Communications, Inc., Account Executive, September 1996-September 1998

- Successfully built relationships and sold bundled solutions encompassing local and long-distance voice, internet and wireless services to targeted verticals industries
- Quickly learned the communications and technology business and exceeded sales quota by up to 225% during tenure
- Received the "President's Award" 4th Quarter, 1997 for sales excellence

Accomplishments

Over the course of Lisa's career with National Meter, she has been instrumental in the success of the following projects:

- City of Hesperia, California: Project consists of water meters and BEACON AMA Cellular solution; currently implementing and managing seven-year project totaling over \$5 million.
- Helix Water District, La Mesa, California: Won competitive customer for Badger Meter and signed water meter contract worth \$500,000 annually. Project consisted of BEACON AMA Cellular solution for fire hydrant meters and commercial services.
- City of Norwalk, California: Won competitive customer for Badger Meter with contract totaling \$400,000. Project consisted of BEACON AMA Cellular solution with 1,000 services.
- Cucamonga Valley Water District, Rancho Cucamonga, California: Won competitive customer for Badger Meter and signed two-year water meter contract worth \$1.5 million.

- South Coast Water District, California: Worked with customer to convert existing and aging mobile read solution to BEACON AMA Cellular solution. Multi-year project worth in excess of \$1 million per year.
- Walnut Valley Water District, California: Worked with customer to convert existing aging mobile read solution to BEACON AMA Cellular solution. Multi-year project worth \$1 million per year.

Jimmy L. Terry Jr.

Senior Solution Architect – National Strategic Accounts

Office: 720-531-9676

Cell: 303-478-8163

jterry@badgermeter.com



Summary of Qualifications

Jimmy Terry is a Senior Solution Architect for National Strategic Accounts for Badger Meter. In this role, he is a critical member of the sales team in the strategic development of large utility accounts who desire innovative AMR/AMI solutions. Jimmy has nearly 40 years of water industry experience and has become a proven, genuine leader in crafting successful, cost-effective metering solutions for utilities and municipalities across North America.

Education & Associations

University of Louisiana-Monroe, *Bachelor's degree in Accounting (Finance minor)*, 1983

University of Louisiana-Monroe, *Master's degree in Business Administration*, 1988

Member of the American Water Works Association (AWWA)

Professional Experience

Jimmy Terry began his professional career in the water industry as the Sales Support Specialist for Utility Data Systems in Monroe, Louisiana. From 1982 to 1992, Jimmy was a key part of the sales and marketing departments of Utility Data Systems, where he specialized in the installation and implementation of utility billing and general accounting software for utilities and municipalities. He also collaborated with utilities to develop utility training programs.

In 1992, Jimmy joined the sales team of Badger Meter and has since worked in various roles at the local, regional, and national levels. Since 2018, Jimmy has worked as a Senior Solution Architect, interfacing with both utility customers and the Badger Meter organization in developing customized, localized, and profitable metering solutions.

Accomplishments

During Jimmy's tenure at Badger Meter, he has become a recognized industry leader. For example, Jimmy has been instrumental in several successful metering projects for utilities, such as Wichita, Kansas. His years of experience in the water industry are a veritable asset to utility customers as they embark on new and innovative AMR/AMI projects.

Michele Harvey

Solution Architect

Office: 414-371-6531

Cell: 414-460-7724

mharvey@badgermeter.com



Summary of Qualifications

Since joining Badger Meter in 2010, Michele Harvey has utilized her engineering background to support water utilities in the western United States and Canada. Located in Sacramento, California, Michele works with utilities to determine their metering needs in order to propose the best meter and technology solutions. Once a solution is identified, she works hands-on with the utility to train, deploy, and provide long-term support. Michele obtained her bachelor's degree in Electrical Engineering and Mathematics from the University Evansville and is proud to be the meter committee chair for the California-Nevada Section of the American Water Works Association.

Education & Associations

University of Evansville, *Bachelor of Science in Electrical Engineering & Mathematics*

American Water Works Association, *California-Nevada Section, Pacific North West Section, Hawaii Section, Intermountain Section*

Professional Experience

Badger Meter, *Solution Architect*, October 2010-present

- Helps utility customers determine meter and meter reading needs
- Matches technology solutions to utility needs and objectives
- Collaborates with Badger Meter team to ensure smooth deployment of chosen solutions

Numonyx, *Field Applications Engineer*, August 2009-October 2010

- Supported flash memory designs

Nu Horizons Electronics, *Technical Marketing Director*, October 2006-February 2009

- Developed Nu Horizons' LED lighting program
- Defined and delivered a technology showcase board demonstrating a 2A HB-LED circuit with PWM dimming and electronic lighting control

- Acted as a business development manager by identifying and meeting with potential customers, and as an applications engineer supporting technical questions from the field and customers
- Developed and managed Nu Horizons' Field Application Engineer (FAE) training program including planning and executing the annual FAE training conference

Nu Horizons Electronics, *Regional Technical Sales Manager*, July 2003-October 2006

- Co-developed Nu Horizons' Regional Technical Sales Manager program which includes sales management, field application engineering, and marketing job functions
- Responsible for initial training of Asia account managers and field application engineers as part of a franchise expansion
- Managed team of 17 account managers and five field application engineers in the Northwest United States (including San Jose bay, Colorado and Utah)

Phase II Technical Sales, *Networking & Communications Application Manager*, February 2000-June 2003

- Supported a team of eight sales representatives in the San Francisco, Sacramento and Reno areas by meeting with customer engineers, making product recommendations, and providing technical follow-up: technologies supported included DSL, SONET/ATM, T1/DS3/PSTN, QoS Ethernet and OptoElectronics

Pioneer-Standard Electronics, *Field Applications Engineer*, September 1997-February 2000

- Collaborated with customer engineers, made product recommendations, provided technical follow-up, and reviewed customer activity and set strategy

Intel Corporation, *Technical Marketing Engineer*, May 1990-September 1997

- Specialized in microprocessors including the i960, i360EX and Pentium processors
- Managed team of interns to develop application notes and a custom military grade Pentium/FPGA reference design
- Developed PLD daughter-card as alternative to obsolete i960 microprocessor bus controller

Accomplishments

Over the course of Michele's career at Badger Meter, she has achieved numerous successes for both Badger Meter and her utility customers, including the implementation and deployment of a migratable AMR system in the City of Pittsburg, California; a fixed network system in the City of Sacramento, California; and a cellular system in the City of Hermiston, Oregon.

David N. Blakeney

Field Sales Support Specialist

Office: 949-445 -7171

Cell: 909-996-7909

dblakeney@badgermeter.com



Summary of Qualifications

David Blakeney joined the field sales support team of Badger Meter, Inc. in 2015 and is currently the Field Sales Support Specialist for the states of California, Nevada, Oregon, Washington, Alaska, and Hawaii. Before joining Badger Meter, David began his professional career as a Field Supervisor at Measurement Control Systems and then went on to start his own company at Aquatek Services. Given David's business acumen and professional experience in sales and service management, David has been instrumental in ensuring a great customer experience for the territories in which he serves. He has been integral in implementing many large scale AMR and AMI deployments. David is committed to providing exceptional service and solutions to each of his utility customers.

Education & Associations

Citrus College, Associate's Degree (*in progress*) in Business Management

Professional Experience

Badger Meter, Inc., *Field Sales Support Specialist*, 2015-present

- Provides technical training and post-sales support to customers in the following states: California, Nevada, Oregon, Washington, Alaska, and Hawaii
- Collaborates with Account Manager and Solution Architect to develop and maintain relationships with utility customers.

Aquatek Services, *Founder/Owner*, 2011-2015

- Aquatek Services was a large water meter testing, installation and repair company based in Southern California. As a licensed and bonded contractor, David contracted with water utilities and purveyors to provide exceptional water meter related services at economical rates.

Measurement Control Systems, *Field Supervisor*, 2009-2011

- Measurement Control Systems was a multi-vendor distributor that specialized in water and natural gas meters. As a Field Supervisor, David managed twelve (12) employees and also led the water meter testing division for the company.

Certifications

- Badger Meter Certified Trainer
- Certified Itron FCS Installer
- State of California Licensed Contractor
- California Department of Public Health Water Distribution Operator 2 (D2)

APPENDIX 5 - PRICE PROPOSAL



Badger Meter

4545 W. Brown Deer Rd
Milwaukee, WI 53224
Phone: 800-616-3837

QUOTATION

DATE: February 17, 2020
QUOTED BY: Lisa Engstrom
CONTACT: Jose Chavez
CUSTOMER EMAIL: jose.chavez@oxnard.org

BILL TO:

City of Oxnard, CA

SHIP TO:

City of Oxnard, CA

SALESPERSON	PAYMENT TERMS	SHIPPING METHOD	SHIPPING TERMS	SUBJECT TO REVIEW	
Lisa Engstrom	Net 30 Days	Best Way	FOB Oxnard, CA	February 16, 2021	
QTY	Product Description			UNIT PRICE	AMOUNT
<u>Scope of Project:</u> City of Oxnard RFB. Provide Badger water meters with AMI capabilities.					
tbd	Ultrasonic E-Series Meter, Stainless Steel, 3/4" x 9", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$135.00	\$135.00
tbd	Ultrasonic E-Series Meter, Stainless Steel, 3/4" x 7-1/2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$126.00	\$126.00
tbd	Ultrasonic E-Series Meter, Stainless Steel, 1", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$149.00	\$149.00
tbd	Ultrasonic E-Series Meter, Stainless Steel, Elliptical, 1-1/2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$353.00	\$353.00
tbd	Ultrasonic E-Series Meter, Stainless Steel, Elliptical, 2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$476.00	\$476.00
tbd	*ALTERNATE* Ultrasonic E-Series Meter, Polymer, 3/4" x 9", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$112.00	\$112.00
tbd	*ALTERNATE* Ultrasonic E-Series Meter, Polymer, 3/4" x 7-1/2", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$104.00	\$104.00
tbd	*ALTERNATE* Ultrasonic E-Series Meter, Polymer, 1", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$126.00	\$126.00
tbd	*ALTERNATE* Ultrasonic E-Series Plus Meter with Integrated Flow Restriction Valve, Stainless Steel, 3/4" x 9", Cubic Feet, 9-dial, Twist Tight Connector, 5' Cable			\$400.00	\$400.00

Due to continuous improvements and redesign of our products and technology solutions, we reserve the right to provide our newest product solutions as an alternative to the proposed products provided they are in conformance with the requirements of the specifications and do not exceed the prices quoted.

APPENDIX 6 - PRODUCT DATA SHEETS



Badger Meter

E-Series® Ultrasonic Meter

Cold Water Stainless Steel Meter, 5/8, 5/8 x 3/4, 3/4 and 1 inch

DESCRIPTION

The E-Series® Ultrasonic meter uses solid-state technology in a compact, totally encapsulated, weatherproof, and UV-resistant housing, suitable for residential and commercial applications. Electronic metering provides information—such as rate of flow and reverse flow indication—and data not typically available through traditional, mechanical meters and registers. Electronic metering eliminates measurement errors due to sand, suspended particles and pressure fluctuations.

Offered in four sizes and lay lengths, the Ultrasonic meter features:

- Minimum extended low-flow rate lower than typical positive displacement meters.
- Simplified one-piece electronic meter and register that are integral to the meter body and virtually maintenance free.
- Sealed, non-removable, tamper-protected meter and register.
- Easy-to-read, 9-digit LCD display presents consumption, rate of flow, reverse-flow indication, and alarms.
- High resolution industry standard ASCII encoder protocol.

The Ultrasonic meter is available with an in-line connector for easy connection and installation to AMR/AMI endpoints. It is also available with a flying lead for field splice connection.

APPLICATIONS

Use the Ultrasonic meter for measuring potable cold water in residential, commercial and industrial services. The meter is also ideal for non-potable, reclaimed irrigation water applications or less than optimum water conditions where small particles exist.

E-Series Ultrasonic meters meet and exceed ANSI/AWWA C715 standards. The meters comply with the lead-free provisions of the Safe Drinking Water Act, are certified to NSF/ANSI Standards 61 and 372 and carry the NSF-61 mark on the housing.

OPERATION & PERFORMANCE

As water flows into the measuring tube, ultrasonic signals are sent consecutively in forward and reverse directions of flow. Velocity is then determined by measuring the time difference between the measurement in the forward and reverse directions. Total volume is calculated from the measured flow velocity using water temperature and pipe diameter. The LCD display shows total volume and alarm conditions and can toggle to display rate of flow.



In the normal temperature range of 45...85° F (7...29° C), the Ultrasonic “new meter” consumption measurement is accurate to:

- $\pm 1.5\%$ over the normal flow range
- $\pm 3.0\%$ from the extended low flow range to the minimum flow value

CONSTRUCTION

E-Series Ultrasonic meters feature a stainless steel, lead-free meter housing, an engineered polymer and stainless steel metering insert, a meter-control circuit board with associated wiring, LCD, and battery. Wetted elements are limited to the pressure vessel, polymer/stainless steel metering insert and the transducers. The electronic components are housed and fully potted within a molded, engineered polymer enclosure, which is permanently attached to the meter housing. The transducers extend through the stainless steel housing and are sealed by O-rings.

The metering insert holds the stainless steel ultrasonic reflectors in the center of the flow area, enabling turbulence-free water flow through the tube and around the ultrasonic signal reflectors. The metering insert's patented design virtually eliminates chemical buildup on the reflectors, ensuring long-term metering accuracy.

METER INSTALLATION

The meter is completely submersible and can be installed using horizontal or vertical piping, with flow in the up direction. The meter will not measure flow when an “empty pipe” condition is experienced. An empty pipe is defined as a condition that occurs when the flow sensors are not fully submerged.

SPECIFICATIONS

E-Series Ultrasonic Meter Size	5/8 in. (16 mm)	5/8 x 3/4 in. (16 x 19 mm)	3/4 in. (19 mm)	1 in. (25 mm)
Operating Range	0.1...25 gpm (0.02...5.7 m ³ /hr)	0.1...25 gpm (0.02...5.7 m ³ /hr)	0.1...32 gpm (0.02...7.3 m ³ /hr)	0.4...55 gpm (0.09...12.5 m ³ /hr)
Extended Low-Flow Rate	0.05 gpm (0.01 m ³ /hr)	0.05 gpm (0.01 m ³ /hr)	0.05 gpm (0.01 m ³ /hr)	0.25 gpm (0.06 m ³ /hr)
Maximum Continuous Operation	25 gpm (5.7 m ³ /hr)	25 gpm (5.7 m ³ /hr)	32 gpm (7.3 m ³ /hr)	55 gpm (12.5 m ³ /hr)
Pressure Loss	4.3 psi at 15 gpm (0.3 bar @ 3.4 m ³ /hr)	2.3 psi at 15 gpm (0.16 bar @ 3.4 m ³ /hr)	2.0 psi at 15 gpm (0.14 bar @ 3.4 m ³ /hr)	1.8 psi at 25 gpm (0.12 bar @ 5.7 m ³ /hr)
Reverse Flow - Maximum Rate	4 gpm (0.9 m ³ /hr)	4 gpm (0.9 m ³ /hr)	4 gpm (0.9 m ³ /hr)	9 gpm (2.0 m ³ /hr)
Operating Performance	In the normal temperature range of 45...85° F (7...29° C), new meter consumption measurement is accurate to: • ±1.5% over the normal flow range • ±3.0% from the extended low flow range to the minimum flow value			
Storage Temperature	– 40...140° F (– 40...60° C)			
Maximum Ambient Storage (Storage for One Hour)	150° F (72° C)			
Measured-Fluid Temperature Range	34...140° F (1°...60° C)			
Humidity	0...100% condensing; meter is capable of operating in fully submerged environments			
Maximum Operating Pressure of Meter Housing	175 psi (12 bar)			
Register Type	Straight reading, permanently sealed electronic LCD; digits are 0.28 in. (7 mm) high			
Register Display	• Consumption (up to nine digits) • Rate of flow • Alarms • Unit of measure factory programmed for gallons, cubic feet and cubic meters			
Register Capacity	• 10,000,000 gallons • 1,000,000 cubic feet • 100,000 cubic meters			
Totalization Display Resolution	• Gallons: 0.XX • Cubic feet: 0.XXX • Cubic meters: 0.XXXX			
Battery	3.6-volt lithium thionyl chloride; battery is fully encapsulated within the register housing and is not replaceable; 20-year battery life			

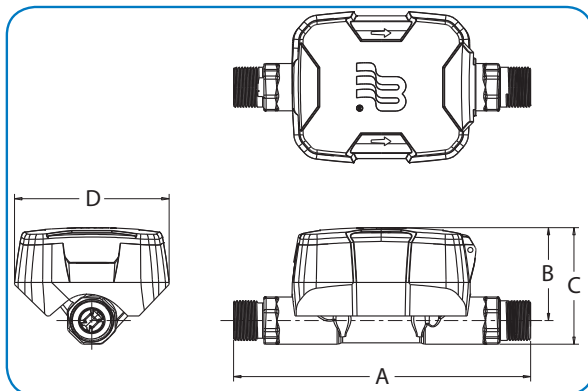
MATERIALS

Meter Housing	316 stainless steel
Measuring Element	Pair of ultrasonic sensors located in the flow tube
Register Housing & Lid	Engineered polymer
Metering Insert	Engineered polymer & stainless steel
Transducers	Piezo-ceramic device with wetted surface of stainless CrNiMo

PHYSICAL DIMENSIONS

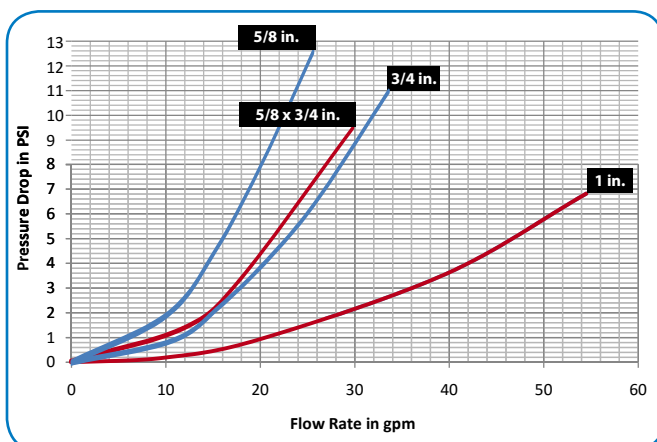
E-Series Ultrasonic Meter Size	5/8 in. (16 mm)	5/8 x 3/4 in. (16 x 19 mm)	3/4 in. (19 mm)	1 in. (25 mm)
Size Designation X Lay Length	5/8 x 7-1/2 in. (16 x 191 mm)	5/8 x 3/4 x 7-1/2 in. (16 x 19 x 191 mm)	3/4 x 7-1/2 in. or 3/4 x 9 in. (19 x 191 mm or 19 x 229 mm)	1 x 10-3/4 in. 25 x 273 mm)
Weight (without AMR)	2.2 lb (1 kg)	2.1 lb (.95 kg)	3/4 x 7-1/2 in.: 2.1 lb 3/4 x 9 in.: 2.4 lb (20 x 190 mm.: 0.95 kg or 20 x 229 mm: 1.08 kg)	3.1 lb (1.4 kg)
See illustration below for Measurement Designations.				
Length (A)	7.5 in. (191 mm)	7.5 in. (191 mm)	7.5 in. or 8.98 in. (191 mm or 228 mm)	10.745 in (273 mm).
Height (B)	2.404 in. (61 mm)	2.404 in. (61 mm)	2.404 in. (61 mm)	2.529 in. (64 mm)
Height (C)	3.014 in. (77 mm)	3.014 in. (77 mm)	3.094 in. (79 mm)	3.359 in. (85 mm)
Width (D)	3.898 in. (99 mm)	3.898 in. (99 mm)	3.898 in. (99 mm)	3.898 in. (99 mm)
Bore Size	5/8 in. (16 mm)	3/4 in. (19 mm)	3/4 in. (19 mm)	1 in. (25 mm)
Coupling Nut & Spud Thread	3/4 in. x 14 NPSM	1 in. x 11-1/2 NPSM	1 in. x 11-1/2 NPSM	1-1/4 in. x 11-1/2 NPSM
Tailpiece Pipe Thread (NPT)	1/2 in. (13 mm)	3/4 in. (19 mm)	3/4 in. (19 mm)	1 in. (25 mm)
Service Pipe Thread (NPT)	1/2 in. (13 mm)	3/4 in. (19 mm)	3/4 in. (19 mm)	1 in. (25 mm)

Measurement Designations



PRESSURE LOSS CHART

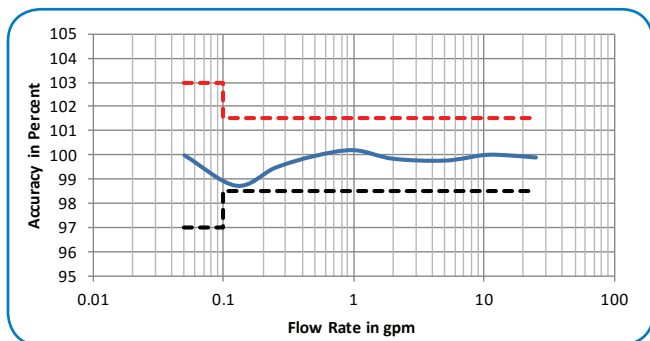
Rate of Flow in gallons per minute (gpm)



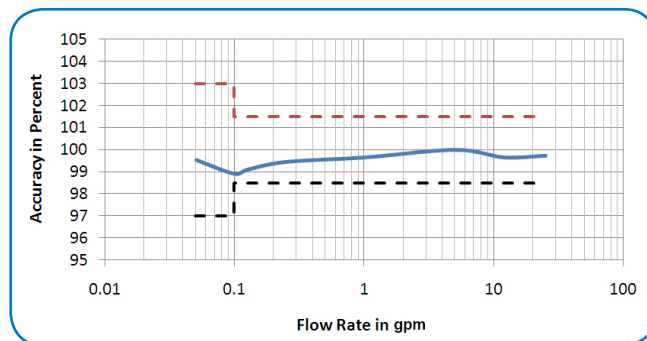
ACCURACY CHARTS

Rate of Flow in gallons per minute (gpm)

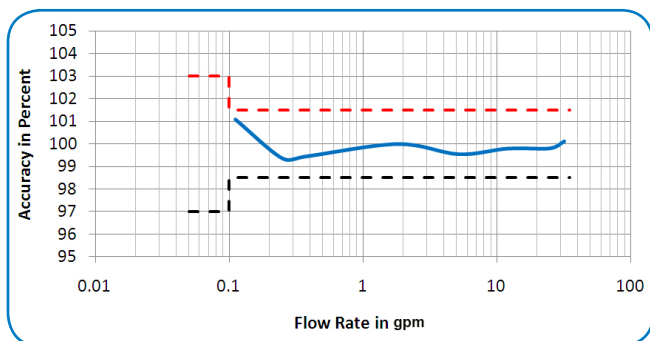
5/8 in. Meter



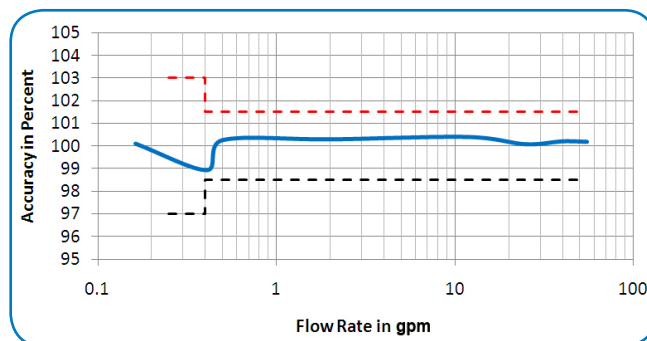
5/8 x 3/4 in. Meter



3/4 in. Meter



1 in. Meter



SMART WATER IS BADGER METER

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Legacy Document Number: ESM-T-01-EN



Badger Meter

E-Series® Ultrasonic Meter

Cold Water Stainless Steel Meter, 1-1/2 and 2 inch

DESCRIPTION

The E-Series® Ultrasonic meter uses solid-state technology in a compact, totally encapsulated, weatherproof, and UV-resistant housing, suitable for residential and commercial applications. Electronic metering provides information—such as rate of flow and reverse flow indication—and data not typically available through traditional, mechanical meters and registers. Electronic metering eliminates measurement errors due to sand, suspended particles and pressure fluctuations.

The Ultrasonic 1-1/2 and 2 inch meters feature:

- Minimum extended low-flow rate lower than typical positive displacement meters.
- Simplified one-piece electronic meter and register that are integral to the meter body and virtually maintenance free.
- Sealed, non-removable, tamper-protected meter and register.
- Easy-to-read, 9-digit LCD display presents consumption, rate of flow, reverse-flow indication, and alarms.
- High resolution industry standard ASCII encoder protocol.

The Ultrasonic meter is available with an in-line connector for easy connection and installation to AMR/AMI endpoints. It is also available with a flying lead for field splice connection.

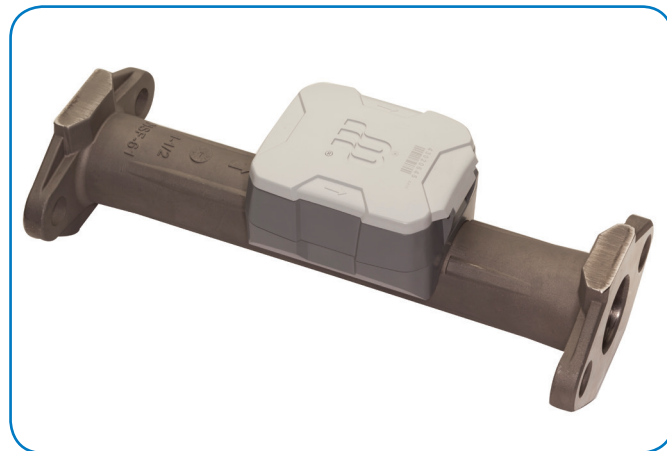
APPLICATIONS

Use the Ultrasonic meter for measuring potable cold water in residential, commercial and industrial services. The meter is also ideal for non-potable, reclaimed irrigation water applications or less than optimum water conditions where small particles exist.

E-Series Ultrasonic meters meet and exceed ANSI/AWWA C715 standards. The meters comply with the lead-free provisions of the Safe Drinking Water Act, are certified to NSF/ANSI Standards 61 and 372 and carry the NSF-61 mark on the housing.

OPERATION & PERFORMANCE

As water flows into the measuring tube, ultrasonic signals are sent consecutively in forward and reverse directions of flow. Velocity is then determined by measuring the time difference between the measurement in the forward and reverse directions. Total volume is calculated from the measured flow velocity using water temperature and pipe diameter. The LCD display shows total volume and alarm conditions and can toggle to display rate of flow.



In the normal temperature range of 45...85° F (7...29° C), the Ultrasonic “new meter” consumption measurement is accurate to:

- $\pm 1.5\%$ over the normal flow range
- $\pm 3.0\%$ from the extended low flow range to the minimum flow value

CONSTRUCTION

E-Series Ultrasonic meters feature a stainless steel, lead-free meter housing, an engineered polymer and stainless steel metering insert, a meter-control circuit board with associated wiring, LCD, and battery. Wetted elements are limited to the pressure vessel, the polymer/stainless steel metering insert and the transducers. The electronic components are housed and fully potted within a molded, engineered polymer enclosure, which is permanently attached to the meter housing. The transducers extend through the stainless steel housing and are sealed by O-rings.

The metering insert holds the stainless steel ultrasonic reflectors in the center of the flow area, enabling turbulence-free water flow through the tube and around the ultrasonic signal reflectors. The metering insert's patented design virtually eliminates chemical buildup on the reflectors, ensuring long-term metering accuracy.

METER INSTALLATION

The meter is completely submersible and can be installed using horizontal or vertical piping, with flow in the up direction. The meter will not measure flow when an “empty pipe” condition is experienced. An empty pipe is defined as a condition that occurs when the flow sensors are not fully submerged.

SPECIFICATIONS

E-Series Ultrasonic Meter Size	1-1/2 in. (40 mm)	2 in. (50 mm)
Operating Range	1.25...100 gpm	1.5...160 gpm
Extended Low-Flow Rate	0.40 gpm	0.50 gpm
Maximum Continuous Operation	100 gpm	160 gpm
Pressure Loss at Maximum Flow	3.8 psi	5.2 psi
Reverse Flow – Maximum Rate	12 gpm	18 gpm
Operating Performance	In the normal temperature range of 45...85° F (7...29° C), new meter consumption measurement is accurate to: • ±1.5% over the normal flow range • ±3.0% from the extended low flow range to the minimum flow value	
Storage Temperature	– 40...140° F (– 40...60° C)	
Maximum Ambient Storage (Storage for One Hour)	150° F (72° C)	
Measured-Fluid Temperature Range	34...140° F (1...60° C)	
Humidity	0...100% condensing; meter is capable of operating in fully submerged environments	
Maximum Operating Pressure of Meter Housing	175 psi (12 bar)	
Register Type	Straight reading, permanently sealed electronic LCD; digits are 0.28 in. (7 mm) high	
Register Display	• Consumption (up to nine digits) • Rate of flow • Alarms • Unit of measure factory programmed for gallons, cubic feet and cubic meters	
Register Capacity	• 100,000,000 gallons • 10,000,000 cubic feet • 1,000,000 cubic meters	
Totalization Display Resolution	• Gallons: 0.X • Cubic feet: 0.XX • Cubic meters: 0.XXX	
Battery	3.6-volt lithium thionyl chloride; battery is fully encapsulated within the register housing and is not replaceable; 20-year battery life	

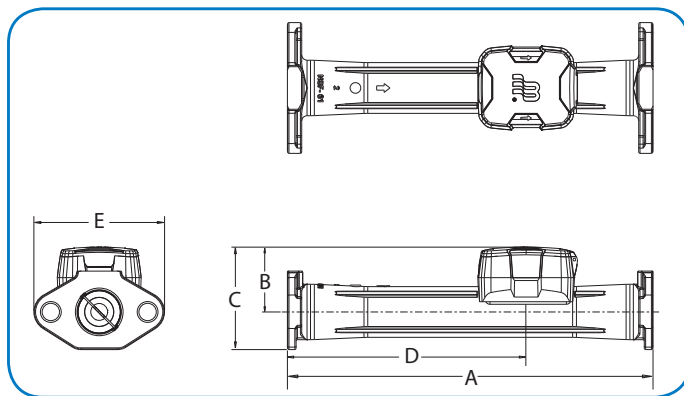
MATERIALS

Meter Housing	316 stainless steel
Measuring Element	Pair of ultrasonic sensors located in the flow tube
Register Housing & Lid	Engineered polymer
Metering Insert	Engineered polymer & stainless steel
Transducers	Piezo-ceramic device with wetted surface of stainless CrNiMo

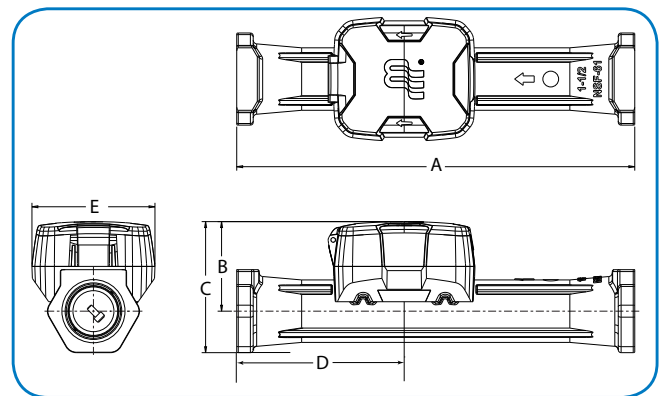
PHYSICAL DIMENSIONS

E-Series Ultrasonic Meter Size	1-1/2 in. (40 mm)	1-1/2 in. (40 mm)	2 in. (50 mm)	2 in. (50 mm)
Housing	Elliptical	HEX	Elliptical	HEX
Size Designation X Lay Length	1-1/2 x 13 in. (38 x 330 mm)	1-1/2 x 12.62 in. (38 x 321 mm)	2 x 17 in. (51 x 432 mm)	2 x 15.25 in. (51 x 387 mm)
Weight (without AMR)	8.2 lb (3.7 kg)	6.5 lb (2.9 kg)	11.9 lb (5.4 kg)	8.9 lb (4.0 kg)
See illustration below for Measurement Designations.				
Length (A)	13 in. (33 cm)	12.62 in. (32 cm)	17 in. (43 cm)	15.25 in. (39 cm)
Height (B)	2.80 in. (71 mm)	2.84 in. (72 mm)	3.01 in. (77 mm)	3.06 in. (78 mm)
Height (C)	4.55 in. (116 mm)	4.15 in. (105 mm)	4.76 in. (121 mm)	4.68 in. (119 mm)
Length (D)	7.10 in. (180 mm)	5.31 in. (135 mm)	11.10 in. (282 mm)	5.05 in. (128 mm)
Width (E)	5.50 in. (140 mm)	3.90 in. (99 mm)	6.08 in. (154 mm)	3.90 in. (99 mm)
Bore Size	1-1/2 in. (40 mm)	1-1/2 in. (40 mm)	2 in. (51 mm)	2 in. (51 mm)
Two-Bolt Elliptical Flange (AWWA)	1-1/2 in. (40 mm)	—	2 in. (51 mm)	—
Companion Flange	1-1/2 in. (40 mm)	—	2 in. (51 mm)	—
Internal Thread Size	—	1-1/2 in. NPT	—	2 in. NPT

Elliptical Measurement Designations

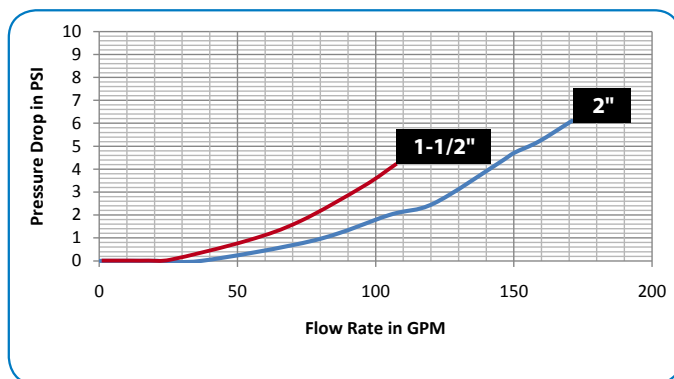


HEX Measurement Designations



PRESSURE LOSS CHART

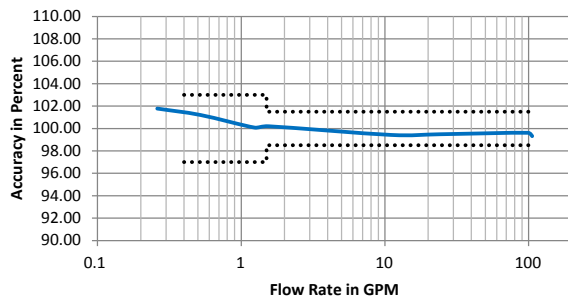
Flow rate in Gallons Per Minute (GPM)



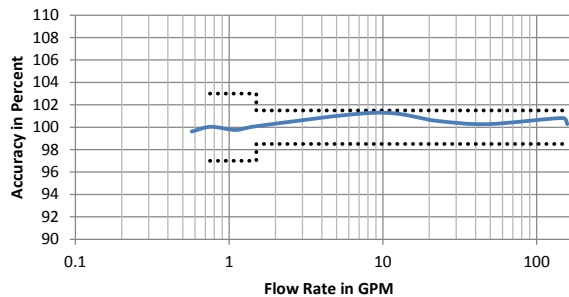
ACCURACY CHARTS

Rate of Flow in Gallons Per Minute (GPM)

1-1/2 in. Meter



2 in. Meter



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Legacy Document Number: ESM-T-10-EN



Badger Meter

E-Series® Ultrasonic Meter

Cold Water Engineered Polymer Meter, 5/8, 5/8 x 3/4, 3/4, and 1 inch

DESCRIPTION

The E-Series® Ultrasonic meter uses solid-state technology in a compact, totally encapsulated, weatherproof, and UV-resistant housing, suitable for residential and commercial applications. Electronic metering provides information—such as rate of flow and reverse flow indication—and data not typically available through traditional, mechanical meters and registers. Electronic metering eliminates measurement errors due to sand, suspended particles and pressure fluctuations.

The Ultrasonic 5/8, 5/8 × 3/4, 3/4, and 1 inch meters feature:

- Minimum extended low-flow rate lower than typical positive displacement meters.
- Simplified one-piece electronic meter and register that are integral to the meter body and virtually maintenance free.
- Sealed, non-removable, tamper-protected meter and register.
- Easy-to-read, 9-digit LCD display presents consumption, rate of flow, reverse-flow indication, and alarms.
- High resolution industry standard ASCII encoder protocol.

The Ultrasonic meter is available with an in-line connector for easy connection and installation to AMR/AMI endpoints. It is also available with a flying lead for field splice connection.

APPLICATIONS

Use the Ultrasonic meter for measuring potable cold water in residential, commercial and industrial services. The meter is also ideal for non-potable, irrigation water applications or less than optimum water conditions where small particles exist.

E-Series Ultrasonic meters meet and exceed ANSI/AWWA C715 standards. The meters comply with the lead-free provisions of the Safe Drinking Water Act, are certified to NSF/ANSI Standards 61 and 372 and carry the NSF-61 mark on the housing.

OPERATION & PERFORMANCE

As water flows into the measuring tube, ultrasonic signals are sent consecutively in forward and reverse directions of flow. Velocity is then determined by measuring the time difference between the measurement in the forward and reverse directions. Total volume is calculated from the measured flow velocity using water temperature and pipe diameter. The LCD display shows total volume and alarm conditions and can toggle to display rate of flow.



In the normal temperature range of 45...85° F (7...29° C), the Ultrasonic “new meter” consumption measurement is accurate to:

- $\pm 1.5\%$ over the normal flow range
- $\pm 3.0\%$ from the extended low flow range to the minimum flow value

CONSTRUCTION

E-Series Ultrasonic meters feature an engineered polymer, lead-free meter housing, an engineered polymer and stainless steel metering insert, a meter-control circuit board with associated wiring, LCD, and battery. Wetted elements are limited to the pressure vessel, polymer/stainless steel metering insert and the transducers. The electronic components are housed and fully potted within a molded, engineered polymer enclosure, which is permanently attached to the meter housing. The transducers extend through the polymer housing and are sealed by O-rings.

The metering insert holds the stainless steel ultrasonic reflectors in the center of the flow area, enabling turbulence-free water flow through the tube and around the ultrasonic signal reflectors. The metering insert’s patented design virtually eliminates chemical buildup on the reflectors, ensuring long-term metering accuracy.

METER INSTALLATION

The meter is completely submersible and can be installed using horizontal or vertical piping, with flow in the up direction. The meter will not measure flow when an “empty pipe” condition is experienced. An empty pipe is defined as a condition when the flow sensors are not fully submerged.

SPECIFICATIONS

E-Series Ultrasonic Meter Size	5/8 in. (15 mm)	5/8 x 3/4 in. (15 mm)	3/4 in. (20 mm)	1 in. (25 mm)
Operating Range	0.1...25 gpm	0.1...25 gpm	0.1...32 gpm	0.4...55 gpm
Extended Low-Flow Rate	0.05 gpm	0.05 gpm	0.05 gpm	0.25 gpm
Maximum Continuous Operation	25 gpm	25 gpm	32 gpm	55 gpm
Pressure Loss	4.3 psi at 15 gpm	2.3 psi at 15 gpm	2.0 psi at 15 gpm	1.8 psi at 25 gpm
Reverse Flow - Maximum Rate	4.0 gpm	4.0 gpm	4.0 gpm	9.0 gpm
Operating Performance	In the normal temperature range of 45...85° F (7...29° C), new meter consumption measurement is accurate to: • $\pm 1.5\%$ over the normal flow range • $\pm 3.0\%$ from the extended low flow range to the minimum flow value			
Storage Temperature	- 40...140° F (- 40...60° C)			
Maximum Ambient Storage (Storage for One Hour)	150° F (72° C)			
Measured-Fluid Temperature Range	34...140° F (1°...60° C)			
Humidity	0...100% condensing; meter is capable of operating in fully submerged environments			
Maximum Operating Pressure of Meter Housing	175 psi (12 bar)			
Register Type	Straight reading, permanently sealed electronic LCD; digits are 0.28 in. (7 mm) high			
Register Display	• Consumption (up to nine digits) • Rate of flow • Alarms • Unit of measure factory programmed for gallons, cubic feet and cubic meters			
Register Capacity	• 10,000,000 gallons • 1,000,000 cubic feet • 100,000 cubic meters			
Totalization Display Resolution	• Gallons: 0.XX • Cubic feet: 0.XXX • Cubic meters: 0.XXXX			
Battery	3.6-volt lithium thionyl chloride; battery is fully encapsulated within the register housing and is not replaceable; 20-year battery life			

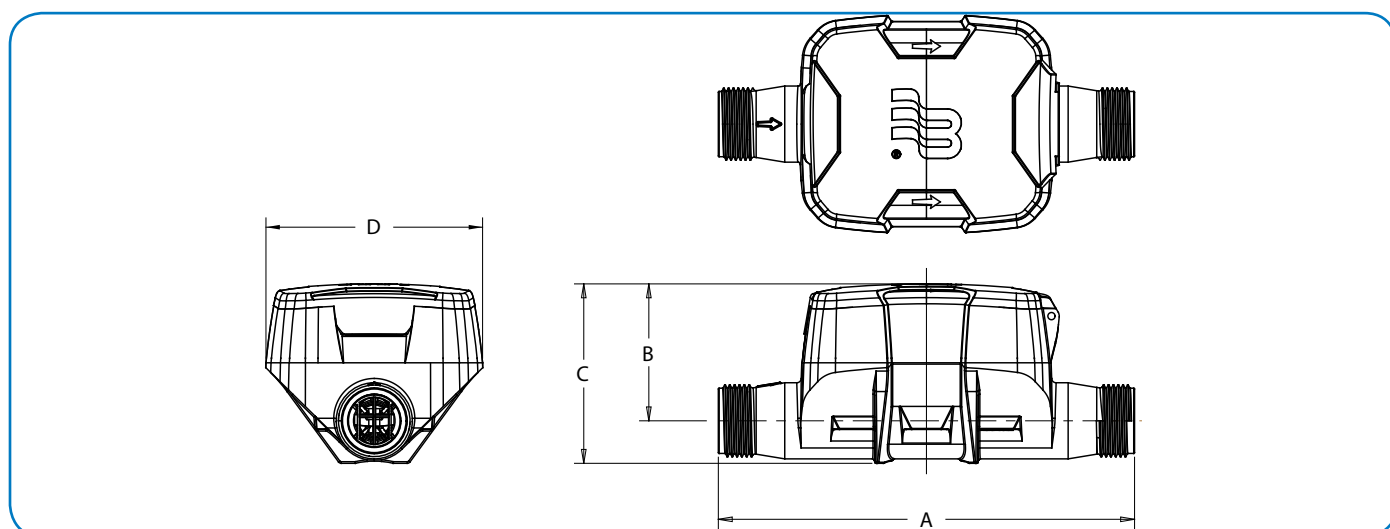
MATERIALS

Meter Housing	Engineered polymer
Measuring Element	Pair of ultrasonic sensors located in the flow tube
Register Housing & Lid	Engineered polymer
Metering Insert	Engineered polymer & stainless steel
Transducers	Piezo-ceramic device with wetted surface of stainless CrNiMo

PHYSICAL DIMENSIONS

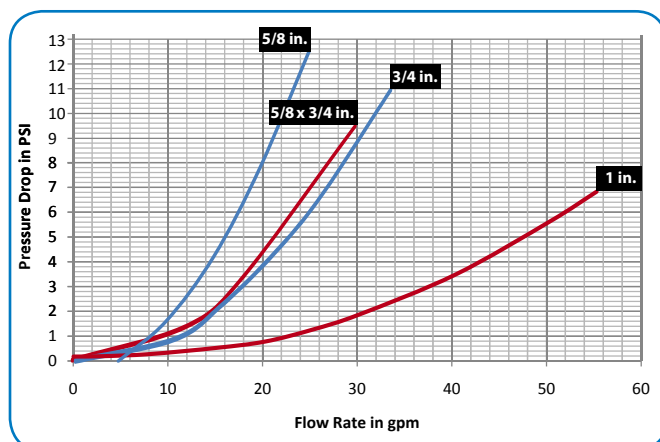
E-Series Ultrasonic Meter Size	5/8 in. (15 mm)	5/8 (15 mm) x 3/4 in. (20 mm)	3/4 in. (20 mm)	1 in. (25 mm)
Size Designation X Lay Length	5/8 x 7-1/2 in.	5/8 x 3/4 x 7-1/2 in.	3/4 x 7-1/2 in. or 3/4 x 9 in.	1 x 10-3/4 in.
Weight (without AMR)	1.60 lb	1.58 lb	3/4 x 7-1/2 in.: 1.58 lb 3/4 x 9 in.: 1.64 lb	2.3 lb
See illustration below for Measurement Designations.				
Length (A)	7.5 in.	7.5 in.	7.5 in. or 8.85 in.	10.75 in.
Height (B)	2.46 in.	2.46 in.	2.46 in.	2.66 in.
Height (C)	3.27 in.	3.23 in.	3.23 in.	3.62 in.
Width (D)	3.90 in.	3.90 in.	3.90 in.	3.90 in.
Bore Size	5/8 in.	3/4 in.	3/4 in.	1 in.
Coupling Nut & Spud Thread	3/4 in. x 14 NPSM	1 in. x 11-1/2 NPSM	1 in. x 11-1/2 NPSM	1-1/4 in. x 11-1/2 NPSM
Tailpiece Pipe Thread (NPT)	1/2 in.	3/4 in.	3/4 in.	1 in.
Service Pipe Thread (NPT)	1/2 in.	3/4 in.	3/4 in.	1 in.

MEASUREMENT DESIGNATIONS



PRESSURE LOSS CHART

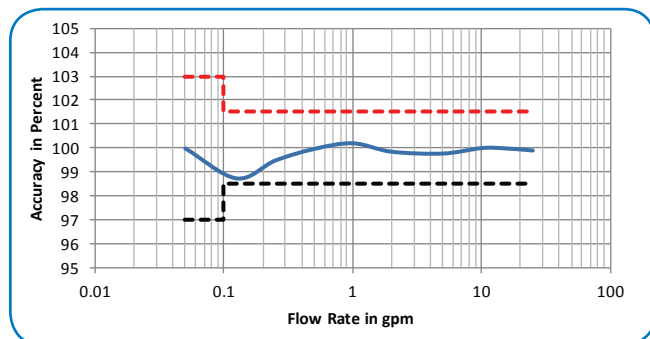
Rate of Flow in gallons per minute (gpm)



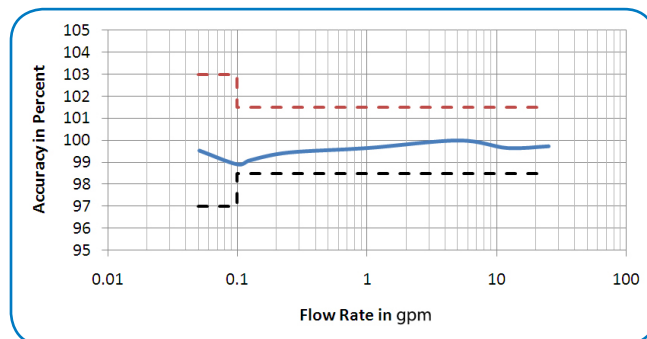
ACCURACY CHARTS

Rate of Flow in gallons per minute (gpm)

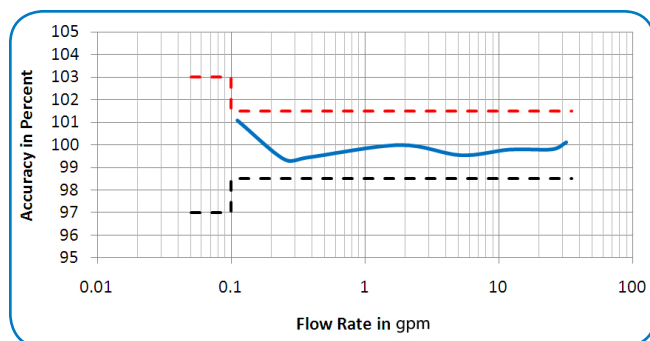
5/8 IN. METER



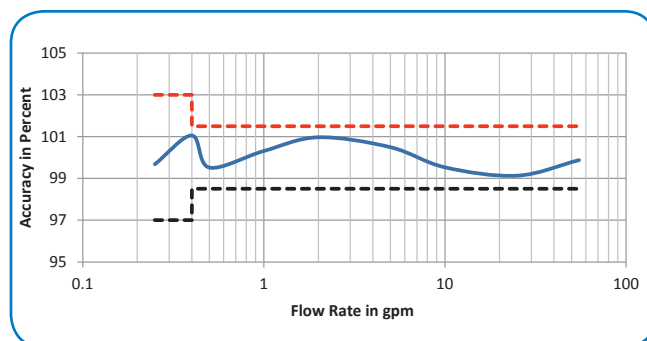
5/8 × 3/4 IN. METER



3/4 IN. METER



1 IN. METER



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Legacy Document Number: ESM-T-12-EN



Badger Meter

E-Series® Ultrasonic Plus Meter

with Integrated Valve

5/8 × 3/4 in., 3/4 × 7-1/2 in., 3/4 × 9 in.

DESCRIPTION

The E-Series® Ultrasonic Plus meter uses solid-state ultrasonic transit time technology to measure cold potable water and incorporates an integrated valve into the lay length of the meter. The integrated valve allows remote flow restriction of water service in residential utility applications.

Authorized utility personnel can actuate the valve via a command sent from BEACON® AMA (Advance Metering Analytics) to an ORION® Cellular LTE-M endpoint connected to the meter.

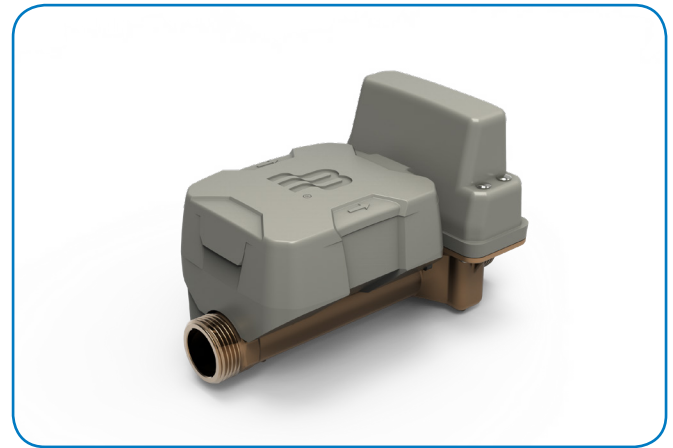
BEACON AMA displays the status of the valve (open, partial or closed) and upon a command to transition the valve, confirms the success of that actuation. Status of the valve is also indicated on the physical meter via a position-indicating LED.

E-Series Ultrasonic Plus meters comply with the lead-free provisions of the Safe Drinking Water Act, are certified to NSF/ANSI Standards 61 and 372, and carry the NSF 61 marking. All components of the meter comprise the certified system. E-Series Ultrasonic Plus meters comply with the applicable portions of the most recent revision of AWWA Standard C715.

All electronic components utilized in the meter and RF Transceiver design comply with applicable FCC Part 15 standards and AWWA C707 for encoded remote reading systems.

Features

- Delivers precision accuracies with extended flow ranges
- Gate valve integrated into standard lay length of meter—no cut-ins required
- Patented magnetically coupled valve to extend field life (US Patent No. 10,161,777.B2)
- Patented flow restriction valve technology supports open, closed and partially closed options (US Patent No. 8,539,827)
- Does not require infrastructure
- Valve position-indicating LED
- Flexible and modular design allows installing the meter first, valve later—in the field
- Field-serviceable valve
- Fully submersible—electronics completely encapsulated to withstand harsh, flooded pit environments
- Low pressure loss
- Easy to read, 9-digit display presents consumption, rate of flow, reverse flow indication and alarms
- High resolution industry standard ASCII encoder protocol



APPLICATIONS

The E-Series Ultrasonic Plus meter provides a cost-effective, non-confrontational, safe method for water utilities to temporarily restrict an end consumer's water service. The most common application is for authorized utility personnel to close or inhibit water service to repeat delinquent accounts to encourage prompt payment from the property owner. Other applications may include opening or closing the valve as tenants change, or accommodating end-customer requests for temporary water restriction.

CONSTRUCTION

The E-Series Ultrasonic Plus meter features lead-free bronze alloy meter housing, ultrasonic transducers, a meter-control circuit board with associated wiring, LCD, and battery. Electronic components are housed and fully potted within a molded, engineered polymer enclosure, which is attached to the meter housing. The transducers extend through the housing and are sealed by O-rings, enabling turbulence-free water flow through the tube. The open flow tube design prevents obstruction of flow to reduce pressure loss and provide long-term accuracy.

The gate valve incorporated into the outlet side of the meter is designed to be field serviceable. The internal valve components (lead screw, gate, magnetic follower) are accessible by removal of the power control module (potted motor, battery, and PCB) and valve bonnet.

OPERATION AND PERFORMANCE

As water flows into the measuring tube, ultrasonic signals are sent consecutively, in forward and reverse directions of flow. Velocity is then determined by measuring the time difference between the measurement in the forward and reverse directions. Total volume is calculated from the measured flow velocity using water temperature and pipe diameter. The LCD shows total volume, rate of flow and alarm conditions.

A battery powered DC motor module drives the dry-side magnetic coupling that is completely separated from the pressure vessel. The dry-side magnet couples to a mating wet-side magnetic assembly consisting of a magnetic disc, lead screw, and gate. The combined dry-side and wet-side magnetic coupling transfers torque from the motor to turn the lead screw inside the pressure vessel, which ultimately drives the gate into the open, closed,* or partially closed positions based on a command prompted by the connected ORION Cellular LTE-M endpoint via BEACON AMA. If necessary, actuation of the valve can also be performed at the meter site.

System screens within BEACON AMA indicate the position of the valve and record the date and time for all valve actuations. In addition, the position of the valve can also be determined by physical inspection of the meter via the valve position LED.

* When the valve is in closed position, water flow is restricted to 0.015...0.060 gpm for humanitarian, life-sustaining measures.

INSTALLATION

The E-Series Ultrasonic Plus meter is completely submersible and can be installed using horizontal or vertical piping, with flow in the up direction.

The meter will not measure flow when an empty pipe (flow sensors are not fully submerged) condition is experienced.

SPECIFICATIONS

E-Series Ultrasonic Meter Size	5/8 in. x 3/4 in. (15 mm)	3/4 in. (20 mm)
Normal Test Flow Limits	0.1...25 gpm	0.1...32 gpm
Minimum Test Flow Limits	0.05 gpm	0.05 gpm
Maximum Continuous Operation	25 gpm	32 gpm
Pressure Loss	4.0 psi at 15 gpm	2.8 psi at 15 gpm
Reverse Flow - Maximum Rate	4.0 gpm	4.0 gpm
Operating Performance	In the normal temperature range of 45...85° F (7...29° C), new meter consumption measurement is accurate to: • ±1.5% over the normal flow range • ±3.0% from the extended low flow range to the minimum flow value	
Typical Flow Rate in Valve Closed Position	0.015...0.060 gpm	
Storage Temperature	– 40...140° F (– 40...60° C)	
Maximum Ambient Storage (Storage for One Hour)	150° F (66° C)	
Measured-Fluid Temperature Range	34...140° F (1°...60° C)	
Humidity	0...100% condensing; meter is capable of operating in fully submerged environments.	
Maximum Operating Pressure of Meter Housing	175 psi (12 bar)	
Register Type	Straight reading, permanently sealed electronic LCD; digits are 0.28" (7 mm) high.	
Register Display	• Consumption (up to nine digits) • Rate of flow • Alarms • Unit of measure factory programmed for gallons, cubic feet and cubic meters	
Register Capacity	• 10,000,000 gallons • 1,000,000 cubic feet • 100,000 cubic meters	
Totalization Display Resolution	• Gallons: 0.XX • Cubic feet: 0.XXX • Cubic meters: 0.XXXX	
Meter Battery	3.6-volt lithium thionyl chloride battery is fully encapsulated within the register housing and is not replaceable; 20-year battery life.	
Valve Battery	3.6-volt lithium thionyl chloride battery within the power module. Battery is replaceable by replacing the entire power module; 20-year battery life, based upon 240 actuations.	
Operating Temperature Range	35...140° F (2...60° C)	

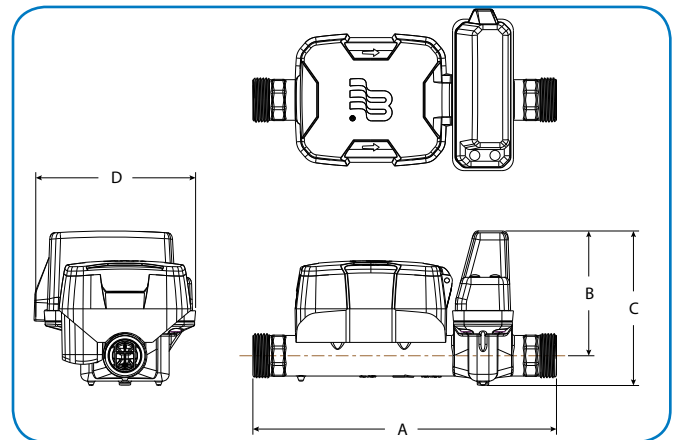
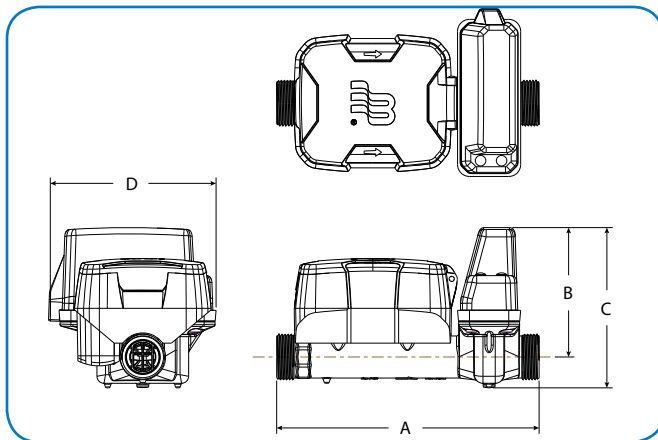
MATERIALS

Meter Housing	Lead-free bronze alloy
Valve Bonnet	Lead-free bronze alloy
Bonnet Seal	Viton O-ring
Register Housing	Engineered polymer
Power Control Module Housing	Engineered polymer
Gate	PTFE
Power Screw	316 stainless steel

PHYSICAL DIMENSIONS

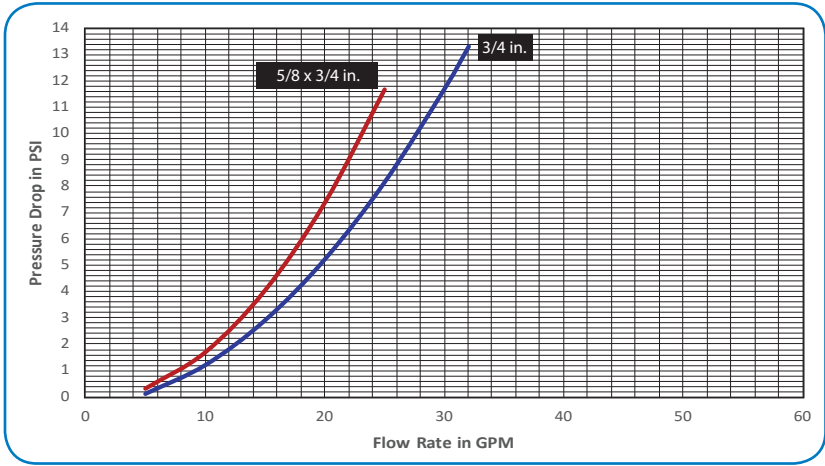
E-Series Ultrasonic Meter Size	5/8 in. × 3/4 in. (15 mm)	3/4 in. (20 mm)
Size Designation X Lay Length	5/8 in. × 3/4 in. × 7-1/2 in.	3/4 in. × 7-1/2 in. or 3/4 in. × 9 in.
Weight (without AMR)	4.2 lb	3/4 in. × 7-1/2 in., 4.2 lb or 3/4 in. × 9 in., 4.4 lb
<i>See illustration below for Measurement Designations.</i>		
Length (A)	7.5 in.	7.5 in. or 9.0 in.
Height (B)	3.69 in.	3.69 in.
Height (C)	4.57 in.	4.57 in.
Width (D)	4.728 in.	4.728 in.
Bore Size	3/4 in.	3/4 in.
Coupling Nut & Spud Thread	1 in. × 11-1/2 NPSM	1 in. × 11-1/2 NPSM
Tailpiece Pipe Thread (NPT)	3/4 in.	3/4 in.
Service Pipe Thread (NPT)	3/4 in.	3/4 in.

Measurement Designations



PRESSURE LOSS CHART

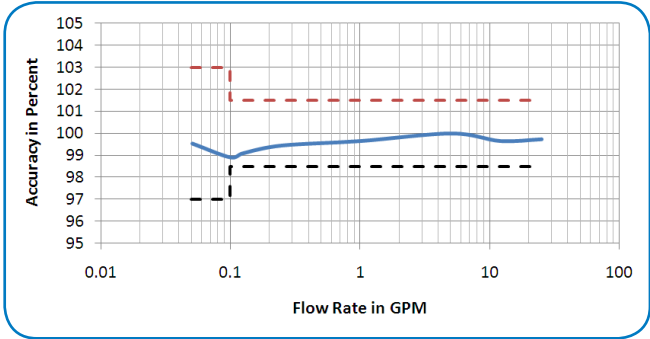
Typical Rate of Flow in Gallons per Minute (gpm)



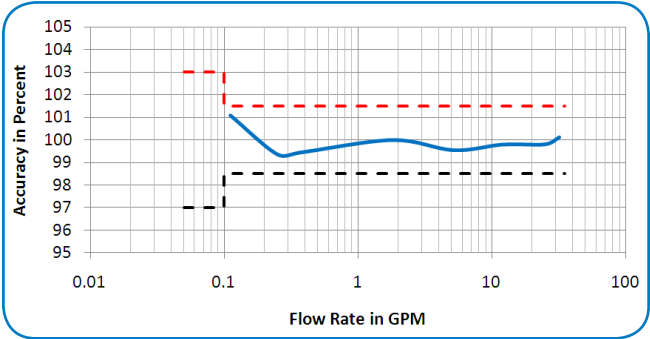
ACCURACY CHARTS

Typical Curve—Rate of Flow in Gallons per Minute (gpm)

5/8 x 3/4 in. Meter



3/4 in. Meter



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APPENDIX 7 - PRODUCT WARRANTIES



Badger Meter

E-Series® Ultrasonic Meter

Cold Water Lead-Free Meters
5/8, 5/8 x 3/4, 3/4, 1 inch

PRODUCTS

This warranty shall apply to all Badger Meter E-Series® Ultrasonic lead-free meters (stainless steel or engineered polymer), sizes 5/8 inch, 5/8 x 3/4 inch, 3/4 inch, and 1 inch, when used to measure potable water and the internal register/encoder and battery used with these meters (collectively "Product"), sold on or after May 23, 2019. This warranty is not transferable and is extended only to utilities, municipalities, other commercial users and authorized distributors, hereafter referred to as "Customer" and does NOT apply to consumers or any person or entity who is not an original customer of Badger Meter or its authorized distributors.

MATERIALS AND WORKMANSHIP

Badger Meter, Inc. ("Badger Meter") warrants Product to be free from defects in materials and workmanship appearing within the earlier of the following time frames.

Lead-Free Housings

Twenty (20) years and six (6) months after shipment from Badger Meter.

Electronics, Battery, Transducers, and Register/Encoder Supplied with the Meters Listed Herein

Twenty (20) years and six (6) months, prorated, after shipment from Badger Meter.

This warranty is prorated as follows: the first ten (10) years of the warranty and at prorated price discounts during the last ten (10) years of the warranty. Badger Meter will apply these prorated price discounts to the Product list prices in effect at the time of Product return and according to the following prorated price discount schedule: Years 11 through 12 — 75% discount; Years 13 through 15 — 50% discount; Year 16 — 40% discount; Year 17 — 30% discount; Year 18 — 20% discount; and Years 19 through 20 — 10% discount.

Specifically, Badger Meter will repair or replace, at its discretion, a non-performing Product at no cost during the first ten (10) years of the warranty and at prorated price discounts during the last ten (10) years of the warranty. Badger Meter will apply these prorated price discounts to the Product list prices in effect at the time of Product return and according to the following prorated price discount schedule:

- Years 11 through 12—75% discount
- Years 13 through 15—50% discount
- Year 16—40% discount
- Year 17—30% discount
- Year 18—20% discount
- Years 19 through 20—10% discount

METER ACCURACY

The Product will meet meter accuracy of $\pm 1.5\%$ for the published normal test flow limits set forth in Badger Meter's current published product data sheet for twenty (20) years from the date of shipment from Badger Meter.

EXTENDED LOW-FLOW METER ACCURACY

Badger Meter further warrants the Product will meet extended minimum test flow accuracy of $\pm 3\%$ for the published ranges set forth in Badger Meter's current published product data sheet for twenty (20) years from the date of shipment from Badger Meter.

PRODUCT RETURNS

Any Product proved to the satisfaction of Badger Meter to have failed the foregoing warranties will, at the option of Badger Meter, be repaired or replaced without charge to the Customer. Any eligible Product repaired or replaced by Badger Meter will retain the original Product's warranty based on the original Product purchase date, at Badger Meter's sole discretion. The Badger Meter obligation hereunder shall be limited to such repair and replacement and shall be conditioned upon Badger Meter receiving written notice of any alleged defect within ten (10) days after its discovery. This exclusive remedy shall not be deemed to have failed its essential purpose so long as Badger Meter is willing and able to replace defective products or issue a credit to purchaser within a reasonable time of proof to Badger Meter that a defect is involved. Product returns must be shipped by the Customer prepaid F.O.B. to the nearest Badger Meter factory or distribution center. The Customer shall be responsible for all direct and indirect costs associated with removing the original Product and reinstalling the repaired or replacement Product.

LIMITS OF LIABILITY

This warranty shall not apply to Product repaired or altered by parties other than Badger Meter. The foregoing warranty applies only to the extent that the Product is installed, serviced and operated strictly in accordance with AWWA Standard C715 and AWWA M6 Manual, as applicable. The warranty shall not apply and shall be void with respect to Product exposed to conditions other than those detailed in the Badger Meter Product technical and/or operational literature, or which have been exposed to adverse installation conditions, damaged by any water conditions and/or water quality, including but not limited to foreign matter in the water such as dirt, sand, minerals, debris, deposits, biofilms, extreme corrosivity, or other impurities, or which have been subject to passage of high-speed air slugs, vandalism, negligence, accident, acts of God, alteration, improper installation, operation or repair, or other circumstances which are beyond the reasonable control of Badger Meter. With respect to Product not manufactured by

Badger Meter, the warranty obligations of Badger Meter shall in all respects conform and be limited to the warranty extended to Badger Meter by the supplier.

THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER EXPRESS AND IMPLIED WARRANTIES WHATSOEVER, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE (except warranties of Title).

Any description of Product, whether in writing or made orally by Badger Meter or its agents, specifications, samples, models, bulletins, drawings, diagrams, engineering sheets, or similar materials used in connection with any Customer's order are for the sole purpose of identifying Product and shall not be construed as an express warranty. Any suggestions by Badger Meter or its agents regarding use, application or suitability of Product shall not be construed as an express warranty unless confirmed to be such in writing by Badger Meter.

Exclusion of Consequential Damages and Disclaimer of Other Liability

Badger Meter liability with respect to breaches of the foregoing warranty shall be limited as stated therein. Badger Meter liability shall in no event exceed the contract price. BADGER METER SHALL NOT BE SUBJECT TO AND DISCLAIM: (1) ANY OTHER OBLIGATIONS OR LIABILITIES ARISING OUT OF BREACH OF CONTRACT OR OF WARRANTY (2) ANY OBLIGATIONS WHATSOEVER ARISING FROM TORT CLAIMS (INCLUDING NEGLIGENCE AND STRICT LIABILITY) OR ARISING UNDER OTHER THEORIES OF LAW WITH RESPECT TO PRODUCTS SOLD OR SERVICES RENDERED BY BADGER METER, OR ANY UNDERTAKINGS, ACTS OR OMISSIONS RELATING THERETO, AND (3) ALL CONSEQUENTIAL, INCIDENTAL AND CONTINGENT DAMAGES WHATSOEVER.

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Legacy Document Number: ESM-W-01



Badger Meter

E-Series® Ultrasonic Meter

Cold Water Stainless Steel Lead-Free Meters, 1-1/2, 2 in.

PRODUCTS

This warranty shall apply to all Badger Meter E-Series® Ultrasonic lead-free meters, sizes 1-1/2 in. and 2 in., when used to measure potable water and the internal register/encoder and battery used with these meters (collectively "Product"), sold on or after May 23, 2019. This warranty is not transferable and is extended only to utilities, municipalities, other commercial users and authorized distributors, hereafter referred to as "Customer" and does NOT apply to consumers or any person or entity who is not an original customer of Badger Meter or its authorized distributors.

MATERIALS AND WORKMANSHIP

Badger Meter, Inc. ("Badger Meter") warrants Product to be free from defects in materials and workmanship appearing within the following time frames.

Lead-Free Housings

Ten (10) years and six (6) months after shipment from Badger Meter.

Electronics, Battery, Transducers, and Register/Encoder Supplied with the Meters Listed Herein

Ten (10) years and six (6) months after shipment from Badger Meter.

METER ACCURACY

The Product will meet meter accuracy of $\pm 1.5\%$ for the published normal test flow limits set forth in Badger Meter's current published product data sheet for ten (10) years from the date of shipment from Badger Meter.

EXTENDED LOW-FLOW METER ACCURACY

Badger Meter further warrants the Product will meet extended minimum test flow accuracy of $\pm 3\%$ for the published ranges set forth in Badger Meter's current published product data sheet for ten (10) years from the date of shipment from Badger Meter.

PRODUCT RETURNS

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Legacy Document Number: ESM-W-03

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CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS AGENDA ITEM NO. M.1

DATE: May 19, 2020

TO: City Council

FROM: Jeffrey Lambert, Community Development Director, (805) 385-7882, jeffrey.lambert@oxnard.org
Darwin Base, Fire Chief, (805) 385-7700, darwin.base@oxnard.org

SUBJECT: Revision of Existing Fees and Adoption of New Fees Related to Development Impact Fees and the Affordable Housing In-Lieu Fee and Inclusionary Housing Ordinance Amendments. (15/20/20)

RECOMMENDATION

That the City Council:

1. Receive a presentation and public comments regarding proposed new fees and revisions to existing Development Impact Fees (DIF);
2. Review and provide comments on the new Development Impact Fee Nexus Study and Development Impact Fees pertaining to a resolution for a Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Utility Undergrounding In-Lieu Fee, Public Art Program Fee, and Mobility Fee, including an automatic annual inflation factor, and amendments and additions to Chapters 15 of the Oxnard City Code;
3. Receive a presentation and public comments on the Affordable Housing In-Lieu Nexus Study; review the proposed in-lieu fee, recommended modifications to the City's Inclusionary Housing Ordinance (Ord. No. 2721); and provide direction regarding timing for updating the City's Inclusionary Housing Ordinance;
4. Adopt the referenced Development Impact Fee Nexus Studies;
5. Adopt the Development Impact Fee and Affordable Housing Resolutions entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE DEVELOPMENT IMPACT FEE NEXUS STUDY AND DEVELOPMENT IMPACT FEES FOR THE GROWTH REQUIREMENT CAPITAL FEE, PARK AND RECREATION FEE, TRAFFIC CIRCULATION FEE, STORM DRAINAGE FEE, MOBILITY FEE, PUBLIC ART PROGRAM FEE, AND UTILITY UNDERGROUNDING IN-LIEU FEE" and "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE AFFORDABLE HOUSING IN-LIEU FEE NEXUS STUDY AND AFFORDABLE HOUSING IN-LIEU FEES";
6. Introduce for first reading by title only and waive further reading of an Ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD AMENDING ARTICLE VI, CHAPTER 15, DIVISION 1, SECTIONS 15-165, 15-166, 15-167, 15-170, 15-171, 15-173, 15-174, 15-178, AND ADDING SECTIONS 15-183 AND 15-184, AMENDING DIVISION 2, SECTIONS 15-186 AND 15-188, AMENDING DIVISION 5, SECTIONS 15-216, 15-218, 15-219, AND ADDING SECTION 15-220, AMENDING DIVISION 6, SECTIONS 15-225, AND 15-229, ADDING DIVISION 8, SECTIONS 15-242, 15-243, AND 15-244, AND ADDING DIVISION 9, SECTIONS 15-245, 15-246, 15-247, and 15-248, AND MAKING FINDINGS PURSUANT TO CEQA"; and
7. Introduce for first reading by title only and waive further reading of an uncodified Ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, CONCERNING AFFORDABLE HOUSING REQUIREMENTS FOR NEW DEVELOPMENTS AND IN-LIEU AFFORDABLE HOUSING PAYMENT."

(Reviewed by Public Works & Transportation and Housing & Economic Development committees on April 28, 2020)

BACKGROUND

The City, in conjunction with Harris and Associates, has been in the process of updating both the Development Impact Fees (DIF) and the Affordable Housing Inclusionary In-Lieu fee programs. Two studies were prepared and will be discussed in more detail below: (1) the Development Impact Fee Nexus Study and 2) the Affordable Housing In-Lieu Nexus Study. These studies were presented separately to the City Council Public Works and Transportation Committee and the Housing and Economic Development Committee on April 28, 2020. Those reports and recommendations are combined into this report in order to facilitate the City Council's consideration and decision making. This report is presented in two parts: first the Development Impact Fees and second the Affordable Housing In-Lieu Fee.

The City of Oxnard's ("City") DIF and affordable housing in-lieu fees are woefully outdated, with some going back more than four decades. It is industry standard to adjust these fees annually using Engineering News-Record Construction Cost Index (ENR CCI), with a comprehensive update every five years. As the resident population and non-resident employment population in the City increase, there exists a correlating rise in the need for expanded public infrastructure and services to support the increased demand on City Infrastructure. It is imperative for the City to update all its fees in order to adequately pay for the various impacts created by new development and growth.

Development Impact Fees (DIF) are one-time fees paid by new development to fund the cost of providing municipal facilities to serve that development. This authorization exists through the enactment of California Government Code sections 66001 through 66025 (also known as the "Mitigation Fee Act" and sometimes referred to as "AB1600"). The Mitigation Fee Act is premised on the concept that new development pays its own way, or, put another way, new development has to mitigate its own impacts on the system.

The Mitigation Fee Act requires a rational nexus and rough proportionality between the type and scale of development and the fee imposed. This is what makes a DIF a "fee" and not a tax; DIF cannot be used for general purposes, such as maintenance. This process includes making a determination that there is a reasonable relationship between the purpose of the fee, the fee's use and the type of development project on which the fee is imposed. In order for DIF to be legally enforceable, a community must conduct an analysis that identifies anticipated growth that is related to infrastructure costs and apportion those costs to project development. This is distributed by type of development, square foot, dwelling unit, or per trip basis - with the intent that this impact fee type distribution equitably mitigates the impact of development on City resources, amenities and infrastructure.

EXECUTIVE SUMMARIES - DEVELOPMENT IMPACT FEE & AFFORDABLE HOUSING IN-LIEU FEE

DIF Executive Summary, Committee Input, and Staff Response:

The members of the Public Works and Transportation Committee passed a motion regarding the recommendations of the Development Impact Fee Study to the full City Council without making a recommendation in overall support of each of the specific fees. One Committee member suggested these fee adjustments were necessary to ensure new developments paid their fair share; one suggested these fees are increasing too significantly and would impact the City's ability to attract new development; and one member suggested there may be a compromise by setting the City of Oxnard's fees similar to the average fees of adjacent communities. Two of the Committee members also suggested that fees should be phased in.

Staff's general response to Committee Comments:

In considering these DIF increases, the City Council must balance several key issues. First, if the City doesn't charge the appropriate DIFs based on the attached data driven analysis, the City's infrastructure and facilities will be more overwhelmed, leading to even further reductions in levels of service and community dissatisfaction. As the City grows, there are many benefits; however, growth also impacts the existing infrastructure and population around it by adding more cars, bicycles and pedestrians to the streets, increasing sewer and stormwater flows into the City's systems, increasing demand for park space and amenities, public safety services, and other expanded public services, as well as building space from which to provide those services. The purpose of DIF is also to make sure the quality of life in the city is not negatively impacted by new development; thereby impacting residents. It also ensures that existing residents do not have to fund the expansion of services that would not be necessary without new development.

Response to fees impacting the City's ability to attract new development:

While raising our fees may appear to be a deterrent to development, a city that is falling apart, with increasing traffic congestion and insufficient services is actually more of a deterrent. With an eye to the potential long-term impacts of the Coronavirus crisis, the City of Oxnard expects to continue to attract residential, commercial, and industrial development and the economic benefits they bring to our community. The City's seaside location, quality of life and relatively low land values are expected to continue to attract development as the industry adjusts to these new fees and land values are adjusted accordingly. In addition, development is driven by three factors: (a) cost of land, (b) cost of materials and (c) cost of labor. Material and labor costs are more standardized across California, and especially standard within the County. Oxnard's cost of land compared to surrounding cities and other seaside communities in California remains relatively low and provides an incentive for economic investment and development. For example, the average industrial rent per square foot (a reflection of the cost of land) in January 2020 for the City of Oxnard was \$0.71, compared with \$0.80 in the cities of Ventura and Camarillo, \$0.79 in the cities of Moorpark and Simi Valley, \$0.96 in the City of Thousand Oaks and \$1.20 in the City of Westlake Village. Given these land prices, the City is not expecting development to avoid investment in the City of Oxnard as developers focus on the total cost of development, not just the DIFs; furthermore, the proposed fees are generally in alignment with other jurisdictions in Ventura County.

Because it has been many years since Oxnard has updated our fees, we must go through this seemingly extreme increase, but it will actually bring Oxnard up to the present needs. Once these fees are in place, and the City implements a regular DIF update based on the cost of construction as anticipated, our fees will be predictable and development is not likely to be impacted given our already lower cost of land.

Further, getting the City's DIFs in line with the impacts of development on the community's infrastructure and facilities will ensure the City has a high quality of life and is an attractive place for private investment.

Response to setting fees to be closer to the adjacent communities:

Although it may be relevant to compare DIFs across nearby local jurisdictions, it is not reasonable to expect DIFs to be similar across these same jurisdictions. Harris and Associates reached out to five other public agencies to see what their DIF are currently. Those agencies were the cities of Santa Clarita, Goleta, Ventura, Thousand Oaks and Camarillo (there is a more robust discussion on the comparisons to other cities further in the report). At first glance, it might seem like these comparable cities are very different from Oxnard, so how can they be used to compare DIF's?

Goleta is a more affluent city, but as an example, traffic fees are based on what construction needs to be done in order to maintain a particular level of service after new development, and not based on the wealth of the community. Goleta's general plan forecasts a certain amount of growth, and the traffic impact fee simply reflects the cost of mitigating those impacts. Goleta's fees are higher because the construction costs are higher when they are encountering railroad tracks and expanding roadway width, which is similar to Oxnard's construction needs.

The cities of Thousand Oaks and Camarillo are much younger cities. Streets in both cities are wider with more lanes and have greater capacity. This means that not as much expansion of the infrastructure is necessary, because it already exists as needed and therefore fees would be expected to be lower.

Oxnard is a much older city and, like most older cities, has grown differently in different areas over the years. It isn't always a simple matter to expand capacity, because the impacts to private property and existing physical barriers (railroads) could be significant and costly. The cost of infrastructure such as roadway improvements is directly tied to construction estimates for specific improvement in the City's master plan and included as a baseline in this report. In some cases the costs to address the physical barriers are so significant that other strategies such as adaptive traffic signals are superior options; capacity can be increased through better timing rather than widening a road which might require demolition of buildings. These improvements and future development are aligned with the adoption of the City's General Plan and this alignment guides the DIF analysis. This is also true for the Parks Development and other DIFs to be considered

In total, the proposed Oxnard DIFs are aligned with other jurisdictions. For example, the proposed fees compare

generally to the average fees of nearby cities (see the chart on Report Summary and Discussion section below). The proposed fees are below the single family average for traffic and storm drain and above the average for general growth and park development. In fact when compared to the average across all land use categories, the proposed park fee is below the city average fee. In addition, fees will be in full compliance with the legal requirements of AB 1600. The proposed DIF will have a reasonable relationship between the amount of the fees and the cost of the facility or portion of the facility attributable to new development.

Response to fees are increasing much too quickly and the need for phasing:

The recommendation before the City Council represents a significant adjustment of these fees. However, these adjustments are representative of the real cost of facilities and infrastructure necessary to keep up with the pace of new development and its impact on the City. The Committee members all acknowledged the challenge of increasing fees at this time of great economic uncertainty.

The DIF Report finds that the City's current DIF do not accurately represent new development's share of public facilities and capital improvements needed to support the City of Oxnard. The analysis and recommendation from this study is that the majority of the DIF need to be increased significantly. Proposed DIF increases range from a low of 1% (\$5,088 to \$5,132) to as high as a 2697% increase (\$250 to \$4,624).

Members of the Committee were concerned about raising the fees all at one time. In forwarding the item to the full City Council the Committee directed staff to present a plan for phasing in the fees over time. It should be noted that given how significantly outdated the City's DIFs are and the rigor with which the analysis was prepared, staff is not recommending reduction of any of the fees and does recommend that Council implement the fees immediately and without any phasing; however the Committee directed staff to propose phasing in the DIFs. In developing options for phasing, staff was guided by the following criteria:

1. Fees that were generally in line with adjacent cities were not recommended for a phased in option.
2. Fees that increased by more than 100% were considered for a phased in option; however, if they increased by more than a 100% but were in alignment with adjacent cities they were not recommended for phasing.
3. Recommendations for implementation delays were based on the level of increase and comparison with surrounding jurisdictions.

The above criteria results in the Growth Fee, Park Development Fee, Traffic Impact Fee, and Mobility Fee being considered for phasing. Possible phasing is based on the above criteria is:

1. Park Development Fee is the oldest fee (last updated in 1972) and reflects the most significant increase. Based on the increase, staff recommends Council adopt the fee, but implement $\frac{1}{3}$ of the proposed increase effective immediately; apply the second $\frac{1}{3}$ of the proposed increase July 1, 2021; and the balance of the increase on July 1, 2022. It should be noted that the City is currently updating the Parks Master Plan. If this Plan results in a different set of projects and priorities in recreation types, the fee will need to be updated to reflect that. During that update Council may wish to direct staff to explore spreading the fee to apply to all land development categories rather than just residential development.
2. Implement 50% of the proposed Growth Fee increase immediately; apply the second 50% of the proposed increase in July 2021. Because the Growth Fee for industrial development increased by 42% staff does not recommend including in this delayed implementation. The Growth Fee in single family increased 115%, 241% in multifamily residential; 236% in retail development; and 302% in office development.
3. Traffic Impact Fees vary across land use categories with some increasing and others decreasing. The Traffic Impact fees increase over 100% in only the Gas Station land use category, so staff suggests that Council implement this fee increase immediately with no phasing.
4. Mobility Fee is a new fee, so any amount would be considered an increase. The need for the Mobility Fee was established in the City's 2011 Bicycle and Pedestrian Facilities Master Plan. This fee should be implemented immediately to support the City's effort to be a more resilient community with a multi-modal transportation system. The City's bicycle network is inadequate. By installing new bike lanes that meet current standards, in areas that do not currently have them, we will also improve bicyclist safety as a beneficial effect. This holds true

for pedestrian facilities as well.

5. The Underground Utility Fee was adopted in 1989. The underground utility exceeds a 100% increase over the current fee; however, the payment of this fee is available to smaller projects to select fee payment rather than completing the undergrounding of utilities and therefore isn't recommended to be phased in.
6. In terms of the applicability date of the various DIFs, staff recommends that any development project that has 1) obtained an approved Planning entitlement shall be permitted to apply the current fees and 2) obtains a building permit within 12 months of the effective date of the new DIFs.

The Public Art Fee (2006 fee) and Storm Drain Fee (1991 fee) should be implemented immediately and with no phasing. The Public Art Fee is proposed to increase 40% and Storm Drain Fee is proposed to increase 100%. Both these increases reflect calculations of the increased cost of construction since each fee was first adopted.

Should the City Council consider the phasing option, it will provide a much needed increase in DIFs to reflect the real need, but include a gradual phasing in of the two largest fee increases (Park Development and Growth Fee, with the exception of industrial growth fees) to allow the development community to adjust. It will ensure certainty for developers who are already in the process and predictability for future developers who will understand their fee obligation before they confirm land acquisition expenses. This approach also acknowledged the precarious economic times we are all in and allows for future adjustments based on how long the impact of COVID-19 lasts.

Other Public Works & Transportation Committee Questions:

In addition to the suggestions on the fee levels and implementation the Committee asked two specific questions:

- (1) Does the gas station per pump fee also apply to electronic charging stations?

Gas pump fees are based on the number of pumps at a station as well as all the various other services or business types that might be included on the same property. Such as convenience stores and fast food restaurants. That is because in setting fees one must consider what attracted customers to a business, and whether multiple needs can be met in one location with fewer overall trips to the system. Electric charging stations are currently found in shopping centers and other places where either the business is providing them for customers as an incentive, or employers providing them for employees as a benefit. In both of these cases, drivers are not specifically driving to one of these locations the same way they would make a trip to a gas station. In the future, when rapid charging stations are included either at gas stations or new stations that cater to electric vehicles, a new fee will likely become standard. But at this time, electric vehicle charging is not generating unique trips.

- (2) How are utility underground fees utilized?

As for utility undergrounding fees, the fee was created to allow smaller infill projects, in the range of 1 to 10 acres, to pay an in-lieu fee rather than undergrounding small amounts of electrical lines. Undergrounding is expensive and the cost would result in an overly large economic burden on these smaller projects which would make the projects economically infeasible. The in-lieu fee equals the project's fair share cost of undergrounding of utilities on arterial roads citywide. The City collects these fees and will use them to underground overhead utility lines along arterials as listed in the original staff report that set the in-lieu fee. There is nothing that would prevent a developer from undergrounding utilities themselves if it was preferable to them to do so. There are times when it makes more sense for the developer to underground utilities because it fits in better with the work they are already doing. This in-lieu fee is intended to remove what can be a large burden from smaller developments.

Affordable Housing In-Lieu Fee Executive Summary, Committee Input, and Staff Response:

Under City Council policy the option to pay inclusionary in-lieu fees requires City Council consideration early in the development review process through a Pre-Application agenda item. In the past several years, the Council has rejected these requests to pay the current in-lieu fee because the fee is inadequate and would not provide the necessary leveraged funds to actually expand the City's supply of affordable housing. So, the proposed fee should not be considered an

increase in a current fee because the current fee has not been allowed for several years. In fact, the proposed affordable housing in-lieu fee will be a new option for developers who will be allowed to pay this fee as it is more aligned with the amount necessary to leverage other funding sources for additional affordable housing.

The members of the Housing and Economic Development Committee recommended on a vote of 3-0 to forward a recommendation to the full City Council to approve the recommended Affordable Housing in-lieu Fee, including support for updating the inclusionary housing ordinance. During Committee discussion regarding the matter, the Committee members asked for feedback in regards to:

(1) Consider the comparison of the proposed fee to those in adjacent cities

In-lieu fees are not consistent across the region and the City's proposed fees are based on Oxnard specific facts and the City's Affordable Housing policies

(2) How does the concept of supply and demand impact the production of affordable housing?

Generally more supply means lower prices; however, when it comes to addressing California's severe housing crisis, additional market rate supply doesn't necessarily result in more affordable housing; further intervention is necessary to ensure affordability

(3) How much in-lieu funding has been collected and how is it being used?

The current in-lieu fee balance is \$2.3m and these funds are used to leverage other funding and maximize the number of new affordable housing units

DEVELOPMENT IMPACT FEE STUDY

Harris prepared the Development Impact Nexus Study. The Study addresses the following fees:

Growth Requirement Capital Fee (which contains 4 Components)

The current Growth Requirement Capital Fee was adopted in 2005. The proposed Growth Requirement Capital Fee is broken into four categories; (1) Government Facilities, (2) Police Facilities, (3) Fire Facilities, and (4) Cultural and Recreational Facilities. The Growth Requirement Fee funds facilities such as police stations and equipment, fire stations and equipment, city hall, community centers, visitor center, and the corporation yard. The proposed fee uses the existing inventory method for fee calculation.

Parks Development Fee

The current Park Development Fee was adopted by Ordinance No. 1421 in 1972. The Park Development Fee covers park development costs only. The City's 2030 General Plan sets the park standard for the City at 1.5 acres per 1,000 residents for neighborhood parks and 1.5 acres per 1,000 residents for community parks for a total of three (3) acres per 1,000 residents. The cost per resident is converted to a fee per new residential unit based on the estimated persons per household. The proposed fee uses the facility standards method for fee calculation. The funds collected are used to build improvements that expand the City's existing park system to ensure the City maintains the standard of three (3) acres per 1,000 residents.

Park land dedication or an in-lieu fee is regulated through Quimby Act Fees as set forth in Chapter 15, Article IV of the City Code. Quimby is separate and apart from the Park and Recreation Fee and is not proposed for adjustment through this recommendation.

Storm Drainage Fee

The current Storm Drainage Fee was adopted in 1991. The storm drainage fee provides funding for the infrastructure required to mitigate the impacts of new development. As each new development occurs, additional impervious area is

created which creates the need for the expansion of storm drainage facilities. The storm drainage fee will be escalated by the Engineering News Record Construction Cost Index (ENR CCI) at this time to ensure that adequate funding is received until the City can update their Storm Drainage Master Plan. The fee is calculated using the planned facilities method. A comprehensive update to this fee will be done after the Storm Drainage Master Plan is updated in 2021.

Traffic Circulation Fee

The current Traffic Circulation Fee was comprehensively adopted in 2007, with minor adjustments to the development categories in 2009 and adjustments to the restaurant fee in 2010. The fees for traffic circulation cover the costs to lessen the effects of additional vehicle trips caused by new development and maintain the City's level of service standard. Funding new transportation facilities, improvements such as adaptive traffic signals or the addition of dedicated turn lanes, and other related infrastructure will ensure that the service level is maintained as development and population growth produce an increase in roadway use and changes in traffic patterns. The fee is calculated using the planned facilities method.

The City's Traffic Model is expected to be updated in 2021. Once that is completed, the assumptions in the Development Impact Fee Nexus Study will be updated and a new fee will be presented to City Council for consideration.

Public Art Program Fee

The current Public Art Program Fee was adopted in 2006. The City's public art program is designed to enhance the overall quality of life and create a more vibrant community. This fee is designed to help the City adequately fund artwork on public property and reimburse the City's costs to administer the Program. Artwork may be any visual art, including, but not limited to, a sculpture, monument, mural, fresco, wall hanging, or mosaic. In order to keep pace with inflation, the current fee is being updated by the ENR CCI for Los Angeles. This ensures that new development continues to fund the public art program at the same level as it has been historically funded. The fee is being established pursuant to the existing Public Art Fee Program Resolution to keep up with the cost of inflation.

Utility Undergrounding In-Lieu Fee

The current Utility Undergrounding In-Lieu Fee was adopted in 1989. The purpose of the City's utility undergrounding policy is to enhance the safety of the public and the persons frequenting the new developments and to improve the appearance of the new development and the City. For smaller projects, the cost per acre of undergrounding adjacent utilities is more than twice the undergrounding cost per acre of larger projects. For a one acre project, the cost per acre is nearly eight times the cost per acre for a larger project. Therefore, this fee is intended to prevent excessive costs to smaller projects while still maintaining a proportionate financial participation of projects under 10 acres. The fee is calculated using the master plan method.

Mobility Fee

This is a new fee and is designed to be used to construct mobility improvements including sidewalks, bike lanes, pedestrian bridges, and other similar facilities that are necessary to improve connectivity within the City, including improving bicycle and pedestrian access to public transportation stops and stations, and increasing bicycle mode sharing. These types of improvements, designed according to modern standards will also improve bicycle and pedestrian safety. This fee is intended to implement priority projects contained within the City Council adopted Bicycle and Pedestrian Facilities Master Plan. The fee is calculated using a combination of master planned facilities and existing inventory methods.

Downtown Parking In-Lieu Fee

The City engaged Harris and Associates to prepare an Downtown Parking In-Lieu Fee Nexus Study. This fee is pursuant

to the City's Downtown strategy. The fee will be presented to Council at a later date along with appropriate amendments to the Downtown Code.

Comparison to Other Agencies

Harris and Associates reached out to five other public agencies to see what their DIF are currently. Those agencies were the cities of Santa Clarita, Goleta, Ventura, Thousand Oaks and Camarillo. Some of the cities did not have all of the same fees:

City of Ventura has: Growth, Traffic and Park DIF

City of Thousand Oaks has: Traffic DIF

City of Camarillo has: Traffic DIF

City of Santa Clarita has: Growth, Traffic, Mobility and Park Development DIF

City of Goleta has: Growth, Traffic, Mobility, Storm Drain and Park DIF

While a full table is attached to this staff report, below is how the City of Oxnard proposed DIF compares to the average of the above cities for a Single Family Residence (SFR). The SFR category has the highest fees, so this is the category being highlighted in the body of the report. SFR is also the category of development that the City sees the lowest percentage of.

Single Family Residence DIF	Five City Average	Proposed Oxnard
Growth	\$3,760.68	\$5,981.00
Traffic	\$10,121.04	\$9,769.00
Mobility	\$1,668.50	\$3,396.00
Storm Drain	\$3,649.00	\$2,657.88
Park Development	\$5,731.50	\$6,993.00

**While the Mobility Fee is higher than other jurisdictions, not all even have one. If a city has an older Traffic DIF, mobility projects are likely rolled into their Traffic DIF. Current best practice is to separate Traffic and Mobility fees.*

The table below shows the average of all fees over all five development categories for both the comparative jurisdictions and the City of Oxnard proposed DIF. The City of Oxnard only charges a Park Development Fee for residential uses, so the fee was averaged over all five categories to show the average City of Oxnard impact. In total, the proposed Oxnard DIFs are aligned with other jurisdictions.

Type of DIF	Five City Average of All Development Categories	Proposed Oxnard Average of All Development Categories
Growth	\$1,937.43	\$3,043.20
Traffic	\$8,514.08	\$7,822.80
Mobility	\$863.10	\$1,727.80
Storm Drain	\$2,405.70	\$1,762.00
Park Development	\$3,197.41	\$2,323.40

Comparison of Proposed Fees to the Current Fees

The following table provides a summary comparison of the proposed fees to the City's existing fees. Proposed DIF increases range from a low of 1% (\$5,088 to \$5,132) to as high as a 2697% increase (\$250 to \$4,624).

		Oxnard (Proposed)	Oxnard Existing Fee	Percent Increase
Single Family Dwelling Unit	<i>Fee Per Unit</i>			
Growth		\$ 5,981.00	\$ 2,784.00	115%
Traffic		\$ 9,769.00	\$ 8,030.00	22%
Mobility		\$ 3,396.00	\$ 0.00	n/a
Storm Drain		\$ 2,657.88	\$ 1,330.63	100%
Public Art Program Fee		\$ 672.00	\$ 480.00	40%
Park Development		\$ 6,993.00	\$ 250.00	2697%
Total		\$ 29,468.88	\$ 12,874.63	129%
Multifamily Dwelling Unit	<i>Fee Per Unit</i>			
Growth		\$ 3,955.00	\$ 1,160.00	241%
Traffic		\$ 7,574.00	\$ 4,745.00	60%
Mobility		\$ 2,245.00	\$ 0.00	n/a
Storm Drain		\$ 1,624.28	\$ 813.17	100%
Public Art Program Fee		\$ 280.00	\$ 200.00	40%
Park Development		\$ 4,624.00	\$ 250.00	1750%
Total		\$ 20,302.28	\$ 7,168.17	183%
Retail Development	<i>Fee per 1,000 square feet</i>			
Growth		\$ 2,018.00	\$ 600.00	236%
Traffic		\$ 6,560.00	\$ 7,899.00	-17%
Mobility		\$ 1,146.00	\$ 0.00	n/a
Storm Drain		\$ 1,917.68	\$ 960.06	100%
Public Art Program Fee		\$ 280.00	\$ 200.00	40%
Park Development		n/a	n/a	
Total		\$ 11,921.68	\$ 9,659.06	23%
Office Development	<i>Fee per 1,000 square feet</i>			
Growth		\$ 2,409.00	\$ 600.00	302%
Traffic		\$ 10,079.00	\$ 7,899.00	28%
Mobility		\$ 1,367.00	\$ 0.00	n/a
Storm Drain		\$ 1,118.65	\$ 560.03	100%
Public Art Program Fee		\$ 280.00	\$ 200.00	40%
Park Development		n/a	n/a	
Total		\$ 15,253.65	\$ 9,259.03	65%
Industrial Development	<i>Fee per 1,000 square feet</i>			
Growth		\$ 853.00	\$ 600.00	42%
Traffic		\$ 5,132.00	\$ 5,088.00	1%
Mobility		\$ 485.00		n/a
Storm Drain		\$ 1,491.53	\$ 746.71	100%
Public Art Program Fee		\$ 280.00	\$ 200.00	40%
Park Development		n/a	n/a	
Total		\$ 8,241.53	\$ 6,634.71	24%

As part of the action before the City Council, staff is recommending that the City Council approves an ordinance amending the City's Development Impact Fee procedures in Chapter 15 of the City's Code of Ordinances (Code). The amendments will result in updating the City's DIF program. A clean version of the amendments to the Code is being presented to the City Council for approval at the public hearing and not a redline version. This is due to the substantial amount of changes that are being made to this section of the Code. A resolution adopting the Development Impact Fee Nexus Study which includes the amount of the fees, is also included in the recommended action items.

AFFORDABLE HOUSING IN-LIEU FEE

BACKGROUND

The City's Inclusionary Housing Ordinance ("Ordinance"), most recently adopted in 2006, generates affordable housing in proportion with the overall increase in market-rate residential units. The current ordinance requires the following for housing projects with 10 or more units:

- For-Sale: 10% of all units must be affordable to lower-income households and each unit is required to have at least 3 bedrooms, unless the project contains at least ten (10) 2 bedroom units, in which case 2 bedroom affordable units may be provided in the same percentage ratio to all affordable units as the percentage ratio of 2 bedroom market rate units bears to the total number of market rate units in the project;
- For-Rent: 5% of all units must be affordable to very low-income households (50% Average Median Income (AMI) or below), and 5% must be affordable to lower-income households (80% AMI or below); and
- Covenants must be recorded for projects to preserve the affordability of these units for at least 20 years.
- Allows developers to pay an in-lieu Affordable Housing Payment ("in-lieu fee" or "Fee") instead of constructing affordable units as part of the proposed project or constructing these units off site.
- The existing Fee amount for for-sale (ownership) units is set at one percent (1%) of the sales price of each market-rate unit in increments of \$50,000 with a minimum of \$5,000 for each unit. The current in-lieu payment amount for a development project where the units will be sold as rental units is \$7,735 for each market-rate unit to be built within a qualifying development project.
- The Ordinance (and therefore the in-lieu fees) do not apply to projects in areas subject to specific plans that require a project to provide as many or more affordable units.

The City's Inclusionary Housing Ordinance requires the inclusion of affordable housing units within new residential development projects. The ordinance requires 10% of new units in a development to be set aside and restricted as affordable housing units; and 15% within Urban Village areas as defined by the 2030 General Plan. City Council approval is required for a developer who seeks to pay the City's affordable housing in-lieu fee instead of constructing the units on site. Because the City's in-lieu fee has not been comprehensively updated, the established fee is considerably low and the City Council has not supported Developers request to pay the in-lieu fee instead of constructing the affordable units.

The Affordable Housing In-Lieu Fee Nexus Study analyzed in-lieu fees in two different ways. First, the Study provides an analysis of the linkage between the development of market-rate housing units and the need/demand for additional affordable housing units (i.e., the Demand-Based Supportable Fee shown in Table 1). Secondly, the Study uses the City's existing Inclusionary Housing Ordinance methodology, with current development costs and household income data (the current fees for rental units relies on 2006 development cost and household income data), to calculate the maximum supportable fees (i.e., the Inclusionary Equivalent Fee shown in Table 1). Additionally, the fees calculated under both methodologies are then compared to inclusionary housing in-lieu fees in other local cities and a suggested fee amount is provided. The Inclusionary Equivalent Fees, as contained in the Study, range from \$28,407 to \$44,702, which are somewhat higher than the average of other cities with inclusionary housing in-lieu fees.

Table 1

	<u>Existing</u> In-Lieu Fee	<u>Demand</u> Based Supportable Fee	<u>Inclusionary</u> Equivalent Supportable Fee	Local City Survey
Single-Family For-Sale	\$7,000	\$99,111	\$44,700	\$36,026
Multifamily For-Sale	\$5,500	\$70,180	\$36,800	\$34,951
Multifamily For-Rent	\$7,735	\$53,029	\$28,400	\$23,147

City staff reviewed the options provided in the Study and is recommending adoption of a modified fee structure as shown below in Table 2. Table 2 shows the detail of the methodology utilized to calculate the Inclusionary Equivalent fees for each housing type and income level pursuant to the requirements of the exiting Ordinance. Table 2 also compared the Inclusionary Equivalent Fees (per unit) to the average of other cities. The last column of Table 2 shows the fee recommended by staff that would provide funding to continue to provide affordable housing in the community. The proposed fee for single-family and multi-family for-sale units represents a comparative average of in-lieu fees in other local jurisdictions.

Table 2

Land Use	Inclusionary Requirement	Affordability Level	Affordability Gap per Unit	Fee per Unit	Total Fee/ Unit	Average Fee - Other Cities	Proposed Fee
Single Family Detached For-Sale	10%	80% AMI or below	\$447,023	\$44,702	\$44,702	\$36,026	\$36,000
Multifamily For-Sale	10%	80% AMI or below	\$368,534	\$36,853	\$36,853	\$34,951	\$35,000
Multifamily For-Rent	5%	50-80% AMI	\$234,315	\$11,716	\$28,407	\$23,147	\$28,000
	5%	50% AMI or below	\$333,823	\$16,691			

The proposed fee for rental units is modified to allow for a greater capacity for multi-family development by recommending a fee similar to the Inclusionary Equivalent Fee. The proposed fees fall below the maximum supportable fees calculated under the Demand Based Fee model for all unit types and the Inclusionary Equivalent model for single-family and multi-family units offered for purchase. The proposed fees were determined based on the following rationale:

- The maximum Demand Based (Supportable) Fee is 100% to 175% higher than the fees charged by other cities. Given the option to develop housing in an adjacent Ventura County city that has no inclusionary housing requirement or significantly lower fees, many developers will likely not build in Oxnard which would result in a lack of market-rate housing and affordable housing. In addition, Inclusionary In-Lieu Fee would either not be collected or would be greatly diminished.
- Leveraging the inclusionary housing fees paid with other state and federal housing funding gives the City the ability to build more affordable units than would have otherwise been constructed by relying on just one funding source. Utilizing in-lieu fee payments, and leveraging these funds with other funding sources available for the development of affordable housing is a successful approach to produce affordable units while considering fees imposed throughout the region. The City of Oxnard has worked with non-profits and other developers to leverage funding collected from in-lieu fees with other federal and state funding sources to facilitate the development of hundreds of affordable units over the past several years.

The proposed fee and fee methodology necessitates an amendment to various sections of existing Ordinance No. 2721 (Part 10 (b) and (c) of the City's Inclusionary Housing Ordinance). The Ordinance changes are needed to align with the in-lieu fee methodology calculation outlined in the Nexus Study and to clarify the timing to pay the required in-lieu fee.

A change is also recommended to adjust the yearly in-lieu fee amount by utilizing the Engineering News Record Building Cost Index for the Los Angeles Region instead of the Consumer Price Index for all Urban Consumers. Utilizing this adjustment index is consistent with the City's DIF, as well as the adjustment factor used for these DIFs. Additionally, the revisions to the Ordinance No. 2721 also removes reference to the redevelopment areas of the City (redevelopment was eliminated by State Law in 2011) and a requirement that the fee be paid at the time the permits are pulled (Part 14 and Part 11, respectively). A clean version of the amendments to the City's Code of Ordinances (Code) will be presented to the City Council for approval.

As part of the City's update to its 2021-2029 Housing Element, substantial revisions to the City's Inclusionary Housing Ordinance will be considered at that time. City Council policy direction will be sought in this comprehensive update to the Inclusionary Housing Ordinance. This update is expected to occur by July 2021.

Community Input

The study and the resulting fees were presented to Chamber of Commerce members, the development community, and the Building Industry Association (BIA) on March 12, 2020. Attached to this report are letters from both the BIA and Oxnard Chamber of Commerce. The Chamber opposes any increases during these uncertain economic times and questions the fee comparison to the Cities of Santa Clarita and Goleta. The BIA, also informed by the current health and economic crisis, asks that the City delay any consideration of updated development impact fees indefinitely.

In addition, a meeting was held on April 8, 2020, with members of the community including, affordable housing advocates, farmworker representatives, and affordable housing developers to solicit input on the proposed in-lieu fee. Approximately 17 attended this meeting. A summary of this input is provided within the attached memo dated April 24th (see Attachment 9).

Ms. Macri-Ortiz participated in the Committee meeting and expressed that the full cost to construct an affordable unit should be charged instead of the proposed fee; she also supported comprehensively updating the City's inclusionary housing ordinance, of which the in-lieu fee is one component. She also felt that the affordable housing percentages in the existing inclusionary housing ordinance should be adjusted and re-evaluated as part of a comprehensive update to the inclusionary housing ordinance. Staff is in support of Ms. Macri-Ortiz's recommendation to update the inclusionary housing ordinance simultaneously with updating the City's 2021-2029 Housing Element.

Environmental Review

In accordance with Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines, the DIF Nexus Study, Affordable Housing In-Lieu Fee, and Affordable Housing In-Lieu Nexus Study have been determined to not be a project as described and determined by CEQA.

Notification of Public Hearing

Notice was published in the Vida Newspaper on April 30, 2020, and May 7, 2020, setting forth the time and manner of compliance with the requirements of law of providing notice of the time and place for the public hearing in the form and manner required by Government Code sections 66018, 6062(a) and 66019. Notice was also provided 14 days prior to the public hearing to those interested parties who have requested in writing, notification from the City of any fee increases.

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve our infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding. This item supports the following goals and objectives:

Goal 3. Ensure Funding is adequate to meet the goals of the master plans.

Objective 3a. Maximize funding sources.

Objective 3b. Set rates and fees to fully recover cost.

FINANCIAL IMPACT

Development Impact Fee Study

No direct fiscal impacts to the City's operating budget are expected as a result of this recommended action. Rather, Development Impact Fees ("DIF") are fees paid by new development to fund the capital cost of providing municipal facilities to serve the increased demands from that development. Since the City's current adopted fees have not been updated in some time (varies by fee) the recommended action will generate additional funds beyond those expected under the existing DIF schedule. The consequence of not updating the DIFs would be an inability of the City to keep up with the increased capacity needs created by new development, which would lead to a lower overall quality of life for both current and future residents. By enacting the Mitigation Fee Act, the State legislature has concurred that the cost of mitigating the impacts of new development should be borne by new development and not existing residents and businesses.

Affordable Housing In-Lieu Study

Direct fiscal impacts to the City's operating budget are not expected as a result of this recommended action. Rather, Affordable Housing In-Lieu are fees paid by new development which will provide funding that will be used by the Housing Department to create new affordable housing opportunities in the City. This will include leveraging Affordable Housing In-Lieu funds with other state and federal housing funds to build more affordable units than would have otherwise been constructed by relying on just one funding source. Since the City's currently adopted Affordable Housing In-Lieu fees have not been updated in some time, the recommended action will generate additional funds beyond those expected under the existing fees.

COMMITTEE OUTCOME

On April 28, 2020, members of the Public Works and Transportation Committee passed a motion regarding the recommendations of the Development Impact Fee Study to the full City Council without making a recommendation in overall support of each of the specific fees.

The members of the Housing and Economic Development Committee recommended on a vote of 3-0 to forward a recommendation to the full City Council to approve the recommended Affordable Housing in-lieu Fee, including support for updating the inclusionary housing ordinance.

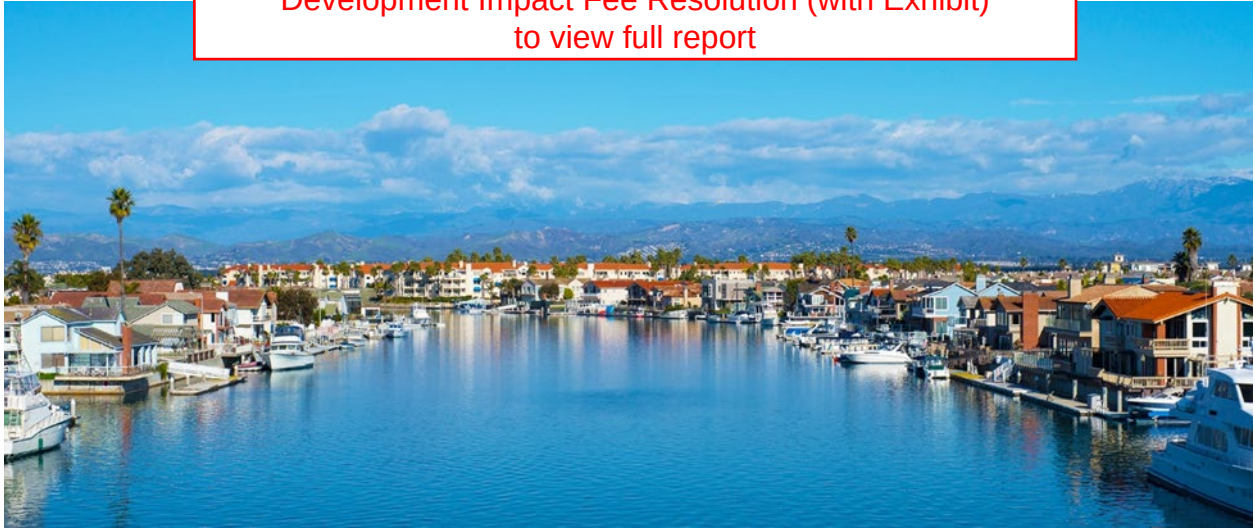
Prepared by: Jeffrey Lambert, Community Development Director, Rosemarie Gaglione, Public Works Director, Emilio Ramirez, Housing Director, Elsa Brown, Affordable Housing Program Manager, Kathleen Mallory, Planning & Sustainability Manager, Tara Mazzanti, Assistant City Attorney

ATTACHMENTS

1. City of Oxnard Development Impact Fee Nexus Study
2. City of Oxnard Affordable Housing In-Lieu Fee Nexus Study
3. Comment Letter BIA-LAV 4.16.20

4. Comment Letter Chamber of Commerce 4-17-20
5. Affordable Housing In-lieu Fee Ordinance
6. Affordable Housing In-lieu Fee Resolution (with Exhibit)
7. Development Impact Fee Resolution (with Exhibit)
8. Development Impact Fee Ordinance
9. April 24, 2020 Input Summary
10. Summary of Affordable Housing Ventura County
11. Affidavit of Publication
12. Presentation

See Attachment
"Development Impact Fee Resolution (with Exhibit)"
to view full report



UPDATED DRAFT REPORT

City of Oxnard Development Impact Fee Nexus Study

April 2020

Prepared for:



Prepared by:



22 Executive Park, Suite 2000
Irvine, California 92614
(949) 655-3900

See Attachment
"Affordable Housing In-Lieu Fee Resolution (with Exhibit)"
to view full report



FINAL DRAFT

Affordable Housing In-Lieu Fee Nexus Study

City of Oxnard

April 8, 2020

Prepared for:



Prepared by:



22 Executive Park, Suite 200
Irvine, California 92614
(949) 655-3900



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Brett Trebil, Watt Communities

Christine Villegas, Chelsea Investment Corp

Rick White, Larrabure Framing

April 16, 2020

Re: Oxnard Development Impact Fees, Affordable Housing, and Parking-In-Lieu Fee Update as Relates to COVID-19 Pandemic and Housing Crisis Emergency

Dear Council Committee Members,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association representing more than 1,000 companies employing over 100,000 people focused on building housing for all. On behalf of our membership, we appreciate and support your unwavering efforts to keep everyone safe while also providing for construction to continue as an essential service.

We have partnered with you during this challenging time to protect workers health in a way that does not exacerbate the housing and shelter shortfall. We continue to help develop, support and educate our membership on critical COVID-19 related health and safety guidance.

BIALAV attended an initial outreach workshop on March 12, 2020, where we learned about the development impact fees proposal. The following day, March 13, the President of the United States declared a National Emergency, and the following Thursday, March 19, the California State Governor declared the "shelter-in-place" order. Therefore, we are surprised and disappointed to learn that the Committee is still considering the development impact fees proposal. This is extremely troubling, considering that we are amid both a deadly pandemic and housing emergency. Businesses and families are merely trying to survive and operate during these crises. Now, more than ever, people need shelter. They don't need new fees or regulations that will increase the hurdles to build housing.

In a separate letter sent earlier today to all Council and staff, we respectfully requested an emergency adoption of the following, as relates to fees:

1. A moratorium on all proposed municipal fees or policies unless they are specifically designed to create relief by reducing costs



Los Angeles/Ventura Chapter

- and/or by streamlining the housing planning and production process
2. Deferment of the payment of impact fees until the close of escrow for homes sold, and until Certificate of Occupancy for homes rented, since there is no impact until the unit is occupied

Therefore, we respectfully request at this time that the consideration of this proposal is deferred indefinitely. Today, we are not operating in the environment we were on March 12. This is no longer business as usual. And yet, the fee proposal includes an increase to Park & Rec fees by 2,697% for single-family homes and 1,750% for multifamily homes. Other fees include increases of 100%, 115%, and even a 40% increase to the current art fee. Additionally, it is difficult to understand the logic to introduce an in-lieu parking fee of \$44,050 per space, and exponentially increase the City's affordable housing in-lieu fee while investment is drying up across the Country and certainly our region.

We commend the City's actions in addressing the health pandemic during this difficult and uncertain reality. We want to reiterate our commitment to working with Government leaders to help keep housing affordable and our communities safe. Thank you for your consideration of this request. Should you have any questions, please contact me at (917) 204-0233 or at crangel@bialav.org.

Sincerely,

Christine Rangel
Senior Director, Government Affairs
BIA-Los Angeles/Ventura

Sent via e-mail

April 17, 2020

Members of the Public Works Council Committee
Members of the Housing and Economic Development Committee
Mr. Jeff Lambert, Community Development Director
City of Oxnard

RE: Proposed Development Impact Fees, Affordable Housing, and Parking-In-Lieu Fees

The Oxnard Chamber of Commerce **STRONGLY** opposes any increases in Development Impact Fees at this time. Our economy is in a freefall due to the COVID-19 pandemic. We also have an affordable housing crisis. The proposed fee increases will exacerbate the affordability challenge. How would this reflect on our homelessness challenges? Do we really need to increase the Park and Recreation Fee 2697% on a single family dwelling?

Regarding the presentation from Harris & Associates, it appears the cities of Santa Clarita and Goleta were listed only because their fees are extremely high, which distorts the averages. The comparisons should only include Ventura County cities.

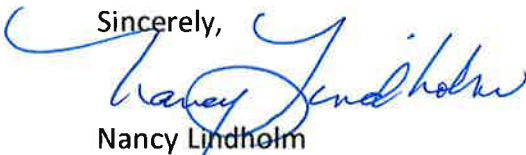
The proposed summary of fees (page 20) indicates Development Impact Fees for a single family dwelling would be \$22,900. Ventura's fees are listed at \$8,870 and Camarillo's at \$6,164. We certainly trust this is not acceptable to you.

Comparing fees for Office Development, if approved by the council, Oxnard would be \$12,650 per 1,000 square feet; Ventura \$5,375; and Camarillo \$6,358. There is bound to be a substantial softening of the commercial office space market in the coming months and years. Why would Oxnard seem to chase any development to our neighboring communities?

The leadership of the Oxnard Chamber of Commerce believes that local government must be fiscally balanced. We are not advocating the Community Development Department be subsidized by the general fund. If our neighboring communities can provide development services for substantially lower fees, perhaps we should research how they accomplish that.

We urge you not to move forward with the proposed fee increases at this time.

Sincerely,



Nancy Lindholm
President/CEO

CITY COUNCIL OF THE CITY OF OXNARD

UNCODIFIED ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, CONCERNING AFFORDABLE HOUSING REQUIREMENTS FOR NEW DEVELOPMENTS AND IN-LIEU AFFORDABLE HOUSING PAYMENTS

WHEREAS, the State of California has declared that the provision of affordable housing in all communities for all segments of the population is a matter of statewide importance and concern; and

WHEREAS, the State of California requires all cities and counties to adopt and implement a general plan which governs many of the overall land use and planning issues for the local agency to use as a guideline for future development, including affordable housing; and

WHEREAS, the City of Oxnard adopted the 2030 General Plan which includes several specific elements, including the Growth Management Element, the Land Use Element, and a Housing Element, which all contain certain goals, objectives and policies concerning affordable housing; and

WHEREAS, the 2030 General Plan Growth Management Element encourages the adoption of implementation measures which would promote a match between the price of housing and the household income of all Oxnard residents; and

WHEREAS, the 2030 General Plan Land Use Element requires a balanced community that meets the housing needs of all segments of the community and also provides for a balance between jobs and housing within the community; and

WHEREAS, the 2030 General Plan Housing Element contains a requirement that the City provide for a variety of housing types throughout the City which meet the needs of all economic segments of the community, including affordable housing units; and

WHEREAS, State law provides that legal actions may be brought to prohibit new residential housing if the 2030 General Plan Housing Element is not complied with; and

WHEREAS, the City Council has received an affordable housing report which found that low and very low income families, especially large and farm worker families, in the community are experiencing a housing shortage; and

WHEREAS, the City Council has stated in the 2030 General Plan and the Housing and Land Use Elements, that one of the major goals of the City is to achieve a balanced community with housing available for households of all income levels, so that the low and very low income families may have housing available at an affordable cost; and

WHEREAS, the affordable housing report further found that low and very low income families are living within the community in severely overcrowded housing and/or in housing that is not decent, safe and sanitary; and

WHEREAS, the affordable housing report further found that federal and state housing subsidy programs are not sufficient by themselves to satisfy all of the housing needs of low and very low income households, which has further exacerbated the availability of affordable housing; and

WHEREAS, the affordable housing report found that the housing shortage of new housing affordable to low and very low income families is detrimental to the public health, safety and welfare and that the City is required by California public policy to make available an adequate supply of housing for persons of all economic segments of the community, including low and very low income families; and

WHEREAS, the City Council finds that new residential development enjoys the benefits of public resources and City facilities and must participate in protecting and enhancing the public welfare by helping to meet the goals and objectives for affordable housing set out in the 2020 General Plan and its various elements; and

WHEREAS, the City Council finds that new residential development that does not include affordable housing on site reduces the limited inventory of real property in the city that may be used to develop affordable housing; and

WHEREAS, the City Council desires to establish a policy for the provision of affordable housing on a City-wide basis for all new development; and

WHEREAS, the City Council desires that a program exist to allow new residential development to provide an in-lieu affordable housing payment in place of providing affordable housing units on site, which in-lieu payment would allow other affordable housing goals and objectives to be met throughout the City; and

WHEREAS, based on the foregoing recitals, on April 20, 1999, the City Council adopted Resolution No. 11,570, establishing affordable housing requirements and in-lieu fees; and

WHEREAS, on October 5, 1999, the City Council adopted Resolution No. 11,645, amending Resolution No. 11,570, and on October 19, 1999, adopted Resolution No. 11,651, repealing Resolution No. 11,645; and

WHEREAS, on October 19, 1999, the City Council adopted Resolution No. 11,652, amending Resolution No. 11,570 to exempt certain projects there from; and

WHEREAS, on October 26, 1999, the City Council adopted Ordinance No. 2506, establishing the affordable housing requirements contained in Resolution Nos. 11,570 and 11,652 by ordinance; and

WHEREAS, on December 5, 2000, the City Council adopted Ordinance No. 2545,

making certain adjustments to Ordinance No. 2506; and

WHEREAS, on March 5, 2002, the City Council adopted Ordinance No. 2594, providing a procedure to appeal application of Ordinance No. 2545, and any successor ordinance, on the basis that its application to a specific project was unconstitutional; and

WHEREAS, December 3, 2002, the City Council adopted Ordinance No. 2615, replacing Ordinance No. 2545; and

WHEREAS, on June 28, 2005, the City Council adopted Ordinance No. 2688, making adjustments to Ordinance No. 2615; and

WHEREAS, on July 18, 2006 the City Council adopted Ordinance No. 2721, making adjustments to Ordinance No. 2688; and

WHEREAS, the City Council now desires to amend Part 10 of Ordinance No. 2721 and make other minor adjustments thereto and reenact Ordinance No. 2721 as amended; and

WHEREAS, as this ordinance does not establish a new affordable housing program, but only makes certain adjustments to Ordinance No. 2721, the City Council finds that there is no possibility that adoption of this ordinance may have a significant effect on the environment; that the in-lieu Affordable Housing Payments adopted by this ordinance create government funding mechanisms that do not involve any commitment to any specific project and thus do not constitute a project, as defined by Section 15378(b)(4) of the State California Environmental Quality Act (CEQA) Guidelines; and that consequently adoption of this ordinance is not subject to CEQA.

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

Part 1. All recitals set forth hereinabove are found and determined to be true and correct and are incorporated into this ordinance by this reference.

Part 2. The findings and references to affordable housing that are contained in the 2020 General Plan, as set out in Attachment 1 to the staff agenda report on affordable housing, dated April 8, 1999, and the staff reports considered at the City Council meetings held on November 14, 2000, in connection with the adoption of Ordinance No. 2545, the staff report considered on January 29, 2002 in connection with the report of the ad hoc affordable housing committee, and the staff report dated July 20, 2004, all on file with the City Clerk, are incorporated by reference as findings in support of the affordable housing requirements set out in this ordinance.

Part 3. All new residential projects containing ten or more dwelling units to be offered for sale shall include a number of dwelling units equal to not less than 10% of the total number of dwelling units offered for sale in the project that shall be sold at an affordable housing cost to persons and families of lower income, as defined in California Health and Safety Code Section 50079.5. Each such affordable dwelling unit shall have at

least three bedrooms, provided that if a project contains at least ten two bedroom units, two bedroom affordable units may be provided in the same percentage ratio to all affordable units as the percentage ratio of two bedroom market rate units bears to the total number of market rate units in the project. For purposes of this ordinance, the term "units offered for sale" includes units classified as condominium units under California law.

Part 4. All new residential projects containing ten or more dwelling units to be offered for rent shall include a number of dwelling units equal to not less than 5% of the total number of dwelling units in the project offered for rent that shall be rented at an affordable rent to persons and families of very low income, as defined in California Health and Safety Code section 50105, and shall include an additional number of dwelling units equal to not less than 5% of the total number of dwelling units in the project offered for rent at an affordable rent to persons and families of lower income, as defined in California Health and Safety Code section 50079.5. If the number of bedrooms per unit varies within a project, the number of low and very low income units of each bedroom numbers must meet the requirements of this part 4, i.e., affordable units shall be proportionately distributed throughout the project by bedroom size.

Part 5. As used in this ordinance, the term "housing cost" includes the costs described in 25 California Code of Regulations section 6920, except that in determining housing cost under this ordinance the amount paid for maintenance and utilities will not be included. For purposes of calculating mortgage loan cost, a prevailing market interest rate for a fixed interest rate loan will be used. As used in this ordinance, the word "rent" has the meaning ascribed to such word in 25 California Code of Regulations section 6918. For purposes of this ordinance, "affordable housing cost or rent" shall mean:

- (a) With respect to a low income person or family, rent or housing cost not in excess of 30% of 80% of the Area Median Income for the Ventura County Metropolitan Statistical Area, adjusted for family size appropriate for the unit in question, as set forth in Section 6932 of Title 25 of the California Code of Regulations; and
- (b) With respect to a very low income person or family, rent or housing cost not in excess of 30% of 50% of the Area Median Income for the Ventura County Metropolitan Statistical Area, adjusted for family size appropriate for the unit in question, as set forth in Section 6932 of the Title 25 of the California Code of Regulations.

Prior to offering for sale or rental the first unit which the developer intends to qualify as an affordable unit under Part 3 or Part 4 of this ordinance, the developer shall submit to the City's Housing Director the proposed sale price or rental amount for all the affordable units and the dates upon which the affordable units will be offered for sale or rental, and thereafter, any other information requested by the City's Housing Director. The Housing Director shall review the information submitted, and within 30 days of receipt of all requested information, shall determine whether the sales price or rental amount is affordable

as provided in Parts 3 and 4. Thereafter, if the developer desires to increase the sales price or initial rental amount for any for sale affordable units, the developer must obtain the approval of the Housing Director. A developer may appeal a decision of the Housing Director made pursuant to this Part 5 within the time and following the procedures (including payment of the fee) set forth in the Oxnard City Code section 16-545 et seq. for appeal of a decision of the Planning Commission denying a special use permit.

Part 6. Not later than the date of application for the first building permit for a project that is subject to Part 3 or 4 of this ordinance, the developer shall cause to be recorded in the office of the Ventura County Recorder covenants approved in form and substance by the Housing Director. Such covenants shall identify the affordable dwelling units, restrict the qualifying income of purchasers and tenants of such units, specify the maximum housing cost for such units, and require that such units remain affordable for at least 20 years. The covenants shall provide that the developer shall require any purchaser of an affordable unit or project to execute a resale restriction agreement in form and substance satisfactory to the City's Housing Director, which resale restriction agreement shall provide for continuing affordability in the sale or rental of units for at least 20 years. The covenants shall run with the land. If the original developer or a subsequent owner complies with the covenants and/or resale restriction agreement by conveying the project or unit only to an eligible low or very low income transferee at an affordable cost as provided in this ordinance, the developer or such owner shall not be responsible for any violation of such covenants or resale restriction agreement by future transferees.

Part 7. Such affordable units shall be designed and constructed so as to be architecturally consistent with and qualitatively similar to other (unrestricted) units in the project. Generally, affordable units shall be dispersed throughout the project. As part of the developer's application for any land use approvals required for the project and prior to the date upon which the application is deemed complete, the developer shall submit to the City planning staff such documents and plans as planning staff determines are necessary and appropriate for the City to determine that the requirements of this ordinance have been met and that the design and placement of the affordable units will not affect the quality of the project or the affordable units, and will not result in discrimination on any legally prohibited basis. The City Council, Planning Commission, or other decision making person or body with final approval over the project shall make such determination. The determination of such decision making body shall be made exercising its sole, good faith, discretion.

Part 8. As part of the developer's application for land use approvals required for the project and prior to the date upon which the application is deemed complete, the developer of a project that is subject to this ordinance may request in writing that instead of providing such affordable housing within the proposed project, the developer shall provide such affordable housing on specified off-site land. The request shall be presented to the City Council, which shall determine in its sole discretion whether the land is suitable for affordable housing. If the City Council determines that the land is suitable, the developer shall enter into an agreement with the City to provide affordable housing on such land. The agreement shall provide for affordable units in a number not less than the number of on-site units required by this ordinance for the project. The agreement shall contain conditions and provisions requiring the construction of such affordable units prior to or concurrent with construction of the project, unless the City Council determines in its sole discretion that such a condition is not

necessary to ensure that the affordable units are constructed. The agreement may contain such other terms and conditions as the City Council determines are necessary or appropriate.

Part 9. The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. The developer shall offer the affordable units to qualified Oxnard resident buyers or renters on the waiting list first and give preference to them until there are no qualified Oxnard residents on the waiting list. At such time, the developer may make units available to all other prospective buyers or renters meeting the income limitations for such units.

10. A developer may, following the procedure set forth in this Part 10, make a written request that instead of providing such affordable housing units within the proposed project or off site, the developer make an in-lieu Affordable Housing Payment ("Payment") to the City's Affordable Housing In-Lieu Fee Fund.

(a) All projects for which the developer makes a request to make a Payment shall be subject to the City's pre-application process. During the pre-application process, the City Council shall determine whether a Payment may be made.

The City Council shall consider the following factors in determining whether to grant a request:

- a. the size, type and nature of the lots and homes and/or apartment buildings and units proposed for the development;
- b. the prices for which the developer plans to sell the market rate homes or rent market rate apartment units;
- c. the extent to which the proposed development may be designed or redesigned to allow the production of quality units at lower costs; and
- d. the extent to which City is meeting the affordable housing goals of its 2030 General Plan.

(b) If the request is granted, the Payment shall be calculated using the City's adopted affordable housing in-lieu fee schedule. The fee for each unit shall be paid when the developer pulls a building permit for each unit.

(c) Beginning on July 1, 2021, and every July 1st thereafter, the Housing Director shall adjust the Fee by the percentage increase or decrease for the prior twelve months as determined by the Engineering News Record Building Cost Index for the Los Angeles Region.

Part 11. If a developer's request to make a Payment is granted, the fee for each unit shall be paid when the developer pulls a building permit for each unit. Within 60 days after a developer's request to make a Payment is granted, the developer may request in writing that

the City allow the developer to satisfy all or part of the Payment by dedicating specified off-site land to the City. With such request, the developer shall submit a written M.A.I. appraisal of the land. The City may require that the developer pay for an additional M.A.I. appraisal obtained by the City. The City Council shall determine the market value of the land, based on the appraisals provided or paid for by the developer and any other reliable data. The City Council shall also determine whether the land is suitable for affordable housing and meets the City's needs for sites for affordable housing. If the City Council so determines and the Mayor executes a certificate of acceptance for the land, the City shall apply the market value of the land to the Payment owed. If the market value of the land is less than the Payment, the developer shall pay the difference. If the market value of the land is more than the Payment, dedication of the land shall be deemed the equivalent of making the Payment, and the developer shall not be entitled to any payment for the excess market value. The developer shall deed to the City land so accepted before the developer applies for the first building permit for the project.

Part 12. As provided by Ordinance No. 2594, a developer may appeal to the City Council a decision of the Planning Commission requiring compliance with this ordinance, on the ground that such application of this ordinance to the developer's project results in an unconstitutional taking of property or that there is no reasonable relationship between the impact of the project and such requirements.

Part 13. All in-lieu Affordable Housing Payments shall be deposited in the City's Affordable Housing Trust Fund and used exclusively to provide affordable housing and affordable housing assistance to persons and families of lower and very low income.

Part 14. This ordinance does not apply to the following new residential projects of ten or more dwelling units:

- (a) Projects located in areas that are subject to a specific plan adopted by the City that requires such projects to provide as many or more affordable units for lower and very low income persons and families as does this ordinance.

Part 15. In a project that receives a density bonus pursuant to Government Code Section 65915 or 65915.5, the calculation pursuant to Part 3 or Part 4 of this ordinance of the number of dwelling units to be offered for sale or rent shall be based on the number of units before the density bonus is applied. Affordable units provided pursuant to this ordinance shall not be included in the calculation of affordable units provided pursuant to density bonus statutes, ordinances or resolutions.

Part 16. This ordinance shall be uncodified.

Part 17. This ordinance shall apply to applications for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been accepted as complete as of the effective date of this ordinance.

Part 18. This ordinance replaces Ordinance No. 2721 as to applications for land use

Ordinance No.

Page 8

approvals described in Part 17. However, Ordinance No. 2721 is not repealed. If all or any part of this ordinance be declared invalid by the courts, and Ordinance No. 2721 be not declared invalid, Ordinance No. 2721 shall apply to the subjects addressed by the portions of this ordinance declared invalid, or, if this ordinance is declared invalid in its entirety, shall supplant this ordinance.

Part 19. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. _____ was first read on _____, 20____, and finally adopted on _____, 20____ to become effective sixty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING THE AFFORDABLE HOUSING IN-LIEU FEE NEXUS STUDY AND
AFFORDABLE HOUSING IN-LIEU FEES.

WHEREAS, on October 10, 2017 the City adopted the 2013-2021 Housing Element of the General Plan in compliance with State law, which includes the goal of encouraging the development of affordable housing to meet the City's assigned share of the regional housing need; and

WHEREAS, in 1999 the City adopted an Inclusionary Housing Program, requiring developers to provide a percentage of their units at affordable prices and a policy to establish an affordable housing in-lieu fee to facilitate new housing units that are affordable to households with extremely low, very low and low incomes; and

WHEREAS, the City's inclusionary housing ordinance requires for-sale projects with at least 10 or more units, to reserve at least ten percent (10%) of all newly constructed dwelling units to be sold to lower-income households (80% AMI); and

WHEREAS, the City's inclusionary housing ordinance requires for-rent projects with at least 10 or more units, make available at least five percent (5%) of all newly constructed dwelling units to very low income (50% AMI or below) households, and 5% of all units to affordable lower-income (80% AMI) households; and

WHEREAS, Ordinance 2721 established the current Housing In-Lieu Fee; and

WHEREAS, the City wishes to update the in-lieu fees based on current affordability gaps; and

WHEREAS, the City's consultant Harris & Associates has completed the Affordable Housing In-Lieu Nexus Study dated April 2020, which sets forth the methodology used to determine the in-lieu fee; and

WHEREAS, the Affordable Housing In-Lieu fees established by this resolution are equal to or lower than the amount needed to fully mitigate the impacts of new for sale and rental residential projects as shown in the Nexus Study; and

WHEREAS, the fees are summarized in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, in accordance with Government Code Section 66016, at least 14 days prior to the public hearing at which the Council first considered the adoption of the Affordable Housing

In-Lieu Fee, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings on new or increased fees or service charges; and

Notice was published in the Vida Newspaper on April 30, 2020 and May 7, 2020 setting forth the time and manner of compliance with the requirements of law of providing notice of the time and place for the public hearing in the form and manner required by Government Code sections 66018, 6062(a) and 66019. Notice was also provided 14 days prior to the public hearing to those interested parties who have requested in writing, notification from the City of any fee increases.

WHEREAS, in accordance with Government Code Section 66016, the Affordable Housing In-Lieu Fee Nexus Study containing the data supporting the imposition of the Fee, was made available for public review and comment for 10 days prior to the public hearing at which the Council first considered the adoption of the Fee; and

WHEREAS, ten days advance notice of the public hearing at which the Council first considered the adoption of the Fee was given by publication in accordance with Section 6062a of the California Government Code; and

WHEREAS, the fees shall be adjusted each year beginning on July 1st of 2021 using the percentage increase or decrease for the prior twelve months as determined by the Engineering News Record Building Cost Index for the Los Angeles Region.

WHEREAS, the City Council finds that there is a reasonable relationship between the amount of the fee and the cost attributable to new development.

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

1. That it does hereby approve the Affordable Housing In-Lieu Study and Schedule of Affordable Housing In-Lieu Fees, prepared by Harris & Associates attached hereto as Exhibit A establishing revised fees.
2. That the fees shall become effective 60 days following the adoption of this Resolution.
3. The City Manager is hereby authorized on July 1st of each year to adjust the fees using the June Engineering News Record Building Cost Index for the Los Angeles region.
4. The City Council finds that City staff have evaluated the potential environmental impacts of the adoption of this Ordinance, the approval of the *Affordable Housing In-Lieu Fee Nexus Study* prepared by Harris & Associates and dated April 2020, and the updated Affordable Housing In-lieu Fee pursuant to the California Environmental Quality Act ("CEQA"). City staff has determined that these actions do not constitute a "project" under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which *may* result in a potentially significant physical impact on the environment.

5. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED THIS _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBIT A



FINAL DRAFT

Affordable Housing In-Lieu Fee Nexus Study

City of Oxnard

April 8, 2020

Prepared for:



Prepared by:



**22 Executive Park, Suite 200
Irvine, California 92614
(949) 655-3900**

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EXECUTIVE SUMMARY

INTRODUCTION

The City of Oxnard (City) retained Harris & Associates (Harris) to prepare an Affordable Housing In-Lieu Fee Nexus Study (Study) in order to update previously adopted Affordable Housing In-Lieu Fees (Fees) contained in Ordinance 2721 adopted July 18, 2006. The Fees provide additional flexibility to the City and development community in meeting affordable housing needs generated by new market-rate units in the City.

This Study provides a nexus analysis of the linkages between the new development of residential units and the need/demand for additional affordable housing for informational purposes. This Study also analyzes the reasonable relationship between new residential development and the Fee amounts under assumptions that are consistent with the City's existing Inclusionary Housing Ordinance. The Fees in this Study represent the maximum fees supported but do not represent specific Fee recommendations. The City has the latitude to adopt the Fees deemed appropriate.

FINDINGS AND METHODOLOGY

Table ES.1 compares the City's existing in-lieu fees, the supportable fees under the demand based model, the supportable fees using under the equivalent inclusionary cost, and the in-lieu fees in other local cities.

Table ES.1: Maximum Supported Fee Comparison

	Existing In-Lieu Fee ¹	Demand Based Supportable Fee ²	Inclusionary Equivalent Supportable Fee ³	Local City Survey ⁴
Single-Family For-Sale	\$7,000	\$99,111	\$44,700	\$36,026
Multifamily For-Sale	5,500	70,180	36,800	34,951
Multifamily For-Rent	7,735	53,029	28,400	23,147

1) Using the median sales price estimate from January 2020 Multiple Listing Service (MLS) survey, for-rent fee per January 2020 fee update.

2) Tables 13, 14, 15.

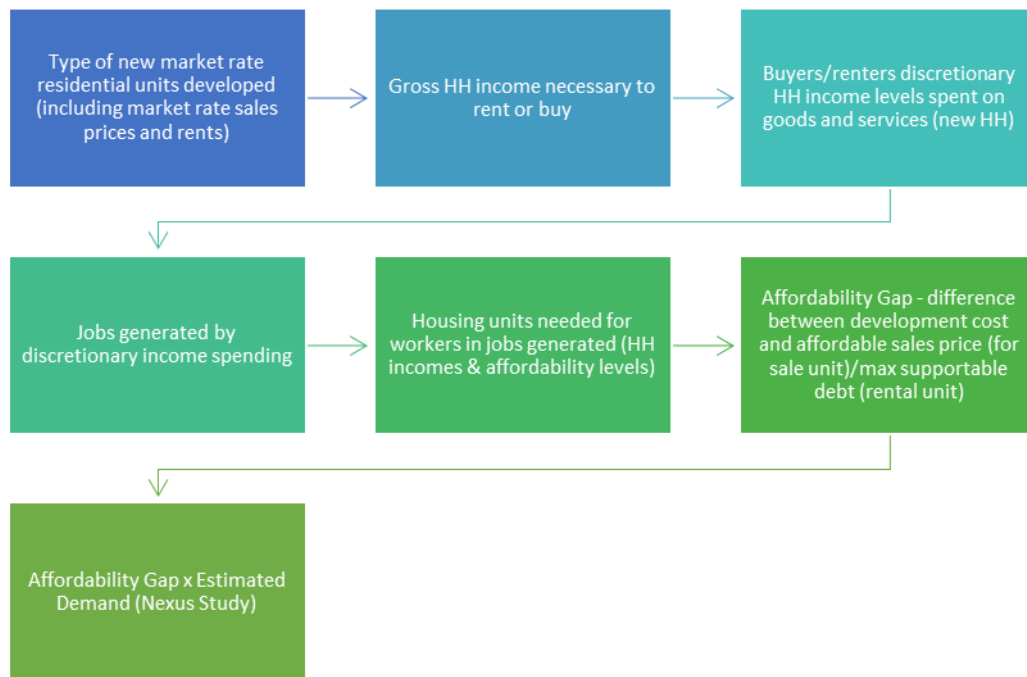
3) Tables 16 and 17.

4) Table 19.

The existing in-lieu fee is based on the requirements of the existing Inclusionary Housing Ordinance. The Demand-Based Supportable Fee represents the gap in affordability created by new low-income households generated by new market rate development in the City. The Inclusionary Equivalent Supportable Fee is the gap in affordability under the affordable unit production requirement in the existing Inclusionary Housing Ordinance. Finally, the Local City Survey numbers represent the average in-lieu fees required by surrounding cities. Harris staff completed the analysis using two methodologies to determine the maximum supportable Fee for the City.

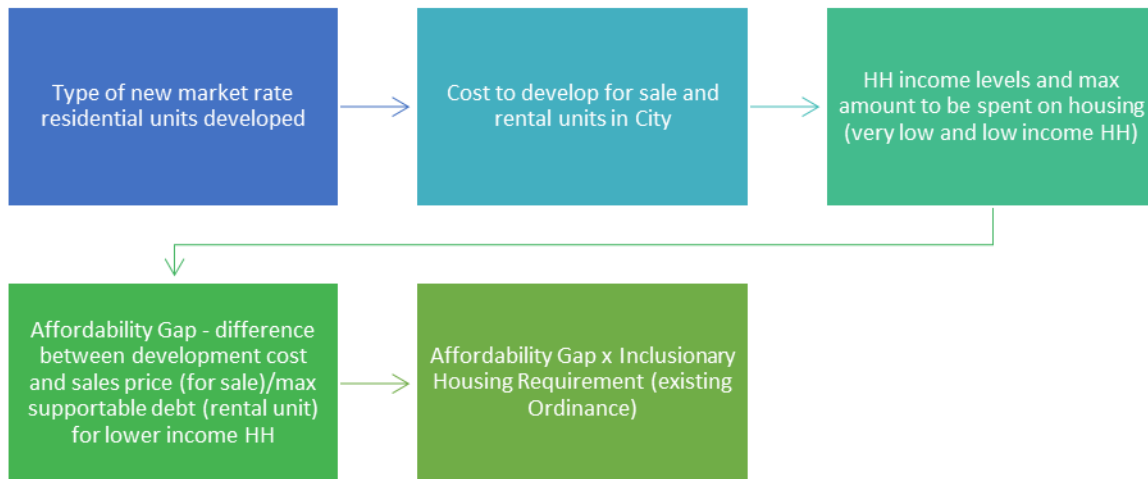
The first portion of the analysis determines the demand created by the development of market-rate residential units for affordable housing units. The demand for affordable housing units at various income levels is then used to calculate the “affordability gap”. For ownership housing units, the sales price needed for units to be affordable to low-income households is compared to the cost to develop these units to calculate the “affordability gap.” For rental units, the development cost is compared with income sources available for housing to determine the “affordability gap”. The figure below illustrates this methodology.

Demand-Based Fee Methodology



The second portion of the analysis involves applying the affordability gap calculations per unit to both the estimated affordable housing demand determined in the first portion of the analysis and the affordable unit requirements from the existing Inclusionary Housing Ordinance. The figure on the following page illustrates this methodology.

Inclusionary Equivalent Fee Methodology



The in-lieu fee estimates were based on three general development types:

- Single-family detached (SFR for-sale)
- Multifamily condominiums (MFR for-sale)
- Multifamily apartments (MFR for-rent)

In order to estimate future market-rate housing development in the City, Harris staff researched and reviewed new residential development projects from the City's website, the Multiple Listing Service data showing recently constructed units for-sale, and information from City staff to identify recent market trends related to home prices, and held interviews with local developers. The Fees calculated in this Study reflect the estimated cost of future residential development.

The household income limits as a percentage of area median income (AMI) for Ventura County are shown in Table ES.2. These threshold incomes are a key input to the economic impact analysis described in Section 1.

Table ES.2: Threshold Incomes and percent of Area Median Income (AMI)

	Percent of	Family Size					
	AMI	1	2	3	4	5	6
Very Low Income	0-50%	\$36,650	\$41,850	\$47,100	\$52,300	\$56,500	\$60,700
Low Income	50-80%	58,600	67,000	75,350	83,700	90,400	97,100
Moderate Income	80-120%	82,150	93,900	105,600	117,350	126,750	136,150

Source: Ventura County Housing Authority Income Limits published 4/24/19.

POLICY CONSIDERATIONS

The City should evaluate several policy considerations and implications related to the in-lieu fees. Harris & Associates reviewed the maximum supportable Fees for consistency with the Housing Policy outlined in the City's Housing Element and has prepared a comparison of fees with other jurisdictions.

Housing Policy Consistency

The 2013-2023 Mid Cycle Housing Element, adopted in 2017, discusses the current affordable housing issues that exist within the City and details the City's existing Inclusionary Housing Program. The proposed Fees are consistent with the Housing Element's goal of providing opportunities for the development of adequate housing for households of all income levels.

Comparison to Other Jurisdictions

An analysis of comparable cities that require affordable housing in-lieu fees is below as a comparison to the maximum supported Fees as determined by this Study. Table ES.3 shows the average amount of affordable housing in-lieu fees collected per residential type in comparable communities in the region. See Table 19 for an in depth review of surrounding cities.

Table ES.3: Average Fee of Comparable Municipalities

Land Use	Fee
Single Family (Detached)	\$36,026
Multifamily - For-Sale (Attached)	34,951
Multifamily - For-Rent (Attached)	23,147

Source: See Table 20 for detailed local city survey.

Policymakers may choose to adopt a fee less than the maximum supported amount in order to lessen the burden on new development while still mitigating a portion of the affordable housing needs created from new development.

Proposed Fees

City staff reviewed the options provided in this analysis and is recommending the following fees be adopted. These fees fall below the maximum supportable fees calculated in this report and were determined based on an analysis of other local agencies. The maximum fee based on the City's existing ordinance was deemed higher than the market would bear for single family and multifamily for-sale units. Staff recommends lowering the fees to an amount more in line with competitive cities for the single family and multifamily for-sale units but setting the fee for for-rent units closer to the actual cost to develop a multi-family project. This methodology supports the City's goal of using the in-lieu fee funds to build multifamily for rent projects. See Table ES.4 for a summary of the recommended fees.

Table ES.4: Proposed Fees

Land Use	Inclusionary Requirement ¹	Affordability Level	Affordability Gap per Unit ²	Fee per Unit	Total Fee per Unit	Average of Other Cities ³	Proposed Fee
Single Family Detached For-Sale	10%	80% AMI or below	\$447,023	\$44,702	\$44,702	\$36,026	\$36,000
Multifamily For-Sale	10%	80% AMI or below	368,534	36,853	36,853	34,951	35,000
Multifamily For-Rent	5%	50-80% AMI	234,315	11,716	28,407	23,147	28,000
	5%	50% AMI or below	333,823	16,691			

1) Per Ordinance 2721 adopted July 18, 2006

2) Table 10

3) Table 19

Section 1 INTRODUCTION AND METHODOLOGY

INTRODUCTION

The City desires to update the Inclusionary Housing In-Lieu Fee for new residential development to offer developers the option to pay an in-lieu fee rather than producing deed-restricted, affordable units pursuant to the City's Inclusionary Housing Ordinance (Ordinance Nos. 2615, 2688 and 2721) as part of any new residential development project of 10 units or more. The Fee is designed to mitigate the impact of an increase in affordable housing needed from the development of new market-rate residential units.

This Study establishes the maximum supported Fee levels related to residential development. The methodology establishes a reasonable relationship between the associated impact of new development, the amount of the Fee, and details the data sources and associated findings. More specifically, two methodologies were utilized to determine the maximum supportable Fee for the City. The first portion of the analysis determines the demand created by the development of market-rate residential units for affordable housing units. The demand for affordable housing units at various income levels is then used to calculate the "affordability gap". For ownership housing units, the sales price needed for units to be affordable to low-income households is compared to the cost to develop these units to calculate the "affordability gap." For rental units, the development cost is compared with income sources available for housing to determine the "affordability gap".

The second portion of the analysis involves applying the affordability gap calculations per unit to both the estimated affordable housing demand determined in the first portion of the analysis and the affordable unit requirements from the existing Inclusionary Housing Ordinance.

Background

This section discusses the City's historical Inclusionary Housing Policy and the results of recent legislation and judicial rulings.

City's Inclusionary Housing Ordinance

The City has historically used an Inclusionary Housing Policy originally established by Ordinance Nos. 2615 (adopted in 1999), 2688 (adopted in 2005) and 2721 (adopted in 2006) to generate affordable housing in proportion with the overall increase in market-rate residential units and is described in the Housing Element of the City's General Plan. The Policy requires the following for housing projects with 10 or more units:

- For-Sale: 10% of all units must be affordable to lower-income households and each unit is required to have at least 2 bedrooms (in some circumstances) or 3 bedrooms;

- For-Rent: 5% of all units must be affordable to very low-income households (50% AMI or below), and 5% must be affordable to lower-income households (80% AMI or below); and
- Covenants must be recorded for the projects to preserve the affordability of these units for at least 20 years.

However, the Ordinance (and therefore the in-lieu fees) do not apply to the following:

- Projects in areas subject to specific plans that require a project to provide as many or more affordable units for lower and very low-income households as the Ordinances.

The current Policy (as described in Ordinance 2721) allows developers to pay an in-lieu Affordable Housing Payment instead of developing affordable units as part of a project or as part of an offsite project. The existing fee amount for ownership units is one percent (1%) of the sales price of each market-rate unit in increments of \$50,000 with a minimum of \$5,000 for each unit. The payment amount for rental units is \$7,735 for each market-rate unit.

Legal Framework

In 2009, the Court of Appeals struck down a City of Los Angeles ordinance imposing inclusionary housing requirements on rental housing projects with a density of more than 10 dwelling units per lot. The Courts' decision that regulating the rent levels to ensure the units were affordable in nature directly violated the provisions of the Costa-Hawkins Act. Jurisdictions were unable to require affordable housing units at affordable rental rates as a condition of project approval because of this decision.

In 2015, the California Supreme Court ruled in favor of the City of San Jose in a court case involving the California Building Industry Association (Association). The Association challenged the legality of San Jose's inclusionary program on the basis that it constituted an "exaction" that required a nexus study. The court deemed that San Jose's inclusionary program was not an exaction and it constituted a valid exercise of the City's power to regulate land use.

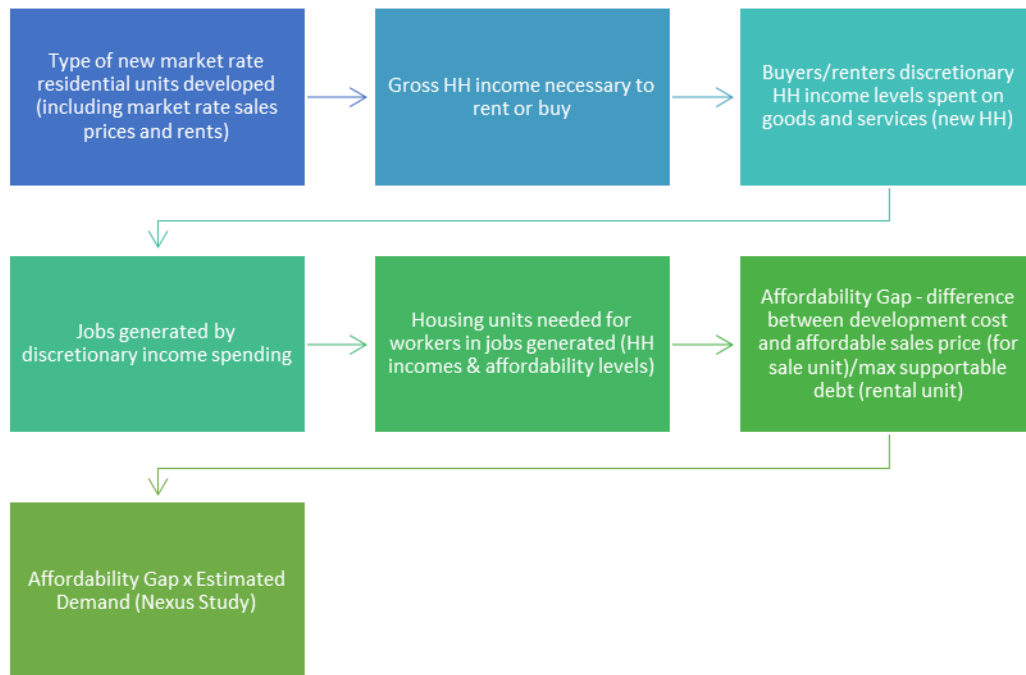
Finally, in 2017, Governor Jerry Brown signed a package of housing related bills, which included AB 1505, commonly referred to as the "Palmer Fix". AB 1505 allows jurisdictions to adopt ordinances that require a percentage of residential rental units to be affordable to individuals whose income falls below the moderate-income level for the jurisdiction. Additionally, AB 1505 requires jurisdictions to provide alternative methods for developers to satisfy their affordable housing requirements, which may include in-lieu fees, off-site construction, land dedication, or acquisition and rehabilitation of existing units.

METHODOLOGY

Nexus Analysis

Residential development projects contribute to population growth. As the population grows, additional services and facilities are needed to accommodate the residential population influx. In order to meet the increased demands of population growth, new non-residential development will occur, correlating to an increase in the worker population. A portion of the new worker population will earn a wage that is not sufficient to rent or purchase market-rate housing. The Study analyzes the maximum supported Fee to address the affordable housing need created by new residential development. The Fee will be used to build affordable housing to address the demand generated.

The methodology utilized in this nexus analysis for the Demand-Based maximum supportable Fees complies with general best practices related to nexus studies and follows the following order, specific data points are explained in the following sections of this study:



This nexus analysis is broken down into the steps described below.

Step 1: Determine the type of units to be developed

Harris & Associates coordinated with City staff, local real estate professionals, and a sampling of planned and current recently developed housing types to determine the likely characteristics of new residential units developed in the City and categorized the development into three land use types:

- Single-family units represent for-sale, detached homes.

- Multifamily attached for-sale units.
- Multifamily attached for-rent units.

Using separate housing types ensures the presentation of an accurate representation of similar market-rate units.

Step 2: Estimate the income levels of buyers and tenants of market-rate units.

The sales price and rent costs for market-rate units, as well as the income levels of potential buyers and tenants were determined using several data sources. For rental units, the income level required to occupy market-rate units is determined by taking the average annual rent for a variety of rental housing apartment sizes (studio to three bedroom) and adding the annual utility amounts, as recommended by the US Department of Housing and Urban Development (HUD), to determine the total annual cost. The annual housing cost is divided by 30%, the recommended maximum percentage of gross income to be spent on housing costs, to determine the amount of household income that would be required in order to rent a unit of that size. Table 1 details the calculations for the income levels necessary to occupy market-rate rental units. The average household income needed to rent a two or three bedroom MFR unit is estimated at \$102,740.

Table 1: Housing Income Requirements – For-Rent Market-rate Units

	Studio	1 Bedroom	2 Bedroom	3 Bedroom
Average Monthly Rent ¹	\$1,502	\$1,621	\$2,028	\$2,652
Monthly Utility Deduction	181	181	181	276
Annual Housing Costs	20,196	21,624	26,508	35,136
Percent of Income Spent on Rent	30%	30%	30%	30%
Annual Household Income Required	\$67,320	\$72,080	\$88,360	\$117,120

1) July 2019 Ventura County Apartment Market Survey, Dyer Sheehan Group

With for-sale units, the calculation for the income level requirement to purchase a market-rate unit accounts for a five percent (5%) down payment to determine the mortgage amount and then applying the current mortgage insurance rates, homeowner's insurance, estimated property tax payments, and home owner's association (HOA) fees to determine the total monthly housing costs. Finally, dividing the total monthly obligation by the maximum 35 percent (35%) of gross income, as recommended by HUD. Table 2 details the calculations of the income levels required to purchase for-sale market-rate units.

Table 2: Housing Income Requirements – For-Sale Market-rate Units

	For-Sale SFR	For-Sale MFR
Market Sales Price ¹	\$725,000	\$599,000
Down Payment (5%)	36,250	29,950
Amount Borrowed	688,750	569,050
Estimated Mortgage Payment ²	\$3,911	\$3,231
Mortgage Insurance (0.90%) ³	517	427
Homeowners Insurance (0.25%) ⁴	151	125
Property Tax (1.22%) ⁵	740	611
HOA ¹	50	250
Total Monthly Housing Cost	\$5,369	\$4,644
Share of Income Spent on Mortgage ³	35%	35%
Annual Household Income Required	\$184,080	\$159,223

1) MLS Survey completed January 2020 for non-coastal properties constructed and sold in the last 3 years, rounded

2) Assumes 5.5% interest rate and a 30-year amortization

3) U.S. Department of Housing and Urban development

4) Per City of Oxnard Housing Department

5) Oxnard CAFR average tax rate

Step 3: Calculate Jobs Generated

IMPLAN is an industry standard economic impact analysis tool that uses data aggregated from various data sources to allocate the spending patterns of individuals from different income groups. This spending data is used to estimate the new jobs created from spending by new households. Table 2 summarizes the estimated household income data for the unit types detailed in Step 1.

The information from Table 2 and the average household income needed from Table 1 to rent a two or three bedroom MFR unit (\$102,740) were used as inputs to IMPLAN to estimate the number of jobs created to serve new development. IMPLAN further categorizes these new workers based on their occupation and their estimated wages. Table 3 is a summary of the output data from IMPLAN. The full IMPLAN dataset is available in Attachment 1.

Table 3: Jobs Generated per Market-rate Unit

	For-Sale SFR Unit	For-Sale MFR Unit	For-Rent MFR Unit
Very Low Income (0-50% AMI)	0.123	0.096	0.073
Low Income (50-80% AMI)	0.232	0.152	0.115
Moderate Income Jobs (80-120% AMI)	0.276	0.203	0.154
Jobs over 120% AMI	0.354	0.283	0.214
Total Jobs Created	0.985	0.734	0.556

Source: IMPLAN 2019. See Attachment 1 for detailed information.

Step 4: Determine the number of new worker households and their annual income

Calculating the Fee based on the addition of new permanent employment is not done on an individual jobs basis, as it is typical for households in the City to have more than one wage earner per household. The calculation of the total number of new worker households divides the induced worker output from the IMPLAN analysis by the average number of workers per household as determined by the U.S. Census Bureau American Community Survey and the Housing Element (1.87 workers/household). The resultant households attributed to the housing categories determined in Step 1 and are outlined in Table 4.

Table 4: Households Generated per Market-rate Unit

	For-Sale SFR Unit	For-Sale MFR Unit	For-Rent MFR Unit
Very Low Income (0-50% AMI)	0.066	0.051	0.039
Low Income (50-80% AMI)	0.124	0.081	0.061
Moderate Income Jobs (80-120% AMI)	0.148	0.109	0.082
Jobs over 120% AMI	0.189	0.151	0.114
Total Households Generated	0.527	0.392	0.296

Source: IMPLAN 2019. See Attachment 1 for detailed information.

Based on 1.87 jobs per household.

Step 5: Calculate the demand for affordable units for new worker households

Based on the calculation of new worker household income, the worker households are categorized by target income group (very low income, low income, moderate income). Worker households with above-moderate incomes are removed from this nexus analysis, because they would not require affordable housing.

Step 6: Calculate the affordability gap per unit between development costs and sales price/rental income

The affordability gap is calculated by comparing the amount the workers within the low income and very low income can pay for housing versus the total cost of developing a residential unit (the amount of subsidy needed to fill the “gap”). Section 2 provides a detailed explanation of this calculation.

Step 7: Calculate the maximum supported Fee for the type of units analyzed

The maximum supported Fee calculation for each housing type included in the nexus study is derived by multiplying the total number of households requiring affordable housing (Step 5) by the average affordability gap per household (Step 6). The maximum supported Fee pursuant to the requirements in the City’s current Inclusionary Housing Ordinance (i.e., the percentage of affordable units required to be produced) is also calculated and provided in Section 3.

Section 2 AFFORDABILITY GAP ANALYSIS

A key input required in the calculation of the maximum supported in-lieu Fees is the affordability gap. The affordability gap provides information on the difference between what lower-income buyers and renters can afford to pay versus the total cost of developing the units. This section summarizes the methodology used to calculate the affordability gap and presents the results of this analysis for the respective unit type. The affordability gap calculations in this section are the same for both the Demand-Based and Inclusionary Equivalent Fee methodologies.

METHODOLOGY

The following section details the findings for affordable housing rates, total development costs of units in the City, and a summary of the affordability gap by unit type.

AFFORDABLE HOUSING RATES

Prior to determining the affordability gap, the total amount that households can afford to allocate to their housing must be determined. For the purposes of this report, the income levels included in the City's Inclusionary Housing Ordinance have been included in the analysis and are defined as:

1. Very Low Income (Between 0 and 50% of AMI)
2. Low Income (Between 50 and 80% of AMI)

For the demand based Fee, the Moderate Income Level (80-120% of AMI) is also used.

Housing affordability for rental units is defined by HUD as 30% of gross income. Table 5 shows the maximum affordable rent attributed to each income level.

Table 5: Maximum Affordable Rent by Income Level

	Very low Income (0-50% AMI)	Low Income (50-80% AMI)	Moderate Income (80-120% AMI)
Maximum Household Income ¹	\$52,300	\$83,700	\$117,350
Maximum Monthly Housing Cost ²	1,308	2,093	2,934

¹ Household AMI is shown for a family of four

² 30% of gross monthly income per HUD guidelines

The recommended household gross income expenditure for ownership housing units pursuant to HUD is 35% of gross income minus a deduction for typical homeownership costs, such as insurances, taxes, utilities, and fees. Table 6 shows the maximum affordable mortgage for a low-income household of four persons.

It is important to note that only low-income and moderate income households are included in this portion of the analysis due to several factors including the affordability requirements in the City's

existing Inclusionary Housing Ordinance (that references only very low and low-income households), the tightening of lending requirements and the elimination of redevelopment agencies in 2011. Under current programs and very limited funding sources, it is generally not financially feasible to develop for-sale housing units for very low-income households. Prior to 2011, redevelopment provided a significant funding source to cities to assist homebuyers with loan qualification and down payment assistant at lower income levels. Additionally, lending practices after the housing crash in 2008 have been reformed, making it more difficult for individuals to obtain loans. These events have affected lower-income households significantly, making ownership very challenging. The following analysis includes a deduction for utilities to follow HUD guidelines.

Table 6: Maximum Affordable Mortgage by Income Level

	Low Income SFR (50-80% AMI)	Low Income MFR (50-80% AMI)	Moderate Income SFR (80-120% AMI)	Moderate Income MFR (80-120% AMI)
Household Income ¹	\$83,700	\$83,700	\$117,350	\$117,350
Maximum Monthly Housing Cost ²	2,441	2,441	3,423	3,423
Less:				
Utility Deduction	\$276	\$181	\$276	\$181
Mortgage Insurance (0.90%) ³	206	197	309	300
Homeowner's Insurance (0.25%) ³	148	129	148	129
Property Tax (1.22%) ⁴	279	267	419	406
HOA ⁵	50	250	50	250
Maximum Monthly Mortgage	\$1,482	\$1,417	\$2,221	\$2,157
Maximum Mortgage Amount	\$261,012	\$249,565	\$391,166	\$379,895

1) Table ES.2 for a family of 4

2) 35% of gross income per U.S. Department of Housing and Urban Development

3) Per City of Oxnard Housing Department

4) Oxnard CAFR average tax rate

5) MLS survey completed January 2020, rounded

DEVELOPMENT COSTS

Next, the estimated cost of developing affordable housing units was determined by examining current development trends related to unit type and size. As the development, sale, and operations associated with for-rent and for-sale units vary, an analysis of each housing type was required.

For the purposes of this Study, the development costs for rental housing were based on the Turner Center for Housing Innovation at the University of California, Berkeley study entitled “Making It Pencil: The Math Behind Housing Development” (Turner Center Study) as well as recently completed market-rate and affordable multifamily projects in the City.

The costs associated with the cost for acquisition of land are from a CoStar survey of vacant land transactions completed January 2020 while the development costs were provided by local developers and are representative of multifamily units recently completed within the City.

Table 7 shows the total development cost of multifamily for-rent two and three-bedroom units, pursuant to the requirements in the City's existing Inclusionary Housing Ordinance. Two-bedroom multifamily units are assumed to be 950 square feet and three-bedroom units are assumed to be 1,025 square feet.

Table 7: Development Costs – Affordable Multifamily For-Rent

Assumed Density	A	39 Units/Acre
Land Acquisition Cost (\$/Acre) ¹	B	\$728,000
Land Price per Unit	$B \div A = C$	18,667
Land Price per Unit SF	$C \div \text{Average Unit Size}^2$	18.90
Development Costs³		
Land Cost (\$/Rentable SF)		\$18.90
Building Hard Costs (\$/SF)	D	200.00
Prevailing Wage Cost Increase (35%)	$D \times 0.35 = E$	70.00
Soft Costs (30%) ⁴	$D \times 0.30 = F$	60.00
Developer Fees (12%)	$(D + E + F) \times 0.12$	39.60
Financing Costs (10%)	$(D + E + F) \times 0.10$	33.00
Total Development Costs per SF		\$421.50
Rental Unit Development Cost	Average Unit Size⁵	
2 Bedroom Unit	950	\$400,425
3 Bedroom Unit	1,025	\$432,038
Average Development Cost of 2 and 3 Bedroom Unit		\$416,231

1) Per Vacant Land Report from CoStar, January 2020.

2) Average square footage is 988 square feet.

3) "Making It Pencil: The Math Behind Housing Development." Aug. 2019, www.TernerCenter.Berkeley.Edu.

4) Includes design, engineering, city permits and fees, and contingencies.

5) Square footages based on recently completed affordable projects.

Table 8 shows the total development cost of multifamily for-sale two and three-bedroom units. Two-bedroom units are assumed to be 1,200 square feet and three-bedroom units are assumed to be 1,750 square feet.

Table 8: Development Costs – Affordable Multifamily For-Sale

Assumed Density	A	30 Units/Acre
Land Acquisition Cost (\$/Acre) ¹	B	\$728,000
Land Price per Unit	$B \div A = C$	24,267
Land Price per Unit SF	$C \div \text{Average Unit Size}^2$	16.45
Development Costs ²		
Land Cost (\$/Rentable SF)		\$16.45
Building Hard Costs (\$/SF)	D	200.00
Prevailing Wage Cost Increase (35%)	$D \times 0.35 = E$	70.00
Soft Costs (30%) ³	$D \times 0.30 = F$	60.00
Developer Fees (12%)	$(D + E + F) \times 0.12$	39.60
Financing Costs (10%)	$(D + E + F) \times 0.10$	33.00
Total Development Costs per SF		\$419.05
For-Sale Unit Development Cost	Average Unit Size ⁵	
2 Bedroom Unit	1,200	\$502,860
3 Bedroom Unit	1,750	\$733,338
Average Development Cost of 2 and 3 Bedroom Unit		\$618,099

1) Per Vacant Land Report from CoStar, January 2020.

2) Average square footage is 1,475 square feet.

3) "Making It Pencil: The Math Behind Housing Development." Aug. 2019, www.TernerCenter.Berkeley.Edu.

4) Includes design, engineering, city permits and fees, and contingencies.

5) Square footages based on recently sold multifamily properties.

Table 9 shows the total development cost per for-sale unit. For-sale units are assumed to be 1,500 square foot, single-family homes, consisting of 3 bedrooms and 2.5 bathrooms. The costs associated with the development of these units were obtained from the Turner Center Study and local developers and are representative of recently completed units within the City.

Table 9: Development Costs – Affordable Single-Family

Land Costs		
Land Acquisition Cost per Acre ¹		\$728,000
Land Cost per Unit (8 Units/Acre)		91,000
Site Improvement (15%)		13,650
Finished Lot Cost		\$104,650
Construction Costs ²	Estimated Cost per SF	Total Building Costs ³
Direct Costs	\$200.00	\$300,000
Prevailing Wage Cost Increase (35%)	70.00	105,000
Soft Costs (20%) ⁴	54.00	81,000
Developer Fees (12%)	38.88	58,320
Financing Costs (10%)	39.38	59,065
Total Construction Cost	\$402.26	\$603,385
Total Building Cost for 1,500 square foot affordable unit		\$708,035

1) Per Vacant Land Report from CoStar, January 2020.

2) "Making It Pencil: The Math Behind Housing Development." Aug. 2019, www.TurnerCenter.Berkeley.Edu

3) Construction assumed to be a single family 1,500 SF, 3 bedroom, 2.5 bathroom

4) Includes design, engineering, city permits and fees, and contingencies.

AFFORDABILITY GAP RESULTS

The differences between the total amount that each targeted income level can afford to allocate for housing (Table 5, Table 6) and the total cost of developing new units (Table 7, Table 8, Table 9) determines the Affordability Gap. This difference represents the fee amount that is necessary to cover the costs of developing housing at each of the respective income levels analyzed. While other funding sources may be available to assist in mitigating this difference between affordability and development costs, these sources are very difficult to predict with accuracy moving forward.

In the case of for-sale housing, there are very few funding sources for subsidy on this unit type in the wake of redevelopment dissolution in 2011 which eliminated approximately \$1 billion of low and moderate-income housing revenue Statewide. Lending practices have become stricter in the years following the 2008 recession and qualifying households below 80% AMI for a mortgage is extremely challenging, even with the City's current down payment assistance program.

The City's current Ordinance calls for 10% of all newly developed for-sale units to be affordable to very low and low-income households (i.e., below 80% of AMI). Therefore, the inclusionary equivalent gap analysis for ownership units has been limited to the low-income category for the purposes of this analysis. Table 10 shows the for-sale affordability gap calculation for low and moderate income households.

Table 10: Affordability Gap –For-Sale Units

	Maximum Mortgage		Affordability Gap
	Amount ¹	Development Costs ²	
Low Income Single Family (80% AMI)	\$261,012	\$708,035	\$447,023
Low Income Multifamily (80% AMI)	249,565	618,099	368,534
Moderate Income Single Family (120% AMI)	391,166	708,035	316,869
Moderate Income Multifamily (120% AMI)	379,895	618,099	238,204

1) Table 6

2) Tables 8 and 9

The affordability gap for rental units is the difference between the development and the maximum supported debt for each income level, shown in Table 11. The moderate income households are used only for the demand based fee calculation.

Table 11: Affordability Gap – For-Rent Units

	Very Low Income (0-50% AMI)	Low Income (50-80% AMI)	Moderate Income (80-120% AMI)
Maximum Available for Rent ¹	\$1,308	\$2,093	\$2,934
Annual Gross Rental Income ²	15,696	25,116	35,208
Estimated Annual Expenses ³	8,285	8,756	9,260
Net Operating Income	7,411	16,360	25,948
Available for Debt Service ⁴	5,929	13,088	20,758
Supportable Debt ⁵	82,408	181,916	288,523
Development Costs ⁶	416,231	416,231	416,231
Affordability Gap	\$333,823	\$234,315	\$127,708

1) Table 5: Maximum Affordable For-Rent by Income Level

2) Available rent multiplied by 12

3) Assumes 5% for vacancy/collection loss and \$7,500 annual maintenance/capital improvement costs.

4) Assumes 1.25 Debt Coverage Ratio

5) Assumes a 6% interest rate and 30-year loan term

6) Table 7: Development Costs - Affordable Multifamily For-Rent

Section 3 FINDINGS AND NEXUS REQUIREMENTS

This section presents the maximum supported fee per market-rate unit, which is calculated by following the methodology outlined in Section 1 and using the results from the affordability gap analysis detailed in Section 2.

MAXIMUM FEE CALCULATION

The maximum supported Fees has been calculated in two different ways. Both calculations incorporate the affordability gap by unit type and income level. The first way of calculating the fee (the Demand-Based Method) consists of multiplying the affordability gap per unit by the number of affordable units needed by income level. The second way to calculate Fees (Inclusionary Equivalent Fee) is by multiplying the affordability gap by unit type and at affordability levels required by the City's Inclusionary Housing Ordinance. Table 12 shows the average affordability gap by income group.

Table 12: Average Affordability Gap

	For Sale SFR Affordability Gap ¹	For Sale MFR Affordability Gap ¹	For Rent MFR Affordability Gap ¹	Average Affordability Gap
Very Low Income (0-50% AMI)	n/a	n/a	\$333,823	\$333,823
Low Income (50-80% AMI)	447,023	368,534	234,315	349,957
Moderate Income (80-120% AMI)	316,869	238,204	127,708	227,594

1) Tables 10 and 11

Table 13 shows the maximum supported Fees for a single residential unit under the Demand-Based Method. This is calculated by taking the number of affordable households generated at each income level times the average affordability gap at that income level.

Table 13: Maximum Supported Demand-Based Affordable Housing In-Lieu Fee, Single-Family

	Affordable Households Generated ¹	Average Affordability Gap ²	Affordable Gap per Unit
Very Low Income (0-50% AMI)	0.066	\$333,823	\$22,032
Low Income (50-80% AMI)	0.124	349,957	43,395
Moderate Income (80-120% AMI)	0.148	227,594	33,684
Total	0.338		\$99,111

1) Table 4

2) Table 12

Tables 14 provides the estimated Fees under the Demand-Based Method for multi-family for-sale units.

Table 14: Maximum Supported Demand-Based Affordable Housing In-Lieu Fee, For-Sale Multifamily

	Affordable Households Generated¹	Average Affordability Gap²	Affordable Gap per Unit
Very Low Income (0-50% AMI)	0.051	\$333,823	\$17,025
Low Income (50-80% AMI)	0.081	349,957	28,347
Moderate Income (80-120% AMI)	0.109	227,594	24,808
Total	0.241		\$70,180

1) Table 4

2) Table 12

Table 15 provides the estimated Fees under the Demand-Based Method for multi-family rental units.

Table 15: Maximum Supported Demand-Based Affordable Housing In-Lieu Fee, For-Rent Multifamily

	Affordable Households Generated¹	Average Affordability Gap²	Affordable Gap per Unit
Very Low Income (0-50% AMI)	0.039	\$333,823	\$13,019
Low Income (50-80% AMI)	0.061	349,957	21,347
Moderate Income (80-120% AMI)	0.082	227,594	18,663
Total	0.182		\$53,029

1) Table 4

2) Table 12

Tables 16 and 17 provide estimated maximum supported Fees using the requirements on the total percentage of affordable units (both for-sale and rental) that must be developed as part of market rate housing projects as stated in the City's existing Inclusionary Housing Ordinance.

Table 16: Maximum Supported Inclusionary Equivalent Fee, For-Sale Units

	Low Income (50-80% AMI) Single Family For-Sale	Low Income (50-80% AMI) Multifamily For-Sale
Maximum Affordable Price ¹	\$261,000	\$250,000
Development Cost ²	708,000	618,000
Affordable Gap	\$447,000	\$368,000
Inclusionary 10% Requirement	\$44,700	\$36,800

1) Table 6, rounded

2) Tables 8 and 9, rounded

Table 17: Maximum Supported Inclusionary Equivalent Fee, For-Rent Multifamily

	Very Low Income (0-50% AMI) Multifamily For-Rent	Low Income (50-80% AMI) Multifamily For-Rent
Maximum Supportable Debt ¹	\$82,000	\$182,000
Development Costs ²	416,000	416,000
Affordable Gap	\$334,000	\$234,000
Inclusionary 5% Requirement	\$16,700	\$11,700
Total For-Rent Fee		\$28,400

1) Table 11, rounded

2) Table 7, rounded

Table 18 provides a comparison of Fees calculated under the current Inclusionary Housing Ordinance (including the fees contained in the Ordinance), the estimated fees under the nexus analysis (utilizing the IMPLAN model to project demand of affordable units resulting from market rate residential development), and the estimated fees under the existing Inclusionary Housing Ordinance but analyzing the affordable gap to determine Fees (rather than the existing fee calculation contained in the Ordinance).

Table 18: Maximum Supportable Fees

	Existing In-Lieu Fee¹	Demand Based Supportable Fee²	Inclusionary Equivalent Supportable Fee
Single-Family For-Sale	\$7,000	\$99,111	\$44,700
Multifamily For-Sale	5,500	70,180	36,800
Multifamily For-Rent	7,735	53,029	28,400

1) Using the median sales price estimate from January 2020 Multiple Listing Service (MLS) survey, for-rent fee per July 15, 2019 fee update

Section 4 POLICY CONSIDERATIONS

Adopting a fee to be collected from new development should be consistent with other City policies and should not have measurable impacts on the development community. Harris and City staff evaluated multiple scenarios and present the following for consideration.

HOUSING POLICY CONSISTENCY

The City adopted its 2013-2021 Mid-Cycle Housing Element (housing element) in October 2017. The Housing Element identified that approximately five percent (5%) of lower-income households have housing issues, such as incomplete kitchen or plumbing facilities, or were overpaying for adequate housing. Adopting an affordable housing impact fee enables the City to mitigate these issues for future development by providing lower-income households the ability to afford adequate housing.

The City has historically utilized an Inclusionary Housing Policy originally established by Ordinance No. 2615 (adopted in 1999) and most recently amended by Ordinance No. 2721 (adopted in 2006) to generate affordable housing in proportion with the overall increase in market-rate residential units and is described in the Housing Element of the City's General Plan. The Policy required the following for housing projects with 10 or more units:

- For-Sale: 10% of all units must be affordable to lower-income households and each unit is required to have at least 2 bedrooms (in some circumstances) or 3 bedrooms;
- For-Rent: 5% of all units must be affordable to very low-income households (50% AMI or below), and 5% must be affordable to lower-income households (80% AMI or below); and
- Covenants must be recorded for the projects to preserve the affordability of these units for at least 20 years.

However, the Ordinance (and therefore the in-lieu fees) do not apply to the following:

- Projects in areas subject to specific plans that require project to provide as many or more affordable units for lower and very low-income households as the Ordinances

The current Policy (as described in Ordinance 2715) allows developers to pay an in-lieu Affordable Housing Payment instead of developing affordable units as part of a project or as part of an offsite project. The existing Payment amount for ownership units is one percent (1%) of the sales price of each market-rate unit in increments of \$50,000 with a minimum of \$5,000 for each unit. The Payment amount for rental units is \$4,590 for each market-rate unit (increased annually after 2006 by the Consumer Price Index). The fee is currently \$7,735.

COMPARISON TO OTHER JURISDICTIONS

Jurisdictions throughout the State of California have adopted an affordable housing fee program as a method of bridging the housing affordability gap. Harris & Associates has compiled a list of fees from nearby cities that have adopted comparable affordable housing fees. Table 19 summarizes the aggregated fees of the jurisdictions.

Table 19: Affordable Housing Fee Market Survey

Municipality	Single Family For-Sale	Multifamily For-Sale	Multifamily For-Rent
Oxnard (Proposed)	\$36,000	\$35,000	\$28,000
Oxnard (Existing)	7,000	5,500	7,735
Agoura Hills	71,190	35,029	34,002
Calabasas	37,500	36,875	18,772
Huntington Beach	29,640	29,640	29,640
Oceanside	11,735	11,558	8,105
Pasadena (10-49 Units)	44,625	43,881	18,110
Pasadena (50+ Units)	61,924	60,892	24,868
San Diego	16,230	15,960	10,690
San Luis Obispo County	5,625	5,625	3,375
Santa Barbara (10+ Units)	55,482	55,482	48,954
Santa Barbara (2-9 Units)	18,493	18,493	16,317
Santa Monica	n/a	62,865	36,052
West Hollywood	43,845	43,114	28,879
Comparable City Average	\$36,026	\$34,951	\$23,147

CONCLUSION

Table 20 below provides a summary of all fees calculated as part of this study.

Table 20: Maximum Supported Fee Comparison

	Existing In-Lieu Fee¹	Demand Based Supportable Fee²	Inclusionary Equivalent Supportable Fee³	Local City Survey⁴
Single-Family For-Sale	\$7,000	\$99,111	\$44,700	\$36,026
Multifamily For-Sale	5,500	70,180	36,800	34,951
Multifamily For-Rent	7,735	53,029	28,400	23,147

1) Using the median sales price estimate from January 2020 Multiple Listing Service (MLS) survey, for-rent fee per January 2020 fee update.

2) Tables 13, 14, 15.

3) Tables 16 and 17.

4) Table 19.

The City has the discretion to adopt fees that are lower than the maximum supported fees under the Demand-Based and Inclusionary Equivalent levels. It is clear that the high development costs have resulted in significantly higher costs to develop affordable housing. Due to the housing legislation and mandates from the State to cities to encourage the development of housing at all

income levels, it is important to note residential development could potentially decrease and occur in other jurisdictions with lower fees. This would potentially result in decreased housing development in the City. One option available to the City is to adopt Fees that are consistent with the average of the fees collected in other jurisdictions (in the column titled Local City Survey) in order to ensure that housing development continues at its current pace.

PROPOSED FEES

City staff reviewed the options provided in this analysis and is recommending the following fees be adopted. These fees fall below the maximum supportable fees calculated in this report and were determined based on an analysis of other local agencies. The maximum fee based on the City's existing ordinance was deemed higher than the market would bear for single family and multifamily for-sale units. Staff recommends lowering the fees to an amount more in line with competitive cities for the single family and multifamily for-sale units but setting the fee for for-rent units closer to the actual cost to develop a multi-family project. This methodology supports the City's goal of using the in-lieu fee funds to build multifamily for rent projects. See Table ES.4 for a summary of the recommended fees.

Table 21: Proposed Fees

Land Use	Inclusionary Requirement	Affordability Level	Affordability Gap per Unit	Fee per Unit	Total Fee per Unit	Average of Other Cities	Proposed Fee
Single Family Detached For-Sale	10%	80% AMI or below	\$447,023	\$44,702	\$44,702	\$36,026	\$36,000
Multifamily For-Sale	10%	80% AMI or below	368,534	36,853	36,853	34,951	35,000
Multifamily For-Rent	5%	50-80% AMI	234,315	11,716	28,407	23,147	28,000
	5%	50% AMI or below	333,823	16,691			

Appendix A: IMPLAN Output

Appendix A
Induced Employment per New Unit

Impact Industry	Income per Job	SFR Jobs Generated	For-Sale MFR Jobs Generated	For-Rent MFR Jobs Generated
10 - All other crop farming	\$ 47,144.69	0.00000491713	0.00000335834	0.00000254377
101 - Coffee and tea manufacturing	\$ 228,442.45	0.00000032927	0.00000025789	0.00000019534
102 - Flavoring syrup and concentrate manufacturing	\$ 925,559.53	0.00000046297	0.00000033940	0.00000025708
103 - Mayonnaise, dressing, and sauce manufacturing	\$ 85,985.89	0.00000017998	0.00000014177	0.00000010739
104 - Spice and extract manufacturing	\$ 139,538.64	0.00000259475	0.00000204787	0.00000155116
105 - All other food manufacturing	\$ 113,889.89	0.00001570009	0.00001243046	0.000009941544
106 - Bottled and canned soft drinks & water	\$ 159,248.46	0.00001136477	0.00000904207	0.00000684891
107 - Manufactured ice	\$ 1,016,280.32	0.00000011225	0.00000008931	0.00000006765
108 - Breweries	\$ 360,435.38	0.00001078887	0.00000706565	0.00000535187
109 - Wineries	\$ 243,422.39	0.00000601301	0.00000397018	0.00000300720
110 - Distilleries	\$ 2,096,314.21	0.00000002529	0.00000001687	0.00000001278
119 - Carpet and rug mills	\$ 86,042.95	0.00000244658	0.00000155822	0.00000118027
121 - Textile bag and canvas mills	\$ 38,929.06	0.00000058550	0.00000037611	0.00000028488
123 - Other textile product mills	\$ 43,711.51	0.00000145641	0.00000092489	0.00000070056
125 - Other apparel knitting mills	\$ 145,174.28	0.00000020761	0.00000013338	0.00000010103
126 - Cut and sew apparel contractors	\$ 133,653.33	0.00000044879	0.00000032636	0.00000024720
127 - Men's and boys' cut and sew apparel manufacturing	\$ 133,216.91	0.00000279856	0.00000178061	0.00000134872
128 - Women's and girls' cut and sew apparel manufacturing	\$ 196,018.39	0.00000063252	0.00000040184	0.00000030437
129 - Other cut and sew apparel manufacturing	\$ 173,739.18	0.00000127874	0.00000081409	0.00000061663
130 - Apparel accessories and other apparel manufacturing	\$ 338,270.71	0.00000009085	0.00000005801	0.00000004394
137 - Engineered wood member and truss manufacturing	\$ 71,795.00	0.00000166716	0.00000123883	0.00000093835
138 - Reconstituted wood product manufacturing	\$ 199,548.98	0.00000226806	0.00000168501	0.00000127631
139 - Wood windows and door manufacturing	\$ 75,212.06	0.00000129698	0.00000095046	0.00000071993
14 - Animal production, except cattle and poultry and eggs	\$ 308,396.63	0.00000032967	0.00000021387	0.00000016199
141 - Other millwork, including flooring	\$ 79,053.42	0.00000129464	0.00000095253	0.00000072150
142 - Wood container and pallet manufacturing	\$ 83,549.59	0.00000131715	0.00000090870	0.00000068829
145 - All other miscellaneous wood product manufacturing	\$ 76,243.89	0.00000186874	0.00000131750	0.00000099794
147 - Paper mills	\$ 243,089.09	0.00000921611	0.00000061283	0.00000455441
149 - Paperboard container manufacturing	\$ 116,838.78	0.00000517365	0.00000376897	0.00000285480
150 - Paper bag and coated and treated paper manufacturing	\$ 86,983.57	0.00000073943	0.00000051944	0.00000039345
151 - Stationery product manufacturing	\$ 84,102.93	0.00000031273	0.00000022299	0.00000016890
152 - Sanitary paper product manufacturing	\$ 348,923.61	0.00001029384	0.00000702757	0.00000532303
153 - All other converted paper product manufacturing	\$ 89,099.05	0.00000033061	0.00000022682	0.00000017180
154 - Printing	\$ 55,853.53	0.00090351428	0.00070906293	0.00053707889
155 - Support activities for printing	\$ 48,139.12	0.00000084972	0.00000065189	0.00000049378
156 - Petroleum refineries	\$ 2,741,355.01	0.00000334387	0.00000282778	0.00000214190
159 - Petroleum lubricating oil and grease manufacturing	\$ 895,494.00	0.00000016951	0.00000014087	0.00000010670
163 - Synthetic dye and pigment manufacturing	\$ 288,672.75	0.00000149248	0.00000097061	0.00000073518
166 - Plastics material and resin manufacturing	\$ 329,697.18	0.00000017325	0.00000012074	0.00000009145
169 - Nitrogenous fertilizer manufacturing	\$ 286,702.32	0.00000850420	0.00000586953	0.00000444587
17 - Commercial fishing	\$ 58,329.00	0.00009617060	0.00006905170	0.00005230313
172 - Pesticide and other agricultural chemical manufacturing	\$ 778,492.65	0.00004370253	0.00002746928	0.00002080657
173 - Medicinal and botanical manufacturing	\$ 235,648.60	0.00000071349	0.00000055546	0.00000042073
174 - Pharmaceutical preparation manufacturing	\$ 1,917,062.29	0.00001927374	0.00001578659	0.00001195685
175 - In-vitro diagnostic substance manufacturing	\$ 518,981.00	0.00000904811	0.00000651897	0.00000493779
176 - Biological product (except diagnostic) manufacturing	\$ 662,726.04	0.00002377268	0.00001778804	0.00001354350
177 - Paint and coating manufacturing	\$ 128,663.71	0.00000115114	0.00000084911	0.00000064316
178 - Adhesive manufacturing	\$ 40,943.26	0.00000036494	0.00000025796	0.00000019539
179 - Soap and other detergent manufacturing	\$ 526,026.98	0.00000507860	0.00000333989	0.00000252980
18 - Commercial hunting and trapping	\$ 211,188.20	0.00000029370	0.00000021129	0.00000016004
180 - Polish and other sanitation good manufacturing	\$ 159,203.34	0.00000203818	0.00000134959	0.00000102224
182 - Toilet preparation manufacturing	\$ 299,279.91	0.00002360520	0.00001664510	0.00001260781
185 - Custom compounding of purchased resins	\$ 138,319.30	0.00000559631	0.00000430608	0.00000326164
186 - Photographic film and chemical manufacturing	\$ 194,679.65	0.00000332877	0.00000237171	0.00000179645
187 - Other miscellaneous chemical product manufacturing	\$ 139,904.28	0.00000542168	0.00000413769	0.00000313409
188 - Plastics packaging materials and unlaminated film and sheet manufacturing	\$ 102,217.27	0.00000083210	0.00000056381	0.00000042706
19 - Support activities for agriculture and forestry	\$ 51,229.95	0.00059902452	0.00043581411	0.00033010689
190 - Plastics pipe and pipe fitting manufacturing	\$ 134,869.17	0.00000136893	0.00000098817	0.00000074849
192 - Polystyrene foam product manufacturing	\$ 51,865.49	0.00000092769	0.00000065860	0.00000049885
193 - Urethane and other foam product (except polystyrene) manufacturing	\$ 78,946.45	0.00000061984	0.00000044555	0.00000033748
194 - Plastics bottle manufacturing	\$ 127,441.60	0.00000051293	0.00000037378	0.00000028312
195 - Other plastics product manufacturing	\$ 73,567.88	0.00001267899	0.00000914038	0.00000692337
196 - Tire manufacturing	\$ 62,210.48	0.00000066185	0.00000070933	0.00000053728
197 - Rubber and plastics hoses and belting manufacturing	\$ 59,865.35	0.00000022338	0.00000021670	0.00000016414
198 - Other rubber product manufacturing	\$ 70,291.13	0.00000055321	0.00000041677	0.00000031569
199 - Pottery, ceramics, and plumbing fixture manufacturing	\$ 25,666.56	0.00000049247	0.00000035033	0.00000026536
20 - Extraction of natural gas and crude petroleum	\$ 448,316.38	0.00009744676	0.00008240113	0.00006241464
202 - Other pressed and blown glass and glassware manufacturing	\$ 63,879.97	0.00000044325	0.00000029981	0.00000022709
203 - Glass container manufacturing	\$ 96,696.85	0.00000032623	0.00000023321	0.00000017664
204 - Glass product manufacturing made of purchased glass	\$ 68,317.59	0.00000228605	0.00000202160	0.00000153126
206 - Ready-mix concrete manufacturing	\$ 100,105.64	0.00000021493	0.00000015489	0.00000011732
207 - Concrete block and brick manufacturing	\$ 121,281.70	0.00000057812	0.00000041094	0.00000031126
208 - Concrete pipe manufacturing	\$ 132,703.14	0.00000017451	0.00000014532	0.00000011007
209 - Other concrete product manufacturing	\$ 84,668.39	0.00000042472	0.00000033135	0.00000025098
21 - Extraction of natural gas liquids	\$ 120,001.74	0.00004032199	0.00003409634	0.00002582623
212 - Abrasive product manufacturing	\$ 120,594.86	0.00000159373	0.00000112387	0.00000085127
213 - Cut stone and stone product manufacturing	\$ 50,182.05	0.00000320759	0.00000249122	0.00000188697
215 - Mineral wool manufacturing	\$ 152,079.01	0.00004293056	0.00003063858	0.00002320716
229 - Ferrous metal foundries	\$ 76,231.15	0.00000020716	0.00000016114	0.00000012206
230 - Nonferrous metal foundries	\$ 62,254.84	0.00000018804	0.00000013771	0.00000010431
231 - Iron and steel forging	\$ 111,814.84	0.00000044240	0.00000032513	0.00000024627
232 - Nonferrous forging	\$ 127,169.40	0.00000025935	0.00000019050	0.00000014429
233 - Custom roll forming	\$ 122,110.47	0.00000011365	0.00000008466	0.00000006413
234 - Crown and closure manufacturing and metal stamping	\$ 59,548.24	0.00000032198	0.00000024516	0.00000018569
235 - Cutlery, utensil, pot, and pan manufacturing	\$ 170,460.32	0.00000011039	0.00000007861	0.00000005954
236 - Handtool manufacturing	\$ 137,675.42	0.00000077930	0.00000056324	0.00000042663
237 - Prefabricated metal buildings and components manufacturing	\$ 94,541.56	0.00000078612	0.00000054536	0.00000041308
238 - Fabricated structural metal manufacturing	\$ 73,477.07	0.00000072776	0.00000056906	0.00000043103
239 - Plate work manufacturing	\$ 59,068.65	0.00000063194	0.00000055816	0.00000042278
24 - Gold ore mining	\$ 95,636.56	0.00000030975	0.00000022840	0.00000017300
240 - Metal window and door manufacturing	\$ 81,124.21	0.00002296420	0.00001613974	0.00001222503
241 - Sheet metal work manufacturing	\$ 57,446.39	0.00000699501	0.00000489423	0.00000370713
242 - Ornamental and architectural metal work manufacturing	\$ 73,758.20	0.00000102559	0.00000079087	0.00000059904
243 - Power boiler and heat exchanger manufacturing	\$ 133,951.38	0.00000018392	0.00000013705	0.00000010381
247 - Hardware manufacturing	\$ 142,974.99	0.00000067122	0.00000047867	0.00000036257
248 - Spring and wire product manufacturing	\$ 102,433.64	0.00000086261	0.00000065945	0.00000049950
249 - Machine shops	\$ 62,466.79	0.00001057813	0.00000837551	0.00000634402

250 - Turned product and screw, nut, and bolt manufacturing	\$	126,284.19	0.00000073315	0.00000053488	0.00000040514
251 - Metal heat treating	\$	93,585.85	0.00000060131	0.00000047807	0.00000036211
252 - Metal coating and nonprecious engraving	\$	74,544.55	0.00000242964	0.00000194595	0.00000147396
253 - Electroplating, anodizing, and coloring metal	\$	71,859.34	0.00000343869	0.00000272660	0.00000206526
254 - Valve and fittings, other than plumbing, manufacturing	\$	189,466.11	0.00000023123	0.00000018772	0.00000014219
255 - Plumbing fixture fitting and trim manufacturing	\$	292,147.23	0.00000047581	0.00000033206	0.00000025152
256 - Ball and roller bearing manufacturing	\$	191,759.38	0.00000119930	0.00000104341	0.00000079033
259 - Small arms, ordnance, and accessories manufacturing	\$	296,969.24	0.00000652718	0.00000517254	0.00000391794
260 - Fabricated pipe and pipe fitting manufacturing	\$	58,430.92	0.00000021156	0.00000014819	0.00000011224
261 - Other fabricated metal manufacturing	\$	66,519.37	0.00000325261	0.00000232469	0.00000176083
266 - Oil and gas field machinery and equipment manufacturing	\$	93,823.36	0.00000014495	0.00000011976	0.00000009071
271 - All other industrial machinery manufacturing	\$	78,302.76	0.00000010047	0.00000007889	0.00000005976
274 - Other commercial service industry machinery manufacturing	\$	126,228.39	0.00000029952	0.00000018142	0.00000013742
275 - Air purification and ventilation equipment manufacturing	\$	81,690.44	0.00000028815	0.00000023568	0.00000017852
276 - Heating equipment (except warm air furnaces) manufacturing	\$	124,092.31	0.00001041551	0.00000768412	0.00000582033
277 - Air conditioning, refrigeration, and warm air heating equipment manufactu	\$	107,066.71	0.00000086754	0.00000062521	0.00000047356
281 - Machine tool manufacturing	\$	166,592.97	0.00000089793	0.00000062094	0.00000047010
286 - Other engine equipment manufacturing	\$	175,122.32	0.00000019476	0.00000012430	0.00000009415
287 - Pump and pumping equipment manufacturing	\$	69,504.15	0.00000012111	0.00000008685	0.00000006579
288 - Air and gas compressor manufacturing	\$	120,544.68	0.00000033371	0.00000024819	0.00000018799
293 - Industrial truck, trailer, and stacker manufacturing	\$	93,707.23	0.00000011011	0.00000008690	0.00000006583
3 - Vegetable and melon farming	\$	116,839.45	0.00021844704	0.00016615545	0.00012585426
30 - Stone mining and quarrying	\$	146,209.45	0.00005517274	0.00003918037	0.00002967713
300 - Scales, balances, and miscellaneous general purpose machinery manufactu	\$	119,386.34	0.00000018460	0.00000013553	0.00000010266
302 - Computer storage device manufacturing	\$	328,837.07	0.00000022459	0.00000011858	0.00000008982
303 - Computer terminals and other computer peripheral equipment manufactu	\$	285,608.31	0.00000134696	0.00000083434	0.00000063197
304 - Telephone apparatus manufacturing	\$	187,224.82	0.00000017707	0.00000015859	0.00000012012
305 - Broadcast and wireless communications equipment manufacturing	\$	146,950.44	0.00000166554	0.00000145793	0.00000110431
307 - Audio and video equipment manufacturing	\$	103,304.30	0.00000138705	0.00000089975	0.00000068152
309 - Semiconductor and related device manufacturing	\$	292,864.12	0.00001562885	0.00001406114	0.00001065059
31 - Sand and gravel mining	\$	162,848.81	0.00000451304	0.00000321259	0.00000243337
310 - Capacitor, resistor, coil, transformer, and other inductor manufacturing	\$	68,322.04	0.00000074124	0.00000064917	0.00000049171
311 - Electronic connector manufacturing	\$	129,149.20	0.00000081167	0.00000062685	0.00000047481
312 - Printed circuit assembly (electronic assembly) manufacturing	\$	86,538.52	0.00000136586	0.00000095462	0.00000072308
313 - Other electronic component manufacturing	\$	123,635.43	0.00000057093	0.00000041237	0.00000031235
314 - Electromedical and electrotherapeutic apparatus manufacturing	\$	732,677.73	0.00000015574	0.00000011191	0.00000008476
317 - Industrial process variable instruments manufacturing	\$	212,506.16	0.00000017355	0.00000013019	0.00000009861
320 - Analytical laboratory instrument manufacturing	\$	110,287.61	0.00000013038	0.00000007746	0.00000005867
322 - Watch, clock, and other measuring and controlling device manufacturing	\$	137,262.82	0.00000163686	0.00000111658	0.00000084576
324 - Software and other prerecorded and record reproducing	\$	116,931.56	0.00000047795	0.00000035439	0.00000026843
325 - Electric lamp bulb and part manufacturing	\$	84,643.70	0.00000115620	0.00000077413	0.00000058636
326 - Lighting fixture manufacturing	\$	100,576.40	0.00000295552	0.00000213570	0.00000161768
327 - Small electrical appliance manufacturing	\$	459,988.99	0.00000013848	0.00000010454	0.00000007918
332 - Power, distribution, and specialty transformer manufacturing	\$	754,342.52	0.00000002495	0.00000001751	0.00000001326
333 - Motor and generator manufacturing	\$	147,705.57	0.00000108352	0.00000084926	0.00000064327
335 - Relay and industrial control manufacturing	\$	118,818.18	0.00000026975	0.00000020400	0.00000015452
336 - Storage battery manufacturing	\$	93,882.26	0.00000148875	0.00000137991	0.00000104521
337 - Primary battery manufacturing	\$	128,634.34	0.00000023530	0.00000015089	0.00000011429
339 - Other communication and energy wire manufacturing	\$	93,159.55	0.00000024462	0.00000019542	0.00000014802
340 - Wiring device manufacturing	\$	85,047.80	0.00000090926	0.00000070013	0.00000053032
342 - All other miscellaneous electrical equipment and component manufacturin	\$	107,196.51	0.00000041914	0.00000029320	0.00000022208
343 - Automobile manufacturing	\$	179,619.01	0.00000037570	0.00000030937	0.00000023433
349 - Travel trailer and camper manufacturing	\$	41,985.49	0.00000496382	0.00000156352	0.00000118429
350 - Motor vehicle gasoline engine and engine parts manufacturing	\$	123,917.93	0.00000019691	0.00000017322	0.00000013120
352 - Motor vehicle steering, suspension component (except spring), and brake s	\$	290,564.81	0.00000036165	0.00000030500	0.00000023102
356 - Other motor vehicle parts manufacturing	\$	98,864.45	0.00000294269	0.00000284066	0.00000215165
359 - Other aircraft parts and auxiliary equipment manufacturing	\$	133,641.69	0.000004423986	0.00000350475	0.00000265467
360 - Guided missile and space vehicle manufacturing	\$	163,016.16	0.00000076146	0.00000063632	0.00000048198
364 - Boat building	\$	68,324.56	0.00005508055	0.00001682602	0.00001274485
365 - Motorcycle, bicycle, and parts manufacturing	\$	113,341.25	0.00000521317	0.00000162288	0.00000122925
366 - Military armored vehicle, tank, and tank component manufacturing	\$	343,918.00	0.00000004415	0.00000003633	0.00000002752
367 - All other transportation equipment manufacturing	\$	48,200.63	0.00000027744	0.00000019135	0.00000014494
368 - Wood kitchen cabinet and countertop manufacturing	\$	48,668.58	0.00001476812	0.00001003155	0.00000759839
369 - Upholstered household furniture manufacturing	\$	72,021.10	0.00000267689	0.00000169657	0.00000128507
37 - Drilling oil and gas wells	\$	196,526.05	0.00000022284	0.00000017436	0.00000013207
370 - Nonupholstered wood household furniture manufacturing	\$	43,240.59	0.00000384638	0.00000243802	0.00000184668
371 - Other household nonupholstered furniture manufacturing	\$	47,196.99	0.00000068456	0.00000043782	0.00000033162
375 - Office furniture, except wood, manufacturing	\$	84,253.53	0.00000018658	0.00000012364	0.00000009365
376 - Showcase, partition, shelving, and locker manufacturing	\$	55,882.49	0.00000077999	0.00000053193	0.00000040291
377 - Mattress manufacturing	\$	24,334.23	0.00000082539	0.00000052390	0.00000039683
378 - Blind and shade manufacturing	\$	29,274.80	0.00000098779	0.00000062661	0.00000047463
379 - Surgical and medical instrument manufacturing	\$	162,402.15	0.00000240672	0.00000170343	0.00000129026
38 - Support activities for oil and gas operations	\$	126,328.97	0.00003985230	0.00003118204	0.00002361880
380 - Surgical appliance and supplies manufacturing	\$	133,090.01	0.00000889995	0.00000646983	0.00000490056
381 - Dental equipment and supplies manufacturing	\$	118,082.05	0.00000147905	0.00000108966	0.00000082536
383 - Dental laboratories	\$	33,922.12	0.00000316615	0.00000233298	0.00000176711
384 - Jewelry and silverware manufacturing	\$	55,132.23	0.00000074514	0.00000051694	0.00000039156
385 - Sporting and athletic goods manufacturing	\$	61,424.08	0.00001088824	0.00000861147	0.00000652275
386 - Doll, toy, and game manufacturing	\$	43,525.44	0.00000019848	0.00000015184	0.00000011501
388 - Sign manufacturing	\$	37,957.13	0.00006205114	0.00004882519	0.00003698258
39 - Metal mining services	\$	208,479.10	0.00000004478	0.00000003366	0.00000002550
390 - Musical instrument manufacturing	\$	65,093.72	0.00000648480	0.00000432906	0.00000327904
394 - All other miscellaneous manufacturing	\$	42,638.10	0.00001217181	0.00000834084	0.00000631776
395 - Wholesale trade	\$	180,232.64	0.02372305457	0.01764225262	0.01336310368
396 - Retail - Motor vehicle and parts dealers	\$	138,779.32	0.01400928768	0.01018788204	0.00771679938
397 - Retail - Furniture and home furnishings stores	\$	72,309.19	0.00477903436	0.00355962459	0.00269623350
398 - Retail - Electronics and appliance stores	\$	47,367.95	0.00378785186	0.00281971771	0.00213579190
399 - Retail - Building material and garden equipment and supplies stores	\$	78,135.20	0.01065634971	0.00793908217	0.00601344854
4 - Fruit farming	\$	43,290.99	0.00170124552	0.00125957537	0.00095406390
40 - Other nonmetallic minerals services	\$	137,520.78	0.00000010106	0.00000007549	0.00000005718
400 - Retail - Food and beverage stores	\$	60,516.54	0.02858457768	0.02075159560	0.01571827190
401 - Retail - Health and personal care stores	\$	67,046.89	0.01023386626	0.00762691178	0.00577699544
402 - Retail - Gasoline stores	\$	154,305.31	0.00458502962	0.00341377465	0.00258575963
403 - Retail - Clothing and clothing accessories stores	\$	48,802.85	0.01578063706	0.01175187532	0.00890144427
404 - Retail - Sporting goods, hobby, musical instrument and book stores	\$	36,021.03	0.00660468298	0.00492222954	0.00372833703
405 - Retail - General merchandise stores	\$	54,117.04	0.02573685345	0.01868439034	0.01415246969
406 - Retail - Miscellaneous store retailers	\$	41,553.60	0.01182755984	0.00881352584	0.00667579487
407 - Retail - Nonstore retailers	\$	73,930.62	0.01924224613	0.01425006657	0.01079369631
408 - Air transportation	\$	207,927.46	0.00049813000	0.00030076657	0.00022781529
409 - Rail transportation	\$	164,252.59	0.00003715005	0.00002803884	0.00002123799
410 - Water transportation	\$	173,614.23	0.00000853053	0.00000562954	0.00000426409

411 - Truck transportation	\$	67,412.61	0.00455599388	0.00321697988	0.00243669766
412 - Transit and ground passenger transportation	\$	28,820.08	0.00760992977	0.00453197355	0.00343273809
413 - Pipeline transportation	\$	280,573.03	0.00001722134	0.00001443889	0.00001093672
414 - Scenic and sightseeing transportation and support activities for transportat	\$	87,484.34	0.00164055615	0.00123270645	0.00093371206
415 - Couriers and messengers	\$	68,860.17	0.00281171261	0.00194965424	0.00147676333
416 - Warehousing and storage	\$	70,772.34	0.00211008527	0.00156413608	0.00118475305
417 - Newspaper publishers	\$	107,737.35	0.00042941790	0.00032478798	0.00024601028
418 - Periodical publishers	\$	123,598.77	0.00036329786	0.00027013048	0.00020461002
419 - Book publishers	\$	709,260.87	0.00045635784	0.00032330106	0.00024488401
42 - Electric power generation - Fossil fuel	\$	880,732.99	0.00004437996	0.00004145084	0.00003139689
420 - Directory, mailing list, and other publishers	\$	436,953.11	0.00050536323	0.00038677203	0.00029296003
422 - Software publishers	\$	135,246.73	0.00123053109	0.00065288372	0.00049452602
423 - Motion picture and video industries	\$	80,422.82	0.00158731356	0.00118946769	0.00090096092
424 - Sound recording industries	\$	151,308.83	0.00010895927	0.00007085784	0.00005367119
425 - Radio and television broadcasting	\$	768,151.75	0.00060407948	0.00048271339	0.00036563070
426 - Cable and other subscription programming	\$	1,654,653.47	0.00005570958	0.00004809205	0.00003642727
427 - Wired telecommunications carriers	\$	217,416.02	0.00385071463	0.00366397982	0.00277513939
428 - Wireless telecommunications carriers (except satellite)	\$	880,995.51	0.00076815362	0.00070734030	0.00053577408
429 - Satellite, telecommunications resellers, and all other telecommunications	\$	82,531.46	0.00067296679	0.00064188015	0.00048619137
430 - Data processing, hosting, and related services	\$	109,701.81	0.00107975320	0.00100194463	0.00075892179
431 - News syndicates, libraries, archives and all other information services	\$	131,390.10	0.00030880315	0.00022447840	0.00017003090
432 - Internet publishing and broadcasting and web search portals	\$	30,016.13	0.00012877983	0.00009812436	0.00007432418
433 - Monetary authorities and depository credit intermediation	\$	281,469.75	0.01096471018	0.01135031589	0.00859728354
434 - Nondepository credit intermediation and related activities	\$	91,658.79	0.01094614936	0.00905065030	0.00685540452
435 - Securities and commodity contracts intermediation and brokerage	\$	48,175.64	0.00317663509	0.00351056287	0.00265907175
436 - Other financial investment activities	\$	11,238.99	0.02175412725	0.02567440309	0.01944704670
437 - Insurance carriers	\$	259,409.57	0.00524425686	0.00391433653	0.00296490965
438 - Insurance agencies, brokerages, and related activities	\$	63,261.71	0.01508293081	0.01261761748	0.00955719966
439 - Funds, trusts, and other financial vehicles	\$	90,891.60	0.00565399673	0.00702581734	0.00532169716
44 - Electric power generation - Solar	\$	758,904.76	0.00001485556	0.00001387517	0.00001050973
440 - Real estate	\$	136,123.81	0.04935353776	0.04872928720	0.03690994180
442 - Automotive equipment rental and leasing	\$	209,763.04	0.00109272494	0.00076406748	0.00057874202
443 - General and consumer goods rental except video tapes and discs	\$	53,387.31	0.00219211660	0.00171399992	0.00129826724
444 - Video tape and disc rental	\$	224,916.20	0.00007337791	0.00005872659	0.0000448239
445 - Commercial and industrial machinery and equipment rental and leasing	\$	192,389.69	0.00066038497	0.00049258470	0.00037310771
446 - Lessors of nonfinancial intangible assets	\$	102,462.69	0.00030301772	0.00023953192	0.00018143318
447 - Legal services	\$	103,191.19	0.01139129038	0.00516091690	0.00390913050
448 - Accounting, tax preparation, bookkeeping, and payroll services	\$	53,605.59	0.00885568421	0.00694362056	0.00525943730
449 - Architectural, engineering, and related services	\$	75,689.39	0.00459521467	0.00359504244	0.00272306071
450 - Specialized design services	\$	53,909.94	0.00172391943	0.00135788088	0.00102852529
451 - Custom computer programming services	\$	104,889.55	0.00004258243	0.00003379345	0.00002559681
452 - Computer systems design services	\$	74,544.89	0.00147812155	0.00118938700	0.00090089979
453 - Other computer related services, including facilities management	\$	93,623.85	0.00125260745	0.00099379883	0.00075275176
454 - Management consulting services	\$	55,940.98	0.00601652669	0.00502827278	0.00380865936
455 - Environmental and other technical consulting services	\$	42,845.74	0.00228526282	0.00190230389	0.00144069108
456 - Scientific research and development services	\$	149,415.84	0.00027951786	0.00023370255	0.00017701772
457 - Advertising, public relations, and related services	\$	65,105.60	0.00285771192	0.00224829131	0.00170296563
458 - Photographic services	\$	19,842.06	0.00320484192	0.00221188437	0.00167538924
459 - Veterinary services	\$	64,947.01	0.00454862618	0.00294460542	0.00223038794
460 - Marketing research and all other miscellaneous professional, scientific, and	\$	37,210.19	0.00499448441	0.00414216390	0.00313747722
461 - Management of companies and enterprises	\$	105,967.14	0.00336202544	0.00265464104	0.00201075476
462 - Office administrative services	\$	63,348.05	0.00306305403	0.00249304792	0.00188835624
463 - Facilities support services	\$	61,893.42	0.00015934993	0.00023127004	0.00009326243
464 - Employment services	\$	61,402.26	0.01644552777	0.01357957071	0.01028583001
465 - Business support services	\$	46,237.86	0.00413624310	0.00307593945	0.00232986675
466 - Travel arrangement and reservation services	\$	85,748.57	0.00190129017	0.00087709871	0.00066435740
467 - Investigation and security services	\$	39,795.53	0.00327569239	0.00250347439	0.00189625376
468 - Services to buildings	\$	35,402.87	0.01718210370	0.01246370224	0.00944061674
469 - Landscape and horticultural services	\$	40,006.45	0.00923660625	0.00657738213	0.00498203043
470 - Other support services	\$	115,304.12	0.00098141105	0.00073448475	0.00055633462
471 - Waste management and remediation services	\$	113,132.83	0.00175471601	0.00151534379	0.00114779539
472 - Elementary and secondary schools	\$	51,935.98	0.01158963450	0.00543687924	0.00411815784
473 - Junior colleges, colleges, universities, and professional schools	\$	41,166.26	0.01472384861	0.00540569571	0.00409453792
474 - Other educational services	\$	20,026.74	0.01430711270	0.00812366565	0.00615326108
475 - Offices of physicians	\$	90,188.90	0.02891724394	0.02318044488	0.01755800096
476 - Offices of dentists	\$	85,157.00	0.01428175112	0.01052352897	0.00797103476
477 - Offices of other health practitioners	\$	60,438.09	0.02169916257	0.01361658653	0.01031386760
478 - Outpatient care centers	\$	98,102.22	0.01064985742	0.00720807808	0.00545975034
479 - Medical and diagnostic laboratories	\$	58,595.00	0.00365571309	0.00165416124	0.00125294250
48 - Electric power generation - All other	\$	254,555.20	0.00002590200	0.00002419245	0.00001832454
480 - Home health care services	\$	43,431.13	0.01996049439	0.00734217969	0.00556132545
481 - Other ambulatory health care services	\$	75,923.26	0.00267121691	0.00172890964	0.00130956059
482 - Hospitals	\$	115,132.52	0.03346456042	0.02414612836	0.01828945679
483 - Nursing and community care facilities	\$	46,333.58	0.01249323237	0.01172664966	0.00888233712
484 - Residential mental retardation, mental health, substance abuse and other	\$	42,493.79	0.00409161882	0.00328163459	0.00248567030
485 - Individual and family services	\$	21,125.26	0.03085521824	0.02274856725	0.01723087576
486 - Community food, housing, and other relief services, including rehabilitator	\$	62,345.27	0.00505419430	0.0038338693	0.00290359447
487 - Child day care services	\$	39,215.40	0.01270901575	0.00754402882	0.00571421584
488 - Performing arts companies	\$	43,899.82	0.00217632931	0.00123902181	0.00093849563
489 - Commercial Sports Except Racing	\$	29,396.81	0.00134495953	0.00089512877	0.00067801424
49 - Electric power transmission and distribution	\$	843,058.58	0.00046761211	0.00043674931	0.00033081526
490 - Racing and Track Operation	\$	23,331.42	0.00029234370	0.00018782777	0.00014226992
491 - Promoters of performing arts and sports and agents for public figures	\$	26,126.45	0.00167363145	0.00102501514	0.00077639653
492 - Independent artists, writers, and performers	\$	17,732.91	0.00653243932	0.00462702260	0.00350473288
493 - Museums, historical sites, zoos, and parks	\$	39,006.05	0.00032626687	0.00025363163	0.00019211298
494 - Amusement parks and arcades	\$	28,330.33	0.00018085381	0.00011749598	0.00008899719
495 - Gambling industries (except casino hotels)	\$	102,301.14	0.00114793957	0.00221577656	0.00167833737
496 - Other amusement and recreation industries	\$	40,361.65	0.00571330088	0.00311305704	0.00235798142
497 - Fitness and recreational sports centers	\$	29,820.79	0.00772123582	0.00421957699	0.00319611368
498 - Bowling centers	\$	34,094.65	0.00078720341	0.00041899743	0.00031736912
499 - Hotels and motels, including casino hotels	\$	67,856.23	0.00037646047	0.00034518984	0.00026146365
5 - Tree nut farming	\$	110,822.05	0.00001057887	0.00000771977	0.00000584733
50 - Natural gas distribution	\$	265,843.53	0.00041931978	0.00032448361	0.00024577973
500 - Other accommodations	\$	33,030.22	0.00000483718	0.00000319387	0.00000241919
501 - Full-service restaurants	\$	30,330.37	0.05687713669	0.04095734453	0.03102309289
502 - Limited-service restaurants	\$	59,345.58	0.06389027858	0.04574926689	0.03465272889
503 - All other food and drinking places	\$	25,227.62	0.02420460437	0.01728227566	0.01309043956
504 - Automotive repair and maintenance, except car washes	\$	96,147.70	0.01690431645	0.01353653942	0.01025323601
505 - Car washes	\$	48,300.79	0.00316639583	0.00253824696	0.00192259220
506 - Electronic and precision equipment repair and maintenance	\$	119,197.14	0.00082606756	0.00065861988	0.00049887086
507 - Commercial and industrial machinery and equipment repair and maintenar	\$	134,872.06	0.00131887193	0.00102040682	0.00077290596

508 - Personal and household goods repair and maintenance	\$	108,184.65	0.00334894279	0.00203455665	0.00154107257
509 - Personal care services	\$	31,415.75	0.02174868061	0.01593090843	0.01206684803
51 - Water, sewage and other systems	\$	205,089.45	0.00030580955	0.00028036104	0.00021235914
510 - Death care services	\$	71,584.86	0.00060049835	0.00061587728	0.00046649553
511 - Dry-cleaning and laundry services	\$	40,887.33	0.00224870347	0.00149379875	0.00113147612
512 - Other personal services	\$	31,746.63	0.01606006749	0.01145741044	0.00867840219
513 - Religious organizations	\$	3,503.10	0.00823965468	0.00678251346	0.00513740692
514 - Grantmaking, giving, and social advocacy organizations	\$	97,465.87	0.00313019182	0.00256225163	0.00194077451
515 - Business and professional associations	\$	146,926.10	0.00057031472	0.00039296754	0.00029765281
516 - Labor and civic organizations	\$	68,199.84	0.00600363835	0.00389081166	0.00294709076
517 - Private households	\$	17,262.67	0.01159328573	0.00728499664	0.00551801221
518 - Postal service	\$	87,740.75	0.00194314719	0.00155768994	0.00117987043
520 - Other federal government enterprises	\$	34,099.31	0.00111759041	0.00092180591	0.00069822081
525 - Local government electric utilities	\$	190,472.29	0.00011390278	0.00010638510	0.00008058127
526 - Other local government enterprises	\$	200,766.06	0.00342906829	0.00360378960	0.00272968623
6 - Greenhouse, nursery, and floriculture production	\$	106,322.27	0.00012737711	0.00008836578	0.00006693256
62 - Maintenance and repair construction of nonresidential structures	\$	88,193.27	0.00451736068	0.00414338046	0.00313839870
63 - Maintenance and repair construction of residential structures	\$	85,849.37	0.00527038646	0.00362483505	0.00274562708
65 - Dog and cat food manufacturing	\$	360,145.67	0.00000025125	0.00000015843	0.00000012000
71 - Soybean and other oilseed processing	\$	232,037.97	0.00000082588	0.00000061534	0.00000046609
72 - Fats and oils refining and blending	\$	130,282.71	0.00000157315	0.00000124706	0.00000094459
76 - Nonchocolate confectionery manufacturing	\$	231,710.06	0.00000092055	0.00000073458	0.00000055641
79 - Frozen fruits, juices and vegetables manufacturing	\$	208,323.68	0.00000721185	0.00000576055	0.00000436332
80 - Frozen specialties manufacturing	\$	173,395.20	0.00000393118	0.00000314068	0.00000237891
81 - Canned fruits and vegetables manufacturing	\$	260,457.32	0.00000609488	0.00000484193	0.00000366751
87 - Dry, condensed, and evaporated dairy product manufacturing	\$	165,154.32	0.00000400747	0.00000316705	0.00000239888
93 - Seafood product preparation and packaging	\$	145,838.04	0.00000608267	0.00000467839	0.00000354364
94 - Bread and bakery product, except frozen, manufacturing	\$	79,683.35	0.00006460855	0.00005088970	0.00003854634
95 - Frozen cakes and other pastries manufacturing	\$	73,116.81	0.00000176784	0.00000139271	0.00000105491
97 - Dry pasta, mixes, and dough manufacturing	\$	167,027.07	0.00000063596	0.00000050761	0.00000038449
99 - Roasted nuts and peanut butter manufacturing	\$	282,327.37	0.00000472527	0.00000376226	0.00000284972
Totals			0.98496479365	0.73390517488	0.55589561946

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE DEVELOPMENT IMPACT FEE NEXUS STUDY AND DEVELOPMENT IMPACT FEES FOR THE GROWTH REQUIREMENT CAPITAL FEE, PARK AND RECREATION FEE, TRAFFIC CIRCULATION FEE, STORM DRAINAGE FEE, MOBILITY FEE, PUBLIC ART PROGRAM FEE, AND UTILITY UNDERGROUNDING IN-LIEU FEE.

WHEREAS, the City currently has in place multiple ordinances whereby the City has been collecting the following development impact fees; Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Public Art Program Fee and Utility Undergrounding In-lieu Fee; and

WHEREAS, the City wishes to impose a new development impact fee, the Mobility Fee; and

WHEREAS, the fees are summarized in Exhibit A attached hereto and incorporated by this reference; and

WHEREAS, the City is authorized pursuant to Government Code 66000, et. seq., to impose impact fees as a condition of development approval, which impact fees are used to mitigate the impact of new development on public infrastructure; and

WHEREAS, the City's consultant Harris & Associates has completed the Development Impact Fee Nexus Study Dated April 2020, in accordance with the Mitigation Fee Act (also known as AB1600), which provides the legal nexus required to update the City's Development Impact Fee Program; and

WHEREAS, in accordance with Government Code Section 66016, at least 14 days prior to the public hearing at which the Council first considered the adoption of the Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Mobility Fee, Public Art Program Fee and Utility Undergrounding In-lieu Fee, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings on new or increased fees or service charges; and

Notice was published in the Vida Newspaper on April 30, 2020 and May 7, 2020 setting forth the time and manner of compliance with the requirements of law of providing notice of the time and place for the public hearing in the form and manner required by Government Code sections 66018, 6062(a) and 66019. Notice was also provided 14 days prior to the public hearing to those interested parties who have requested in writing, notification from the City of any fee increases.

WHEREAS, in accordance with Government Code Section 66016, the Development Impact Fee Nexus Study with the data supporting the imposition of the Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Mobility Fee, Public Art Program Fee and Utility Undergrounding In-lieu Fee, were made available for public review and comment for 10 days prior to the public hearing at which the Council first considered the adoption of the Fee; and

WHEREAS, ten days advance notice of the public hearing at which the Council first considered the adoption of the Fee was given by publication in accordance with Section 6062a of the California Government Code; and

WHEREAS, the fees shall be adjusted each year beginning on July 1st of 2021 using the June Engineering News Record Construction Cost Increase for the Los Angeles region. The base index for the first year update shall be the index for January of 2020, 12,144.49.

WHEREAS, the City Council finds that there is a reasonable relationship between the amount of the fee and the cost of the facility or portion of the facility attributable to new development.

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

1. That it does hereby approve the *Development Impact Fee Nexus Study* and Schedule of Fees, prepared by Harris & Associates attached hereto as Exhibit A establishing revised fees for Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Mobility Fee, Public Art Program Fee and Utility Undergrounding In-lieu Fee.
2. The Development Impact Fees established in Exhibit A are hereby adopted, and shall be calculated, adjusted, and collected in accordance with City ordinances and the Studies. The amount of the Development Impact Fees may be adjusted annually for inflation each year beginning on July 1st 2021, using the June Engineering News Record Construction Cost Increase for the Los Angeles region.
3. That the fees shall become effective 60 days following the adoption of this Resolution.
4. The City Manager is hereby authorized to adjust annually the fees on July 1st of each year using the June Engineering News Record Construction Cost Index for the Los Angeles region.
5. The City Council finds that staff has evaluated the potential environmental impacts of the adoption of this Ordinance, the approval of the *Development Impact Fee Nexus Study* prepared by Harris & Associates and dated April 2020, and the updated Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Public Art Program Fee Mobility Fee, and Utility Undergrounding In-lieu Fee pursuant to the California Environmental Quality Act ("CEQA"). City staff has determined that these actions do not constitute a "project" under CEQA pursuant to State

CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which *may* result in a potentially significant physical impact on the environment.

6. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.
7. The fees included in this Resolution supersede those adopted in any previous Development Impact fee resolutions.

PASSED AND ADOPTED THIS _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBIT A



UPDATED DRAFT REPORT

City of Oxnard Development Impact Fee Nexus Study

April 2020

Prepared for:



Prepared by:



22 Executive Park, Suite 2000
Irvine, California 92614
(949) 655-3900

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EXECUTIVE SUMMARY

INTRODUCTION

Incorporated in 1903, the City of Oxnard is located in Ventura County, approximately 60 miles northwest of downtown Los Angeles. At the time of the 2010 U.S. Census, the City population was 197,899. As of January 1, 2019, the Census estimates that Oxnard's population is 209,879.

As the resident population and non-resident employment in the City increase, there exists a correlating rise in the need for expanded public infrastructure and services to support the increased demand on City infrastructure. California's Assembly Bill 1600 (AB1600), commonly known as the Mitigation Fee Act, adopted in 1987 and codified as California Government Code Section 66000 et. seq., authorizes the City to impose Development Impact Fees on new development within the City. Development Impact Fees are a one-time charge on new development that is collected and used by the City to cover the cost of capital facilities, vehicles, and equipment that are required to serve new growth.

The purpose of this study is to update the City's Development Impact Fee (Fee) program to ensure that new development pays their fair share of their impact on the City's infrastructure and that the Fees are in compliance with the legal requirements set out in the Mitigation Fee Act and relevant case law. The impact fees adopted through this study will replace the fees currently in effect as summarized in each individual section. The fees discussed in this report apply to all future development and redevelopment in the City. Table ES.1 summarizes the current fee resolutions and ordinances.

Table ES.1: Summary of Existing Resolutions and Ordinances

Fee	Resolution/Ordinance
General Growth Fee	Resolution 10,275, 10,996, and 12,975
Park and Recreation Fee	Ordinance 1421
Traffic Circulation Fee	Resolution 10,016, 10,673, 13,328, 13,600, and 13,890
Storm Drainage Fee	Resolution 10,274
Public Art Program Fee	Resolution 14,124
Utility Undergrounding In-Lieu	Ordinance 2207

NEXUS STUDY

Purpose

As development occurs in the City, new backbone infrastructure and capital facilities are required to mitigate the increased demand created by new residents and employees. Impact fee revenues, collected from development and redevelopment projects, fund these impacted backbone

infrastructure and capital facilities. The following fees are currently collected and are being updated as part of this Nexus Study:

- *Growth Requirement Fee (4 Components)*
 - *Public Administration*
 - *Police*
 - *Fire*
 - *Cultural and Recreational Facilities*
- *Parks and Recreation Fee*
- *Public Art Program Fee*
- *Storm Drainage Fee*
- *Traffic Circulation Fee*
- *Utility Undergrounding In-Lieu Fee*

In addition the following new fee is being proposed:

- *Mobility Fee*

This report is designed to provide the necessary technical analysis to support adoption by resolution of the Fee program. Adoption by resolution allows the fees to be updated over time without amending the enabling ordinance.

Results

Tables ES.2, ES.3, and ES.4 show a summary of the proposed Fees.

Table ES.2: Summary of Proposed Impact Fees

Land Use	Growth Requirement Capital Fee	Parks and Recreation Fee	Mobility Fee	Public Art Program Fee	Storm Drainage Fee ¹
<i><u>Residential</u></i>	<i><u>(Fee per Dwelling Unit)</u></i>			<i><u>(Fee per SF)</u></i>	<i><u>(Fee per Gross Acre)</u></i>
Single Family	\$ 5,981	\$ 6,993	\$ 3,396	\$ 0.28	\$ 21,263
Multifamily ²	\$ 3,955	\$ 4,624	\$ 2,245	\$ 0.28	\$ 29,237
<i><u>Non-Residential</u></i>	<i><u>(Fee per 1,000 Building Square Feet)</u></i>			<i><u>(Fee per SF)</u></i>	<i><u>(Fee per Gross Acre)</u></i>
Retail	\$ 2,018	n/a	\$ 1,146	\$ 0.28	\$ 29,237
Office	\$ 2,409	n/a	\$ 1,367	\$ 0.28	\$ 29,237
Industrial	\$ 853	n/a	\$ 485	\$ 0.28	\$ 29,237
	<i><u>(Fee per Room)</u></i>			<i><u>(Fee per SF)</u></i>	<i><u>(Fee per Gross Acre)</u></i>
Hotel	\$ 603	n/a	\$ 342	\$ 0.28	\$ 29,237

¹ For Storm Drainage fees, 6 units per acre and under are considered single family and above 6 units per acre are considered multi-family.

² Includes area of on-site streets and alleys plus the area up to the center line of bordering streets and alleys.

Table ES.3: Summary of Proposed Traffic Circulation Fees

Land Use	Traffic Circulation Fee	
per ADT	\$	1,035
<i>(Fee per unit)</i>		
Single Family	\$	9,769
Mobile Home	\$	5,174
Low-Rise Multifamily ¹	\$	7,574
Mid-Rise Multifamily ¹	\$	5,630
High-Rise Multifamily ¹	\$	4,605
Senior Housing	\$	4,139
<i>(Fee per 1,000 SF)</i>		
Office	\$	10,079
Medical Office	\$	6,054
General (C2)	\$	6,560
New Car Sales	\$	6,157
Church	\$	4,118
Restaurant	\$	19,506
Fast Food with Drive Thru	\$	102,342
<i>(Fee per stall/room/fueling station)</i>		
Self Service Car Wash (per stall)	\$	27,153
Gas Station (per fueling position)	\$	45,924
Hotel/Motel (per Room)	\$	5,040
<i>(Fee per 1,000 SF)</i>		
Light Industrial	\$	5,132
Warehouse	\$	1,800

¹ Low-Rise is defined as containing one or two floors, mid-rise is defined as containing three to ten floors, and high rise is defined as containing more than ten floors.

Table ES.4: Proposed Utility Undergrounding In-Lieu Fee

Fee per Building SF, All Land Uses	\$	0.54
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Section 1 REQUIREMENTS AND METHODOLOGY

NEXUS REQUIREMENT SUMMARY

The Mitigation Fee Act, commonly known as Assembly Bill (AB) 1600, was enacted by the State of California in 1987 and created Section 66000 et. seq. of the Government Code. AB1600 requires public agencies to satisfy the following requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project:

1. Identify the purpose of the fee.
2. Identify the use for the fee.
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

The purpose of this report is to demonstrate that the fee components comply with AB1600. The assumptions, methodologies, facility costs and standards, and cost allocation factors used to establish the nexus between the levied fees and new development are in subsequent sections of this report.

METHODOLOGY

Imposed fees require various findings to ensure that a reasonable relationship exists between the fee amount and the cost of the facility or portion of the facility attributable to the new development. Several methodologies are available to determine fee amounts. Choosing the appropriate methodology depends on the type of facility for which the fee is calculated and the availability of documentation to support the fee calculation. Following is a discussion of the methodologies available to calculate the separate fee components in this report.

Facility Standards Method

The facility standards method determines the facilities and associated costs required to accommodate growth based on adopted City standards. Depending on the fee analysis, the City may or may not currently have sufficient facilities to meet the adopted standard. If the City's existing facilities are below the standards, then a deficiency exists. In this case, the portion of the cost of planned facilities associated with correcting the deficiency must be

satisfied with funding sources other than Development Impact fees. AB1600 fees can only fund planned facilities needed to accommodate new development at the adopted standard.

Master Plan Method

The master plan method is based on a master facilities plan in situations where the needed facilities serve both existing and new development. This approach allocates existing and planned facilities across existing and new development to determine new development's fair share of the facility need. This approach is used when it is not possible to differentiate the benefits of new facilities between existing and new development.

Planned Facilities Method

The planned facilities method calculates the standard based solely on the ratio of planned facilities to the increase in demand associated with new development. This method is appropriate when planned facilities are mostly for the benefit of new development, such as a wastewater trunk line extension to a previously undeveloped area. This method can be used when there is excess capacity in existing facilities that can accommodate new development.

Existing Inventory Method

The existing inventory method uses a facility standard based on the ratio of existing facilities to the existing service population on a cost per unit or cost per square foot basis. Under this approach, new development funds the expansion of facilities at the same standard currently serving existing development. By definition, the existing inventory method ensures that no facility deficiencies are spread to future development. This method is often used when a long-range plan for new facilities is not available.

FEE ADJUSTMENT PROCEDURES

The Fees will be automatically adjusted each year on July 1st based on the June Engineering News-Record Construction Cost Index (ENR CCI) for Los Angeles. The base index for the first year increase shall be 12144.49, the January 2020 Index. In addition, the fees may be adjusted periodically to reflect revised facility standards, receipt of funding from alternative sources (i.e., state or federal grants), revised facilities or costs, changes in demographics, or changes to the land use plan. A complete review of the fees must be completed every five years per AB1600 but it is recommended that the fees be updated more frequently.

CREDITS AND REIMBURSEMENT POLICIES

The City may provide fee credits or reimbursements to developers who dedicate land or construct facilities. Fee credits or reimbursements shall be the lesser of the estimated cost of the

improvements as shown in this report, subject to inflation adjustments, or the actual cost incurred by the developer. Reimbursements will be made when funds are available based on the priority of capital improvements as determined by the City. Fee credits will be allowed on a case-by-case basis as determined by the City.

SPECIALIZED DEVELOPMENT PROJECTS

The fees in this report may not be applicable to specialized development projects. For specialized development projects, the City will review the development's impacts to determine the applicable fees.

In addition, for redevelopment projects, the developer shall only be responsible for paying fees for the intensification of the development. The City will review the development's increased impacts to determine the applicable fees.

ACCESSORY DWELLING UNITS

An accessory dwelling unit (ADU) is a second unit on the same lot that is attached or detached from a residential unit. In accordance with Assembly Bill 881 (AB881) fees cannot be charged for an ADU that is less than 750 square feet. For an ADU that is 750 square feet or larger, an ADU will pay a percentage of the residential fee based on the square footage of the ADU in proportion to the primary dwelling unit.

GROWTH FORECASTS

Growth projections are used as indicators of demand. The City's existing population as well as 2030 population projections are used throughout the fee sections that follow in this report. The following resources were used for the purpose of updating the Fee program:

- Estimates of total development through 2030 are based on a vacant land survey, detailed discussions with the City, and the downtown environmental impact report update (EIR).
- Population estimates are from *U.S. Census Bureau American Community Survey*, 2018 Data.
- Estimates of existing non-residential development from Census data and GIS files.
- Estimates of the City's non-residential worker populations are from *On the Map U.S. Census Center for Economic Studies*, 2015 data.

LAND USE TYPES

To ensure a reasonable relationship between each fee and the type of development paying the fee, the following land use categories are used in this Study:

- **Single family:** Detached single-family homes.

- **Multifamily:** All attached residential dwellings such as duplexes, condominiums, townhomes, apartments, and dormitories.
- **Commercial:** Retail, educational, and downtown non-residential development.
- **Office:** General, professional, and medical office development.
- **Industrial:** Manufacturing and warehouse development.
- **Hotel:** Development designed to be occupied less than 30 days per stay.

For the traffic circulation fees, additional land uses were included to provide a more detailed estimate of the average daily trips (ADT) of different development. These land uses are discussed in Section 5 of this report.

Some developments may include more than one land use type. In these cases, the fee is calculated separately for each land use type. The City has the discretion to impose the fees based on the specific aspects of a proposed development regardless of zoning. The fee imposed should be based on the land use type that most closely represents the impacts of the development.

In addition, some parcels may redevelop into a more intense use. In these cases, the development will only be charged for intensification of use and a credit will be given for the existing use.

SERVICE POPULATION

The City's service population accounts for persons who live in the City and a weighted percent of workers employed in the City. Workers are weighted to reflect the lower per capita service demand compared to City residents. Workers spend less time in the City than residents and use fewer City services. The service population is used to determine the cost necessary to continue providing the City facilities at the existing level of service and to ensure that the fees are allocated fairly to each type of new development based on the impact of the development on the facilities.

Table 1 summarizes the City's service population used to develop the fees. The total service population of 236,623, including a fifty percent (50%) weighted factor for employees, was calculated using information taken from the 2018 US Census Data Population Estimates and the *On the Map from the U.S. Census Bureau Center for Economic Studies*, 2015 data.

Table 1: Service Population Calculation

	Baseline Population	Weighting Factor	Service Population
Residents ¹	209,877	1.0	209,877
Workers ²	53,492	0.5	26,746
			<u>236,623</u>

¹ U.S. Census Bureau 2018. American Community Survey, Table DP05. Retrieved from data.census.us.

² On the Map US Census Bureau Center for Economic Studies, 2015 data.

RESIDENT AND EMPLOYMENT DENSITY

Using persons per household (PPH) data for residential units and employment density data for non-residential buildings establishes a reasonable relationship between the demand created by the development project and the fees charged. Developers pay fees based on the number of additional residential units or building square feet of non-residential development; therefore, the fee schedule must convert service population estimates to these units of measure for each land use. This conversion is done using the average PPH and employment density by land use type.

Table 2 summarizes the occupant density factors for residential and non-residential development. The residential density factors were calculated using information from the City's 2017 Mid-Cycle 2013–2021 Housing Element Update, while the non-residential employment density factors were calculated using information from the Employment Density Study Report for the Southern California Association of Governments dated October 31, 2001.

Table 2: Persons per Household and Employment Density

<u>Residential</u> ¹		
Single Family	4.31	Residents per dwelling unit
Multi-Family	2.85	Residents per dwelling unit
<u>Non-Residential</u> ²		
Retail	2.91	Employees per 1,000 square feet
Office	3.47	Employees per 1,000 square feet
Industrial	1.23	Employees per 1,000 square feet
Hotel ³	0.87	Employees per Room

¹ City of Oxnard 2017 Mid Cycle 2013-2021 Housing Element update.

² Employment Density Study for Southern California Association of Governments dated October 31, 2001.

³ River Park Specific Plan Land Use Summary.

2030 LAND USE PROJECTIONS

The 2030 land use projections summarized in Table 3 includes residential and non-residential acreages, the estimated number of residential units, and the estimated non-residential square footage. This information, estimated from proposed developments, planned downtown redevelopment, and currently undeveloped land assumptions, presents a projection of the total new development expected to take place in the City by 2030.

Table 3: 2030 Residential and Non-Residential Development Projections

	Acres	Units/Square Feet	
<u>Residential</u>			
Single Family	64.27	397	Dwelling Units
Multi-Family	126.03	3,890	Dwelling Units
<u>Non-Residential</u>			
Retail	16.90	549,900	Building Square Feet
Office	10.74	234,000	Building Square Feet
Industrial	629.71	3,570,000	Building Square Feet
Hotel	7.15	500	Rooms

Source: Vacant land survey with future zoning plans and discussions with Oxnard Planning.

Section 2 GROWTH REQUIREMENT CAPITAL FEE

BACKGROUND

The City's current Growth Requirement Capital Fee is based on Resolution 12,975 adopted in November 2005 which set the Fee at \$1.16 per square foot of residential covered space, \$0.60 per square foot of commercial and industrial covered space, \$0.04 per square foot of industrial uncovered space, and \$1.75 per square foot for mobile home pads. The existing Growth Requirement Capital Fee consists of five components; Cultural and Recreational Facilities, Essential Infrastructure, Government Facilities, Public Safety Facilities, and Related Facilities.

Based on discussions with City staff, the proposed Growth Requirement Capital Fee is broken into four categories; (1) Government Facilities, (2) Police Facilities, (3) Fire Facilities, and (4) Cultural and Recreational Facilities. These categories will allow the City to better administer the Fee program and more closely tie to the City's various departmental needs.

This section presents an analysis of the City's Growth Requirement Capital Fee. The Growth Requirement Capital Fee funds facilities such as police stations and equipment, fire stations and equipment, city hall, community centers, visitor center, and the corporation yard. These fees use the Existing Inventory Method for fee calculation. Under this methodology, the facilities are inventoried and the value of the facilities used to determine the current level of service (LOS) provided by the City on a per capita basis. This LOS calculation is used to determine the fee by land use that is needed in order for new development to fund the facilities needed to maintain the existing LOS.

SERVICE POPULATION

Demand for services and the associated facilities is based on the City's existing service population, which includes residents and non-residential workers. In calculating the service population for growth, workers were weighted less than residents to reflect the lower service demand of workers. Non-resident workers spend less time in the City and use fewer services, so the demand for City services is less than that of a resident.

GROWTH REQUIREMENT CAPITAL FEE SUMMARY

The City's maximum supportable fee calculation for the Growth Requirement Capital Fee examines (1) Government Facilities, (2) Police Facilities, (3) Fire Facilities, and (4) Cultural and Recreational Facilities to determine the facility standard of each. As growth occurs in the City, these facilities should continue to operate at their respective standards. The fees collected from new development will ensure the City is able to continue to provide the existing LOS as the service population grows. The Growth Requirement Capital Fee is summarized in Table 4. An

administrative fee of four percent (4%) is added to the Fee to fund the City's cost to administer the Fee program.

Table 4: Growth Requirement Capital Fee – Summary of Fees

Land Use	Government Facilities	Police Facilities	Fire Facilities	Cultural & Recreational Facilities	Administrative Fee (4%) ¹	Total
<i><u>Residential (Fee per Dwelling Unit)</u></i>						
Single Family	\$ 2,033	\$ 926	\$ 1,038	\$ 1,754	\$ 230	\$ 5,981
Multi Family	\$ 1,345	\$ 612	\$ 686	\$ 1,160	\$ 152	\$ 3,955
<i><u>Non-Residential (Fee per 1,000 Building Square Feet)</u></i>						
Retail	\$ 686	\$ 312	\$ 350	\$ 592	\$ 78	\$ 2,018
Office	\$ 819	\$ 373	\$ 418	\$ 706	\$ 93	\$ 2,409
Industrial	\$ 290	\$ 132	\$ 148	\$ 250	\$ 33	\$ 853
<i><u>(Fee per Room)</u></i>						
Hotel	\$ 205	\$ 93	\$ 105	\$ 177	\$ 23	\$ 603

¹ Administrative charge of 4% for (1) legal, accounting, and other administrative support and (2) Development impact fee program administration costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analysis.

REVENUE PROJECTIONS

Table 5 summarizes the anticipated Growth Requirement Capital Fee revenue. The revenue will be available to expand the City's existing Government Facilities, Police Facilities, Fire Facilities, and Cultural and Recreational Facilities to meet the need of new residents and workers in the City. The City will program the revenues through their Capital Improvement Program (CIP) process.

Table 5: Growth Requirement Capital Fee – Revenue Summary

Government Facilities	\$ 7,745,828.40
Police Facilities	\$ 3,524,892.80
Fire Facilities	\$ 3,951,763.00
Cultural & Recreational Facilities	\$ 6,680,482.80
Administrative Fee (4%)	\$ 876,554.20
Total	\$ 22,779,521.20

GOVERNMENT FACILITIES COMPONENT

The Government Facilities Fee includes buildings and vehicles related to the Oxnard Civic Center, City administrative offices, City corporation yard, downtown parking garage, visitor center, and

the transportation center. As new development occurs these facilities should continue to operate at the standard the City currently provides.

Government Facilities and Cost

The City-owned government facilities are summarized in Table 6. The value of the facilities is divided by the City's existing service population to determine the cost per capita of the existing government facilities.

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Table 6: Government Facilities – Total Existing Inventory Value

	Location	Building Value	Building Contents	Vehicles	Mobile Equipment	Total Value
<u>Existing Facilities</u>						
Civic Center Vehicles & Equipment	305 W. 3rd St.	-	-	\$ 26,257,423	\$ 4,462,115	\$ 30,719,538
Civic Center City Hall ¹	305 W. 3rd St.	\$ 7,111,700	\$ 1,210,558	-	-	\$ 8,322,258
Civic Center East Wing ¹	305 W. 3rd St.	\$ 2,485,895	\$ 522,376	-	-	\$ 3,008,271
Administrative Annex ¹	300 W. 3rd St.	\$ 8,521,615	\$ 1,844,551	-	-	\$ 10,366,166
Visitors Center	715 S. "A" ST.	\$ 93,149	\$ 7,499	-	-	\$ 100,648
Administrative Offices - Service Center	214 S. "C" St.	\$ 14,119,355	\$ 1,393,196	-	-	\$ 15,512,551
Building and Safety Offices	241 W. 2nd St.	\$ 906,306	\$ 312,931	-	-	\$ 1,219,237
Wilson Offices	350 N. "C" St.	\$ 204,669	\$ 21,128	-	-	\$ 225,797
Downtown Parking Garage	324 S. "B" St.	\$ 22,253,992	\$ -	-	-	\$ 22,253,992
Transportation Center	200 E. 4th St.	\$ 9,314,831	\$ 374,880	-	-	\$ 9,689,711
City Yard Building 1	1060 Pacific	\$ 1,645,713	\$ 1,341,582	-	-	\$ 2,987,295
City Yard Building 2	1060 Pacific	\$ 1,215,548	\$ 370,701	-	-	\$ 1,586,249
City Yard Building 3	1060 Pacific	\$ 725,640	\$ 125,039	-	-	\$ 850,679
City Yard Warehouse	1060 Pacific	\$ 388,633	\$ 22,533	-	-	\$ 411,166
City Yard Warehouse 2	1060 Pacific	\$ 273,760	\$ 4,107,189	-	-	\$ 4,380,949
Total Existing Facilities		\$ 69,260,806	\$ 11,654,163	\$ 26,257,423	\$ 4,462,115	\$ 111,634,507
					Service Population	236,623
					Cost per Capita	\$ 471.78

Sources: Building value, building contents and mobile equipment based on City of Oxnard, Statement of Value - April 26, 2018. Vehicles and equipment based on Fleet Equipment Fact Sheet dated 02/4/2020

¹ The value of the Civic Center is \$24,730,110. The City currently has debt associated with the building, of which 34% is allocated to future development and is paid through the fee program. The value was reduced by 34% of the debt.

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Government Facilities Fee Schedule

Table 7 summarizes the government facilities fee schedule based on the existing cost standard established in Table 6. The cost per capita is converted to a fee per residential unit based on the persons per household assumptions. The fee for non-residential uses is determined by multiplying the cost per capita times 0.5 (the weighting factor) and then multiplying by the number of employees per 1,000 square feet or per hotel room.

Table 7: Government Facilities – Fee Schedule

	A	B	C = A x B
Land Use	Cost per Capita ¹	Density	Fee (rounded)
<u>Residential</u>	<u>(Fee per Dwelling Unit)</u>		
Single Family	\$ 471.78	4.31	\$ 2,033
Multi-Family	\$ 471.78	2.85	\$ 1,345
<u>Non-Residential</u>	<u>(Fee per 1,000 Square Feet)</u>		
Retail	\$ 235.89	2.91	\$ 686
Office	\$ 235.89	3.47	\$ 819
Industrial	\$ 235.89	1.23	\$ 290
	<u>(Fee per Room)</u>		
Hotel	\$ 235.89	0.87	\$ 205

¹ Cost per worker is weighted at 0.5 that of a resident based on industry standards.

POLICE COMPONENT

Police facilities include the police station, department annex, and associated equipment. As new development occurs additional facilities will be required to continue to operate at the standard the City currently provides.

Police Facilities and Costs

The City-owned police facilities are summarized in Table 8. The total value of the facilities is divided by the City's existing service population to determine the cost per capita of the existing police facilities.

Table 8: Police Facilities – Total Existing Inventory Value

	Location	Building Value	Building Contents	Vehicles	Mobile Equipment	Total Value
<u>Existing Facilities</u>						
Police Station	251 S. C St.	\$ 23,711,535	\$ 2,711,839	\$ 5,368,415	\$ 3,416,114	\$ 35,207,903
Safety & Communications Equipment	305 W. 3rd St.	-	\$ 638,123	-	-	\$ 638,123
Police Dispatch Equipment	2900 Saviers Rd.	-	\$ 27,863	-	-	\$ 27,863
Recreation Building & Storefront	300 W. Clara St.	\$ 602,420	\$ 20,823	-	-	\$ 623,243
Police Annex	3001 Sturgis Rd.	\$ 14,021,291	\$ 299,196	-	-	\$ 14,320,487
Total Existing Facilities		\$ 38,335,246	\$ 3,697,844	\$ 5,368,415	\$ 3,416,114	\$ 50,817,619
Service Population						236,623
Cost per Capita						\$ 214.76

Sources: Building value, building contents and mobile equipment based on City of Oxnard, Statement of Value - April 26, 2018. Equipment based on Fleet Equipment Fact Sheet dated 02/4/2020.

Police Fee Schedule

Table 9 summarizes the police fee schedule based on the existing cost standard established in Table 8. The cost per capita is converted to a fee per residential unit based on the persons per household assumptions. The fee for non-residential uses is determined by multiplying the cost per capita times 0.5 (the weighting factor) and then multiplying by the number of employees per 1,000 square feet or per hotel room.

Table 9: Police Facilities – Fee Schedule

Land Use	A Cost per Capita ¹	B Density	C = A x B Fee (rounded)
<u>Residential</u> (Fee per Dwelling Unit)			
Single Family	\$ 214.76	4.31	\$ 926
Multi-Family	\$ 214.76	2.85	\$ 612
<u>Non-Residential</u> (Fee per 1,000 Square Feet)			
Retail	\$ 107.38	2.91	\$ 312
Office	\$ 107.38	3.47	\$ 373
Industrial	\$ 107.38	1.23	\$ 132
<u>(Fee per Room)</u>			
Hotel	\$ 107.38	0.87	\$ 93

¹ Cost per worker is weighted at 0.5 that of a resident based on industry standards.

FIRE COMPONENT

Fire facilities include fire stations, administration buildings, and the associated equipment. As new development occurs additional facilities and equipment will be required to continue to operate at the standard the City current provides.

Fire Facilities and Costs

The City-owned fire facilities are summarized in Table 10. The total value of the facilities is divided by the City's existing service population to determine the cost per capita of the existing fire facilities.

Table 10: Fire Facilities – Total Existing Inventory Value

	Location	Building Value	Building Contents	Vehicles	Total Value
<i>Existing Facilities</i>					
Administration Building	360 W. 2nd St.	\$ 10,983,462	\$ 390,094	\$ 10,900,552	\$ 22,274,108
Fire Station 1	491 S. "K" St.	\$ 2,616,171	\$ 178,983	-	\$ 2,795,154
Training Center	491 S. "K" St.	\$ 207,071	\$ 41,643	-	\$ 248,714
Fire Station 2	531 E. Pleasant Valley Rd.	\$ 1,259,482	\$ 67,887	-	\$ 1,327,369
Fire Station 3	150 Hill St.	\$ 1,099,141	\$ 75,577	-	\$ 1,174,718
Fire Station 4	230 W. Vineyard	\$ 1,778,547	\$ 56,584	-	\$ 1,835,131
Fire Station 5	1950 Colonia	\$ 894,050	\$ 81,714	-	\$ 975,764
Fire Station 6	2601 Pensula Rd.	\$ 896,562	\$ 75,057	-	\$ 971,619
Fire Station 7	3300 Turnout Park Circle	\$ 9,165,885	-	-	\$ 9,165,885
Fire Station 8	3000 S. Rose Ave.	\$ 15,916,902	\$ 310,759	-	\$ 16,227,661
Total Existing Facilities		\$ 44,817,273	\$ 1,278,298	\$ 10,900,552	\$ 56,996,123
Service Population					236,623
Cost per Capita					\$ 240.87

*Sources: Building value, building contents and mobile equipment based on City of Oxnard, Statement of Value - April 26, 2018.
Equipment based on Fleet Equipment Fact Sheet dated 02/4/2020.*

Fire Fee Schedule

Table 11 summarizes the fire fee schedule based on the existing cost standard established in Table 10. The cost per capita is converted to a fee per residential unit based on the persons per household assumptions. The fee for non-residential uses is determined by multiplying the cost per capita times 0.5 (the weighting factor) and then multiplying by the number of employees per 1,000 square feet or per hotel room.

Table 11: Fire Facilities – Fee Schedule

	A	B	C = A x B
Land Use	Cost per Capita ¹	Density	Fee (rounded)
<u>Residential</u>	<u>(Fee per Dwelling Unit)</u>		
Single Family	\$ 240.87	4.31	\$ 1,038
Multi-Family	\$ 240.87	2.85	\$ 686
<u>Non-Residential</u>	<u>(Fee per 1,000 Square Feet)</u>		
Retail	\$ 120.44	2.91	\$ 350
Office	\$ 120.44	3.47	\$ 418
Industrial	\$ 120.44	1.23	\$ 148
	<u>(Fee per Room)</u>		
Hotel	\$ 120.44	0.87	\$ 105

¹ Cost per worker is weighted at 0.5 that of a resident based on industry standards.

CULTURAL AND RECREATIONAL COMPONENT

Cultural and recreational facilities include art centers, youth and senior centers, tennis centers, theatre, libraries, clubhouses, and community centers. As new development occurs additional facilities and equipment will be required to continue to operate at the standard the City current provides.

Cultural and Recreational Facilities and Costs

The City-owned cultural and recreational facilities are summarized in Table 12. The total value of the facilities is divided by the City's existing service population to determine the cost per capita of the existing cultural and recreational facilities.

Table 12: Cultural and Recreational Facilities – Total Existing Inventory Value

	Location	Building Value	Building Contents	Total Value
<i>Existing Facilities</i>				
Youth Center	800 W. Hill St.	\$ 844,672	\$ 17,466	\$ 862,138
Senior Center	350 N. "C" St.	\$ 1,226,451	\$ 97,432	\$ 1,323,883
Art Center	350 N. "C" St.	\$ 274,097	\$ 9,704	\$ 283,801
Recreation Club House	350 N. "C" St.	\$ 245,988	\$ 58,300	\$ 304,288
Community Center	800 Hobson	\$ 2,552,362	\$ 292,716	\$ 2,845,078
Boxing Club	520 E. 1st St.	\$ 283,428	\$ 16,249	\$ 299,677
Community Building	801 Hobson Way	\$ 794,517	\$ 60,073	\$ 854,590
Tennis Pro Shop	801 Hobson Way	\$ 206,615	\$ 7,001	\$ 213,616
Tennis Center	801 Hobson Way	\$ 152,783	\$ 5,599	\$ 158,382
Theater & Auditorium	800 Hobson Way	\$ 11,638,594	\$ 680,280	\$ 12,318,874
Library	424 S. "C" St.	\$ 1,527,836	\$ 65,931	\$ 1,593,767
Library	251 S. "A" St.	\$ 21,819,005	\$ 24,981,800	\$ 46,800,805
Library & Child Care Center	200 E. Bard Rd.	\$ 5,197,191	\$ 1,073,778	\$ 6,270,969
Library	1500 Camino Del Sol	-	\$ 633,879	\$ 633,879
Library	4300 S. Saviers Rd.	\$ 14,332,050	\$ 7,236,005	\$ 21,568,055
Total Existing Facilities		\$ 61,095,589	\$ 35,236,213	\$ 96,331,802
Service Population				236,623
Cost per Capita				\$ 407.00

Source: City of Oxnard, Statement of Value - April 26, 2018.

Cultural and Recreational Fee Schedule

Table 13 summarizes the cultural and recreational fee schedule based on the existing cost standard established in Table 12. The cost per capita is converted to a fee per residential unit based on the persons per household assumptions. The fee for non-residential uses is determined by multiplying the cost per capita times 0.5 (the weighting factor) and then multiplying by the number of employees per 1,000 square feet or per hotel room.

Table 13: Cultural and Recreational Facilities –Fee Schedule

Land Use	A Cost per Capita¹	B Density	C = A x B Fee (rounded)
<u><i>Residential</i></u>	<u><i>(Fee per Dwelling Unit)</i></u>		
Single Family	\$ 407.00	4.31	\$ 1,754
Multi-Family	\$ 407.00	2.85	\$ 1,160
<u><i>Non-Residential</i></u>	<u><i>(Fee per 1,000 Square Feet)</i></u>		
Retail	\$ 203.50	2.91	\$ 592
Office	\$ 203.50	3.47	\$ 706
Industrial	\$ 203.50	1.23	\$ 250
	<u><i>(Fee per Room)</i></u>		
Hotel	\$ 203.50	0.87	\$ 177

¹ Cost per worker is weighted at 0.5 that of a resident based on industry standards.

NEXUS FINDINGS – GROWTH REQUIREMENT CAPITAL FEE

AB1600 requires that public agencies satisfy five requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project. The required findings are as follows.

Requirement 1: Identify the purpose of the fee.

The purpose of the Growth Requirement Capital Fee is to fund government, police, fire, and cultural and recreational facilities required to mitigate the impacts of new development on the City's infrastructure.

Requirement 2: Identify the use of the fee.

The Growth Requirement Capital Fee will be used to expand the City's new government, police, fire, and cultural and recreational facilities as needed to maintain the existing standard the City provides. As new development occurs, the City will be required to expand facilities to serve new development. The projects that will be funded with the fee will be identified in future years through the City's CIP program in order to maintain the City's standard of service.

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

New residential and non-residential development will generate additional residents and workers. An increase in residents and workers will increase the demand for facilities. Residential and non-residential development are responsible for paying their fair share to maintain the City's existing standard based on the persons per household and employee

density assumptions assigned to each individual land use as shown in Tables 7, 9, 11, and 13.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

An increase in residential and non-residential development generates additional residents and workers that increase the need for police, fire, government, and cultural and recreational facilities to maintain the City's existing level of service. The value of the City's existing facilities is divided by the current service population to determine the existing cost per capita. One worker is assumed to create half of the demand of a new resident. Each residential land use is charged a fee based on the additional residents it is expected to add multiplied by the cost per capita. Non-residential development is charged a fee based on the cost per capita, multiplied by 0.5 (the weighting factor), and then multiplied by the number of assumed workers per 1,000 square feet of building or per hotel room. By charging the fee based on the additional residents or workers created by each land use, the fee directly correlates to the demand created by each new development.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

New facilities are necessary to maintain the City's existing level of service as new residential and non-residential units are constructed. The City inventoried the existing government, police, fire, and cultural and recreational facilities and identified the value of each. This value was divided by the City's existing service population to calculate the cost per resident and the cost per worker necessary to maintain the City's existing level of service. This cost per resident and cost per worker were converted into a cost per unit for each type of residential development and a cost per square foot for non-residential development based on the estimated densities as shown in Table 13. Basing the fee on the additional residents or workers generated by each land use ensures that the development pays only their fair share of future facilities.

Section 3 **PARK AND RECREATION FEE**

BACKGROUND

This section presents an analysis of the City's Park and Recreation Fee. The Park and Recreation Fee covers the cost to mitigate the effects of new development on the City's parks.

The City's current park fee was first established in 1972 by Ordinance 1421. The City's Municipal Code, section 13-71 outlines the City's current fee which is \$150 for one or less bedrooms, \$200 for two bedrooms and \$250 for three or more bedrooms. This fee is not adequate to construct the parks needed to meet the City's 2030 General Plan Standard. The proposed fee will replace the City's current park fee and is based on the methodology described in this report.

These fees use the facility standards method for fee calculation. Under this methodology, the City's 2030 General Plan Park standard of 3.0 acres per 1,000 residents is used to determine the fee.

SERVICE POPULATION

The City's 2030 General Plan sets the park standard for the City at 1.5 acres per 1,000 residents for neighborhood parks and 1.5 acres per 1,000 residents for community parks for a total of three (3) acres per 1,000 residents.

Based on the 2010 Parks Master Plan, the City's park inventory was 991.47 acres including the City's Golf Course. Based on the Master Plan, the City provided 5.8 acres of park per 1,000 people in 2010, exceeding the 3 acres per 1,000 resident standard set in the General Plan. The City is currently in the process of updating their Park Master Plan.

COST STANDARD

Table 14 identifies the construction cost per park acre and the cost per resident served. Charging a fee based on the City's standard of three acres per 1,000 residents as established in the City's 2030 General Plan, ensures that the City will have sufficient revenues to maintain this standard as new development occurs and population increases. The fee covers park development costs only.

Table 14: Park and Recreation – Cost per Resident

Construction Cost per Acre ¹	A	\$	520,000
Park Acres Required per 1000 Residents ²	B		3.000
Cost per Resident	(A X B) / 1000 = C	\$	1,560

¹ Oxnard College Park estimate dated 6/24/2009, adjusted by the ENR CCI (+30.5%), rounded.

² 2030 General Plan Standard (Park Requirement is 3 Acres per 1,000 population; 1.5 acres of community park and 1.5 acres of neighborhood park).

Park land dedication or an in-lieu fee will be required through Quimby as set forth in Chapter 15, Article IV of the City's Government Code.

FEE SCHEDULE

Table 15 summarizes the Park and Recreation Fee schedule based on the City's General Plan standard of three (3) acres per 1,000 residents. The cost per resident is converted to a fee per new residential unit based on the estimated persons per household. The total fee includes a four percent (4%) administrative charge to fund Fee program administrative costs, including but not limited to preparing annual reports, preparing fee updates, and other administrative tasks related to the Fee program administration. The park and recreation fees are not applied to non-residential development because of the minimal demand of employees on City parks.

Table 15: Park and Recreation– Fee Schedule

Land Use	A Cost per Resident	B Density (PPH) ¹	A x B = C Construction Fee ²	C x 4% = D Administrative Fee (4%) ²	C + D Total Fee
Single Family	\$ 1,560	4.31	\$ 6,724	\$ 269	\$ 6,993
Multifamily	\$ 1,560	2.85	\$ 4,446	\$ 178	\$ 4,624

¹ Per Table 2.

² Rounded.

REVENUE PROJECTIONS

Table 16 summarizes the anticipated Park and Recreation Fee revenue. The 2010 Parks Master Plan identified a need for approximately \$58 million in park development improvements plus another \$80 million in park improvements to existing parks. The City is currently in the process of updating their Parks Master Plan and the specific improvements that these funds will be used for will be identified as part of that process. Generally, the funds need to be expended to build improvements that expand the City's existing park system to ensure the City maintains their standard of three (3) acres per 1,000 residents.

Table 16: Park and Recreation– Revenue Projections

Land Use	Units	Fee	Anticipated Revenue
Single Family	397	\$ 6,993	\$ 2,776,221
Multifamily	3,890	\$ 4,624	\$ 17,987,360
Total			\$ 20,763,581

NEXUS FINDINGS – PARK AND RECREATION FEE

AB1600 requires that public agencies satisfy five requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project. The required findings are as follows.

Requirement 1: Identify the purpose of the fee.

The purpose of the park and recreation fee is to fund new park development that is needed to maintain the City's General Plan level of service of 1.5 acres of neighborhood park and 1.5 acres of community park per 1,000 residents served.

Requirement 2: Identify the use of the fee.

The park and recreation fee will be used to construct new parks and/or to add additional amenities at the City's existing parks that increase the capacity of the park. Future park opportunities will be identified through the City's Parks Master Plan and the City's CIP program.

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

New residential development will generate additional residents which will increase the demand for park facilities. In order to maintain the City standard of three (3) acres of park per 1,000 residents, new residential developments will be required to pay the Park and Recreation Fee to fund additional parks. Non-residential uses do not pay the fee since they do not generate additional residents and workers have minimal impact on the City's park system.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

New residential development will contribute to an increase in residents that raises the need for park facilities to maintain the City's General Plan park standard of three (3) acres per 1,000 residents. Non-residential uses do not pay the fee since workers have minimal impact on the City's park system.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

As new residential units are constructed, new park facilities are necessary to maintain the City's 2030 General Plan standard of three (3) acres per 1,000 residents. The fees are calculated by taking the cost per acre of park land times three acres of parks per 1,000 residents and then dividing that by 1,000 to determine the cost per person. The cost per

person is then spread to each residential land use based on the persons per household each unit is expected to generate as shown in Table 15. Since the need for park land is based on the number of new residents, calculating the fee based on the number of persons each unit is expected to generate ensures that each new residential unit is paying only its fair share of the required facilities.

Section 4 TRAFFIC CIRCULATION FEE

BACKGROUND

This section presents an analysis of the City's traffic circulation fee. The fees for traffic circulation cover the costs to lessen the effects of additional vehicle trips caused by new development and maintain the City's level of service standard. Funding new transportation facilities, improvements, and infrastructure will ensure that the service level is maintained as development and population growth produce an increase in roadway use and changes in traffic patterns. This fee is calculated using the planned facilities method.

The City's current traffic circulation fee is based on a number of resolutions, the most recent three are described below:

- Resolution 13,328 was adopted on June 26, 2007 set the fee at \$730 per average daily trip (ADT) and was based on the City's 1992 Traffic Study.
- Resolution 13,600 was adopted on February 3, 2009 and modified the categories of development projects and made adjustments to the peak hour and pass-by trips. The cost per ADT was not updated.
- Resolution 13,890 was adopted on July 13, 2010 and adjusted the fee for restaurants while retaining the cost per ADT.

The City is planning an update to the traffic model that will update the assumptions in this section.

SERVICE POPULATION

The City's traffic circulation fee provides funding for new transportation facilities and infrastructure to accommodate and mitigate new development's impact on the City infrastructure. The residential and non-residential land uses will be assessed a fee based on the ADTs generated by each land use.

Table 17 estimates the trips generated by future development based on the land use projections in Table 3. The 10th Edition of the Institute of Transportation Engineers' (ITE) trip generation rate manual is used to estimate the total ADTs generated by the remaining 2030 development. When the fees were updated in 2009 by Resolution 13,600, reductions in the ADT rates were adopted to account for non-peak trips as well as pass-by trips. The following trip reductions are being applied consistent with Resolution 13,600.

Off-peak travel adjustments:

- 0.42 for Commercial and Medical Office
- 0.583 for Hotels and Motels
- 0.572 for Churches
- 0.534 for New Car Sales

A pass-by trip adjustment is further applied as follows:

- 40% for Commercial and Medical Office
- 50% for Fast Food with Drive-thru
- 56% for Gas Stations

Table 17: Traffic Circulation – Total Remaining Trips Generated

Land Use	New Units/ Square Footage	ADT Generated ¹	New City Trips
<i>Residential Units</i>		<u>Per Unit</u>	
Single Family Residential	397	9.44	3,747.68
Multifamily Residential	3,890	5.74	22,328.60
			<u>26,076.28</u>
<i>Non-Residential</i>		<u>Per 1,000 building sf</u>	
Retail ²	549,900	32.51	17,877.25
Office	234,000	9.74	2,279.16
Industrial	3,570,000	4.96	17,707.20
			<u>37,863.61</u>
		<u>Per Room</u>	
Hotel	500	4.87	2,435.00
			<u>2,435.00</u>
Total Trips			66,374.89

¹ 10th Edition ADT discounted with adopted discounts for pass by and non-peak rates per 2009 fee resolution as further described. Peak travel adjustments are as follows: 0.42 for commercial and medical office, 0.538 for hotels/motels, 0.572 for churches, and 0.534 for new car sales. In addition, a pass-by trip adjustment is applied as follows: commercial and medical office 40%, fast food with drive-thrus 50% and gas station 56%. Multifamily ADT is an average of low-rise, mid-rise, and high-rise land uses.

² Average ADT for commercial land uses.

FACILITIES AND COSTS

Calculating the traffic circulation fee based on the planned facilities ensures that the City will have sufficient revenues to build and expand the City's roadway facilities in order to maintain acceptable levels of services as new development occurs.

Table 18 identifies the list of eligible traffic projects and associated costs per the City’s Public Works Department. The City estimated the grant funding and the percent of each project that can be allocated to the fee program. The cost per trip is calculated by deducting the fund balance from the eligible project cost and dividing by the total trips from Table 17.

Table 18: Traffic Circulation – List of Eligible Projects

Project	Total Project Cost	Existing Development Share	Grant Funding	Allocation to New Development	Cost Allocated to New Development	Eligible Project Cost
Adaptive Traffic Signals	\$ 1,527,000	\$ -	\$ -	100%	\$ 1,527,000	\$ 1,527,000
Fifth Street & Pacific Avenue Traffic Signal	\$ 700,000	\$ -	\$ -	100%	\$ 700,000	\$ 700,000
Harbor Boulevard Edison Canal Bridge Widening	\$ 2,300,000	\$ 2,300,000	\$ -	0%	\$ -	\$ -
ITS Master Plan Update	\$ 250,000	\$ -	\$ -	100%	\$ 250,000	\$ 250,000
Oxnard Boulevard & Saviers Road Signal Improvements	\$ 1,146,600	\$ 1,146,600	\$ 869,780	0%	\$ -	\$ -
Traffic Circulation Improvements Fee Study	\$ 500,000	\$ -	\$ -	100%	\$ 500,000	\$ 500,000
Traffic Intersection Capacity Improvements	\$ 61,900,000	\$ -	\$ -	100%	\$ 61,900,000	\$ 61,900,000
Traffic Model Update	\$ 200,000	\$ -	\$ -	100%	\$ 200,000	\$ 200,000
Traffic Signal Modernization (ITS)	\$ 6,800,000	\$ -	\$ -	100%	\$ 6,800,000	\$ 6,800,000
Traffic Signal Modifications	\$ 1,878,600	\$ -	\$ 1,445,100	100%	\$ 433,500	\$ 433,500
Traffic Signal Timing	\$ 850,000	\$ -	\$ -	100%	\$ 850,000	\$ 850,000
Total Project Cost	\$ 78,052,200	\$ 3,446,600	\$ 2,314,880		\$ 73,160,500	\$ 73,160,500
Less: Existing Fund 354 Balance ¹						\$ (7,121,156.00)
Total Remaining Cost						\$ 66,039,344.00
					New ADT's Generated	66,374.89
					Cost per Trip	\$ 995.00

Source: The City of Oxnard Capital Improvement Plan, Oxnard Public Works Department.

¹ FY 2018/2019 Fund Balance.

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FEE SCHEDULE

Table 19 summarizes the traffic circulation fees based on the cost per trip calculated in Table 18. The fee categories are consistent with the City's current fees. The total fee includes a four percent (4%) administrative charge to fund Fee program administrative costs, including but not limited to preparing annual reports, preparing fee updates, and other administrative tasks related to the fee program administration. A fee per ADT is included for projects that do not fall within one of the fee categories or for which a specialized calculation is necessary.

Table 19: Traffic –Fee Schedule

Land Use	Discounted ADT¹	Fee Per Unit (rounded)	Administrative Fee (rounded)	Total Fee (rounded)
Fee per ADT		\$ 995	\$ 40	\$ 1,035
<u>(Fee per unit)</u>				
Single Family	9.44	\$ 9,393	\$ 376	\$ 9,769
Mobile Home	5.00	\$ 4,975	\$ 199	\$ 5,174
Low-Rise Multifamily ²	7.32	\$ 7,283	\$ 291	\$ 7,574
Mid-Rise Multifamily ²	5.44	\$ 5,413	\$ 217	\$ 5,630
High-Rise Multifamily ²	4.45	\$ 4,428	\$ 177	\$ 4,605
Senior Housing	4.00	\$ 3,980	\$ 159	\$ 4,139
<u>(Fee per 1,000 SF)</u>				
Office	9.74	\$ 9,691	\$ 388	\$ 10,079
Medical Office	5.85	\$ 5,821	\$ 233	\$ 6,054
General (C2)	6.34	\$ 6,308	\$ 252	\$ 6,560
New Car Sales	5.95	\$ 5,920	\$ 237	\$ 6,157
Church	3.98	\$ 3,960	\$ 158	\$ 4,118
Restaurant	18.85	\$ 18,756	\$ 750	\$ 19,506
Fast Food with Drive Thru	98.90	\$ 98,406	\$ 3,936	\$ 102,342
<u>(Fee per stall/room/fueling station)</u>				
Self Service Car Wash (per stall)	26.24	\$ 26,109	\$ 1,044	\$ 27,153
Gas Station (per fueling position)	44.38	\$ 44,158	\$ 1,766	\$ 45,924
Hotel/Motel (per room)	4.87	\$ 4,846	\$ 194	\$ 5,040
<u>(Fee per 1,000 sf)</u>				
Light Industrial	4.96	\$ 4,935	\$ 197	\$ 5,132
Warehouse	1.74	\$ 1,731	\$ 69	\$ 1,800

1 10th Edition ADT discounted with adopted discounts for pass by and non-peak rates per 2009 fee resolution as further described. Peak travel adjustments are as follows: 0.42 for commercial and medical office, 0.538 for hotels/motels, 0.572 for churches, and 0.534 for new car sales. In addition, a pass-by trip adjustment is applied as follows: commercial and medical office 40%, fast food with drive-thrus 50% and gas station 56%.

² Low-Rise is defined as containing one or two floors, mid-rise is defined as containing three to ten floors, and high rise is defined as containing more than ten floors.

NEXUS FINDINGS – TRAFFIC CIRCULATION FEE

AB1600 requires that public agencies satisfy five requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project. The required findings are as follows.

Requirement 1: Identify the purpose of the fee.

The purpose of the traffic circulation fee is to fund the transportation facilities that are necessary to mitigate traffic impacts created by new residential and non-residential development in the City.

Requirement 2: Identify the use of the fee.

The traffic circulation fee will be used to fund transportation facilities and infrastructure necessary to maintain the level of service standards on the City's roadway network. As new development occurs, the City will be required to fund roadway projects. The traffic circulation fee will provide funding for these additional facilities and infrastructure as identified in Table 18.

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

New residential and non-residential development will generate additional vehicle trips as identified in the ITE trip generation manual and summarized in Table 19. These vehicle trips will create demand for additional transportation infrastructure. Residential and non-residential development is responsible for paying their fair share of the City's needed infrastructure based on the new trips generated by each type of development.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

New residential and non-residential development will contribute to an increase in vehicle trips that create the need for expanded transportation infrastructure improvements. The Traffic Circulation Fee will be used to build and improve traffic facilities as identified in Table 18. Each development will pay its fair share of the fees based on the trip generation rates summarized in Table 19. Charging a Traffic Circulation Fee based on the number of new trips generated by each new development ensures that the project pays only to mitigate their fair share of the improvements.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

New traffic facilities are necessary to maintain the City's level of service standards and are required to serve residential and non-residential development in the City. The City's list of eligible traffic mitigation projects is shown in Table 18. This cost is divided by the trips expected to be generated by future development in the City. This cost per trip is then multiplied by the discounted ADT to calculate the fee for each land use. The ADT was discounted consistent with Resolution 13,600 to capture a reduction in ADT related to pass-by and off-peak trips. This fee calculation ensures that each development pays only their fair share to mitigate their traffic impacts within the City.

Section 5 STORM DRAINAGE FEE

BACKGROUND

This section presents an analysis of the City's storm drainage fee. The City's existing storm drainage fee was adopted by Resolution 10,274 on September 27, 1991. The storm drainage fee provides funding for the infrastructure required to mitigate the impacts of new development. As each new development occurs, additional impervious area is created which creates the need for the expansion of storm drainage facilities. This fee is calculated using the planned facilities method.

FACILITIES AND COSTS

The City's existing storm drainage fee is based on Resolution 10,274 and the City's Storm Drainage Master Plan. The fee was calculated based on the facilities that were identified as required to mitigate new development's impact on the storm drainage system on a cost per acre basis.

At this time, the City has not adopted an updated Storm Drainage Master Plan. Based on discussions with City staff, it is estimated that the cost to provide storm drainage improvements has escalated in proportion to the Engineering News Record Construction Cost Index (ENR CCI) for Los Angeles. Based on this input and discussions with staff, the storm drainage fee will be escalated by the ENR CCI at this time to ensure that adequate funding is received until the City can update their Storm Drainage Master Plan. The City will use the money generated from the impact fee program to make improvements to the storm drainage system per the City's Master Plan and CIP program that are necessary to mitigate the impact of new Development.

The fees are based on an average peak flow discharge of 0.8 cubic feet per second (CFS) per acre of land for low density residential development and 1.1 CFS per acre of land for medium and high density residential, commercial, and industrial development.

FEE SCHEDULE

Table 20 summarizes the storm drainage fees per gross acres, which includes the area of on-site streets and alleys, plus the area up to the centerline of bordering streets and alleys. The fee is calculated by multiplying the ENR CCI by the currently adopted fees.

Table 20: Storm Drainage –Fee Schedule

Land Use	Current Fee		Proposed Fee ¹	
<u>Residential</u>	<u>(fee per gross acre²)</u>			
Low Density Residential	\$	10,645	\$	21,263
Medium and High Density Residential ³	\$	14,637	\$	29,237
Commercial	\$	14,637	\$	29,237
Office	\$	14,637	\$	29,237
Industrial	\$	14,637	\$	29,237
Hotel	\$	14,637	\$	29,237

¹ Based on the ENR CCI for LA from September 1991 to January 2020.

² Includes area of on-site streets and alleys plus the area up to the center line of bordering streets and alleys.

³ Projects over 6 dwelling units per acre.

NEXUS FINDINGS – STORM DRAINAGE FEE

AB1600 requires that public agencies satisfy five requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project. The required findings are as follows.

Requirement 1: Identify the purpose of the fee.

The purpose of the storm drainage fee is to fund the storm drainage facilities that are necessary to mitigate impacts created by new residential and non-residential growth in the City.

Requirement 2: Identify the use of the fee.

The storm drainage fee will be used to fund the storm drainage facilities and infrastructure necessary to mitigate the impacts of additional impervious area on the City's storm drainage pipes, basins, and channels. As new development occurs, the City will be required to fund storm drainage projects. The storm drainage fee will provide funding for these additional facilities and infrastructure.

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

New residential and non-residential development will generate additional impervious area which increases the storm drainage run-off in the City. This additional runoff will create the demand for additional storm drainage infrastructure such as pipes, drainage basins, and channels. Residential and non-residential development is responsible for paying their fair share of the City's needed infrastructure based on the average peak flow generated by each acre of new development.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

New residential and non-residential development will contribute to an increase in impervious area which increases storm run-off and creates the need for expanded storm drainage infrastructure. The storm drainage fee will be used to build and improve storm drainage facilities. Each development will pay its fair share of the fees based on the average peak flow discharge. Charging a storm drainage fee based on the additional storm water generated by each new development ensures that the project pays only to mitigate their fair share of the needed improvements.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

New storm drainage facilities are necessary to mitigate the impacts of new residential and non-residential development in the City. The storm drainage fee is based on the average peak flow discharge that is created by each acre of development. The fees are charged per acre based on these assumptions which ensures that each development is only paying their fair share based on their impact to the storm drainage system.

Section 6 MOBILITY FEE

BACKGROUND

This section presents an analysis of the City's Mobility Fee. The Mobility Fee covers the cost to mitigate the effects of new development on the City's mobility facilities including sidewalks, bike lanes, pedestrian bridges, and other similar facilities that are necessary to improve connectivity within the City, improve bicycle and pedestrian safety, improve bicycle and pedestrian access to public transportation stops and stations, and increase bicycle mode sharing.

The City currently does not collect a separate fee for bike and pedestrian facilities. Previously impact fee revenues from the traffic fee were used to build on street bicycle facilities and new sidewalks. The need for a mobility fee as established in the City's 2011 Bicycle and Pedestrian Facilities Master Plan.

SERVICE POPULATION

The City's 2011 Bicycle and Pedestrian Facilities Master Plan inventoried the City's bicycle facilities and listed the facilities that were needed to improve pedestrian connectivity throughout the City. In 2011, the City's service population was 221,889 based on the population in 2011 and the estimated worker population, weighted at 50 percent. Non-resident workers spend less time in the City and use fewer facilities, so the demand for City facilities is less than that of a resident. The City's existing level of service for bicycle facilities is based on the 2011 service population.

In 2020, the City's service population is 236,623 based on the City's current population and weighted worker population. The sidewalk survey is based on the current sidewalk inventory therefore, the 2020 population is used to calculate the City's existing level of service for sidewalks.

MOBILITY FACILITIES AND COSTS

Table 21 identifies the existing standards for bike and pedestrian facilities and the value associated with those facilities to calculate a cost per person served. The bicycle costs are based on the Bicycle and Pedestrian Facilities Master Plan escalated to 2020 costs. The sidewalk costs are based on information provided by the Public Works Department.

Table 21: Mobility – Cost per Person Served

Mobility Item	Existing Miles	Miles per Person Served¹	Unit Cost 2011 Dollars²	ENR Adjustment	Unit Cost 2020 Dollars	Value per Person
<i>2012 Bicycle Facility</i>						
Current Class 1 Bike Path	3.3	0.00001487	\$ 500,000	26.60%	\$ 633,022	\$ 9.41
Current Class 2 Bike Lanes	61.5	0.00027717	\$ 65,000	26.60%	\$ 82,293	\$ 22.81
Current Class 3 Bike Route	1.2	0.00000541	\$ 5,000	26.60%	\$ 6,330	\$ 0.03
Total Bike	66.0	0.00029745				\$ 32.25
<i>Current Pedestrian Facilities</i>						
Sidewalks ³	650.0	0.00274699			\$ 264,000	\$ 725.20
Total Pedestrian	650.0	0.00292939				\$ 725.20
Mobility Facility per Person Served						\$ 757.45

¹ 2011 Service Population based on California Department of Finance E-5 Study resident population of 200,029 and US Census Data employee count of 43,720.

² Costs per 2011 Bike and Pedestrian Facilities Master Plan.

³ Current sidewalk facilities uses the 2020 service population. Costs of sidewalks based on \$10/sf replacement cost per City engineering.

FEE SCHEDULE

Table 22 summarizes the Mobility Fee schedule based on the existing cost standard established in Table 21. The cost per person served is converted to a fee per new residential unit based on the estimated persons per household. The fee for non-residential uses is determined by multiplying the cost per capita times 0.5 (the weighting factor) and then multiplying by the number of employees per 1,000 square feet or in the case of hotels, the number of workers per room. The total fee includes a four percent (4%) administrative charge to fund fee program administrative costs, including but not limited to preparing annual reports, preparing fee updates, and other administrative tasks related to fee program administration.

Table 22: Mobility – Fee Schedule

	A	B	A x B = C	C x 4% = D	C + D
Land Use	Cost per Capita ¹	Density	Fee (rounded)	Administrative Fee (4%)	Total Fee
<u>Residential</u>	<u>(Fee per Dwelling Unit)</u>				
Single Family	\$ 757.45	4.31	\$ 3,265	\$ 131	\$ 3,396
Multi-Family	\$ 757.45	2.85	\$ 2,159	\$ 86	\$ 2,245
<u>Non-Residential</u>	<u>(Fee per 1,000 Square Feet)</u>				
Retail	\$ 378.73	2.91	\$ 1,102	\$ 44	\$ 1,146
Office	\$ 378.73	3.47	\$ 1,314	\$ 53	\$ 1,367
Industrial	\$ 378.73	1.23	\$ 466	\$ 19	\$ 485
	<u>(Fee per Room)</u>				
Hotel	\$ 378.73	0.87	\$ 329	\$ 13	\$ 342

¹ Cost per worker is weighted at 0.5 that of a resident based on industry standards.

REVENUE PROJECTIONS

Table 23 summarizes the anticipated Mobility Fee revenue. The 2011 Bicycle and Pedestrian Facilities Master Planned identified a need for approximately \$66 million in bicycle facilities and \$6 million in pedestrian facilities. Using the estimated 2030 buildout projections, the City would receive approximately \$13 million in Mobility Fee revenue.

Table 23: Mobility– Revenue Projections

Land Use	Units/ Square Feet	Fee	Anticipated Revenue
Single Family	397	\$ 3,396	\$ 1,348,212
Multi-Family	3,890	\$ 2,245	\$ 8,733,050
Retail	549,900	\$ 1,146	\$ 630,185
Office	234,000	\$ 1,367	\$ 319,878
Industrial	3,570,000	\$ 485	\$ 1,731,450
Hotel	500	\$ 342	\$ 171,000
Total			\$ 12,933,775

NEXUS FINDINGS – MOBILITY FEE

AB1600 requires that public agencies satisfy five requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project. The required findings are as follows.

Requirement 1: Identify the purpose of the fee.

The purpose of the Mobility Fee is to fund new bicycle and pedestrian facilities that are needed to maintain the City’s current level of service. The bicycle facility standard from

the 2011 Master Plan is 1.57 linear feet per person served. Based on information provided by the City, there are currently 14.5 linear feet of sidewalk per person served.

Requirement 2: Identify the use of the fee.

The Mobility Fee will be used to construct additional bicycle and pedestrian facilities to maintain the City's current level of service. Future bicycle and pedestrian facilities are identified in the City's Bicycle and Pedestrian Facilities Master Plan and the City's CIP program.

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

New residential and non-residential development will generate additional residents and employees, which will increase the need for bicycle and pedestrian facilities. In order to maintain the City's existing standard improve connectivity within the City, new development will be required to pay the Mobility Fee. Residential and non-residential development are responsible for paying their fair share to maintain the City's existing standard based on the persons per household and employee density assumptions shown in Table 22.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

An increase in residential and non-residential development generates additional residents and workers that increase the need for bicycle and pedestrian facilities to maintain the City's existing level of service. The value of the City's existing facilities is divided by the service population to determine the cost per capita. One worker is assumed to create half of the demand of a new resident. Each residential land use is charged a fee based on the additional residents it is expected to add multiplied by the cost per capita. Non-residential development is charged a fee based on the cost per capita, multiplied by 0.5 (the weighting factor), and then multiplied by the number of assumed workers per 1,000 square feet of building or in the case of hotels, the number of workers per room. By charging the fee based on the additional residents or workers created by each land use, the fee directly correlates to the demand created by each new development.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

New facilities are necessary to maintain the City's existing level of service as new residential and non-residential units are constructed. The City inventoried the existing bicycle and pedestrian facilities and identified the value of each. These values were divided

by the City's service population to calculate the cost per resident and the cost per worker necessary to maintain the City's existing level of service. This cost per resident and cost per worker were converted into a cost per unit for each type of residential development and a cost per square foot for non-residential development based on the estimated densities as shown in Table 22. Basing the fee on the additional residents or workers generated by each development type ensures that the development pays only their fair share of future facilities.

Section 7 PUBLIC ART PROGRAM FEE

BACKGROUND

This section presents an analysis of the City's Public Art Program Fee. The City's public art is designed to enhance the overall quality of life and create a more vibrant community. This fee is designed to help the City adequately fund artwork on public property and reimburse the City's costs to administer the Program. Artwork may be any visual art, including, but not limited to, a sculpture, monument, mural, fresco, wall hanging, or mosaic.

The following resolutions were adopted related to the Public Art Program Fee

- Resolution 9813 Established the Art in Public Places Program and adopted guidelines for the program.
- Resolution 12,290 revised the program such that all applicants submitting for the development of a commercial or industrial project of over 100,000 square feet of roofed building area or for a mixed use projects of over 75,000 square feet of roofed building area to participate in the program. The City was not to issue a certificate of occupancy until the project has participated in the program. Applicants were required to provide to the city one percent of the valuation of the project, either as public art installed within a public place on the site or as an in-lieu fee to be paid to the Art in Public Places Fund.
- Resolution 13,103 adopted in June of 2006 modified the program making the requirement apply to all new development in the City and setting the fee at \$0.20 per square foot of building area. Projects governed by a specific plan could install their Public Art element in accordance with their specific plan or master plan. All other projects were required to pay the fee prior to the issuance of a building permit. Residential additions were exempted from the fee.
- Resolution 13,736 adopted in July of 2009 amended resolution 13,103 by modifying paragraphs 7 and 8 to establish that the Public Art Fees shall be deposited in the Public Art Fund and that the Public Art Fund is subject to approval by the City Council. It also clarified what constituted Public Art.
- Resolution 14,124 renamed the Art in Public Places Fee to the Public Art Program Fee.

FACILITIES AND COST STANDARD

The City's current public art program fee was calculated based on a fee of one percent (1%) of the value of the development project. In order to keep pace with inflation, the current fee is being

updated by the ENR CCI for Los Angeles. This ensures that new development continues to fund the public art program at the same level as it has been historically funded.

FEE SCHEDULE

Table 24 summarizes the public art program fee schedule based on a cost per square foot for additional buildings.

Table 24: Public Art Program –Fee Schedule

Adopted in-lieu Fee (per building SF)	\$	0.20
ENR CCI Increase ¹		42%
Proposed Fee (per building SF)	\$	0.28

¹ Based on the ENR CCI for LA from June 2006 to January 2020.

NEXUS FINDINGS – PUBLIC ART PROGRAM FEE

California Government Code section §66000 et seq. requires that public agencies satisfy five requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project. The required findings are as follows.

Requirement 1: Identify the purpose of the fee.

The purpose of the public art program fee is to mitigate the impacts of new development in the City by providing funds for new public art projects. Public art benefits the City by introducing cultural identity, providing a boost for economic growth, and improving public vitality and community well-being.

Requirement 2: Identify the use of the fee.

The public art program fee will be used to fund new public art projects. Artwork may be any visual art, including, but not limited to, a sculpture, monument, mural, fresco, wall hanging, or mosaic.

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

Public art provides many benefits to an area, including improved public health, economic stimulus, and aesthetic beautification. All new development will be required to either build public art as identified in their specific plan or pay the public art program fee as shown in Table 24 in order to enhance the City's public art program.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

An increase in residential and non-residential development generates additional residents and non-residential workers who increase the need for public art to maintain the City's existing standard. Each development pays its fair share of the fee based on the additional building square footage that the project is adding to the City.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

The City's Public Art Program Fee was established based on a cost per square foot of all new building space. Each square foot of building is required to pay the same fee to mitigate their impact on the City's public art program. Through the charge of a uniform fee, each new development is contributing equally to the City's Public Art Program.

Section 8 UTILITY UNDERGROUNDING IN-LIEU FEE

BACKGROUND

This section presents an analysis of the City's Utility Undergrounding In-Lieu Fee. The purpose of this fee is to allow small development projects the option to underground their overhead utilities in-lieu of being required to underground their frontage. Small development projects are defined as projects under ten (10) acres with a structure of less than 134,000 square feet of total floor area.

The following ordinances were adopted related to the Utility Undergrounding In-Lieu Fee

- Ordinance 2207 Established the Utility Undergrounding In-Lieu Fee and adopted guidelines for the program.

At this time, the in-lieu fee is being updated to reflect the current cost to underground utilities however the same methodology is being used. The methodology used in this calculation is the Master Plan Method.

COST STANDARD

The City's current Utility Undergrounding In-Lieu fee is calculated using the net buildable square footage in the City's sphere of influence and the cost to underground all overhead utilities in the City based on data from 1989 when Ordinance 2207 was adopted. Table 25 shows the calculation of the estimated buildout floor area in the City's sphere of influence.

Table 25: Utility Undergrounding –Buildout Square Footage

Total Acres in the City's Sphere of Influence	19,427.00 Acres
Net Acres (23% Reduction to account for streets and right of way dedications)	14,958.79 Acres
Floor Area Ratio Conversion (0.4 FAR)	5,983.52 Acres
Floor Area (converted to SF)	260,641,957 Square Feet

The cost undergrounding the utilities has been updated based on recent costs provided by the City and the utility company. The current cost to underground utilities is \$600 per linear foot. Table 26 calculates the total cost to underground all overhead utilities in the City, based on data from 1989.

Table 26: Utility Undergrounding –Cost Calculation

Total Length of Overhead Utilities Along Arterials	236,130 Linear Feet
Average cost of Undergrounding	\$ 600 per LF
Total cost of Undergrounding	\$ 141,678,000

FEE SCHEDULE

Table 27 shows the Utility Undergrounding In-Lieu fee calculation based on a cost per square foot of building.

Table 27: Utility Undergrounding –Fee Schedule

Total cost of Undergrounding	\$	141,678,000
Total Planned Floor Area		260,641,957 Square Feet
Cost per SF of building	\$	0.54 per SF

NEXUS FINDINGS – UTILITY UNDERGROUNDING IN-LIEU FEE

Requirement 1: Identify the purpose of the fee.

The purpose of the Utility Undergrounding In-Lieu Fee is to provide an option for small developments to pay a fee in-lieu of undergrounding their utilities.

Requirement 2: Identify the use of the fee.

The Utility Undergrounding In-Lieu Fee will be used to underground utilities within the City

Requirement 3: Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

The Utility Undergrounding In-Lieu Fee provides small developers an option to pay a fee in-lieu of undergrounding the utilities in front of their development. Each development pays a fee based on the building square footage.

Requirement 4: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

The City requires that all new developments underground the utilities in front of their development. In order to not overly burden small development projects, the City has provided developers the option to pay an in-lieu fee rather than constructing the improvements.

Requirement 5: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

The in-lieu fee provides small development projects the option of paying an in-lieu fee when undergrounding their utilities creates a disproportionate burden on the project. Small developments have the option to pay the in-lieu fee based on the building square footage.

Section 9 IMPLEMENTATION AND ADMINISTRATION

IMPLEMENTATION

According to the Mitigation Fee Act, prior to levying a new fee or increasing an existing fee, an agency must hold at least one open and public meeting with notice given pursuant to Government Code section 6062(a). This requires publication of notice twice, at least five days apart, with the first ten days prior to the public hearing. Any costs incurred in conducting the required public hearing may be recovered from the proceeds of the enacted fees. In addition, notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by this section is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the local agency for mailed notice of the meeting on new or increased fees or service charges. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed.

At least 10 days prior to this public meeting, the agency must make data on infrastructure costs and funding sources available to the public. Notice of the time and place of the public meeting and a general explanation of the matter are to be published in accordance with Section 6062a of California Government Code. The new or increased fees shall be effective no earlier than 60 days following the final action on the adoption or increase of the fees.

The fee categories summarized in this report may not be applicable to specialized or unique development projects in the City. For example, the development of a cemetery, golf course, or stadium will not fall under any of the fee categories in this report. For specialized development projects, the City will need to review the impacts and decide on an applicable fee based on the specific impacts.

IMPACT FEE PROGRAM ADMINISTRATIVE REQUIREMENTS

AB1600 requires the City to report fee information annually and every fifth year. Within 180 days after the last day of each fiscal year, the City must make available the following information from the prior fiscal year:

- Brief description of the type of fee in the account or fund
- Amount of the fee
- Beginning and ending balance in the account or fund
- Amount of the fee collected and the interest earned
- Identification of each public improvement for which fees were expended and the amount of expenditures

- Identification of an approximate date by which time construction on the improvement will begin if it is determined that sufficient funds exist to complete the project
- Description of each inter-fund transfer or loan made from the account and when each will be repaid
- Identification of any refunds made once determined that sufficient monies have been collected to fund fee-related projects

The City must make this information available for public review and must present it at the next regularly scheduled public meeting no less than 15 days after this information is made available to the public.

For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the City must make the following findings with respect to any remaining funds in the fee account, regardless of whether those funds are committed or uncommitted:

- Identify the purpose of the fee
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged
- Identify sources and amounts of funding anticipated to complete the financing of any incomplete improvements
- Designate the approximate dates on which funding is expected to be deposited into the fee account, as needed

As with the annual disclosure, the 5-year report must be made public within 180 days after the end of the City's fiscal year and must be reviewed at the next regularly scheduled public meeting. The City must make these findings; otherwise, the law requires that the City refund the money on a prorated basis to the current record owners of the development projects.

PROGRAMMING REVENUES WITH THE CAPITAL IMPROVEMENT PLAN

The City should maintain and update its CIP to adequately plan for future infrastructure needs. The City's CIP should commit projected fee revenues and fund balances to specific projects that are necessary to serve growth as described in this report. The City's CIP provides the documentation necessary for the City to hold funds in a project account for longer than 5 years, if necessary, to collect sufficient funds to complete a project.

FEE REPORTING

Assembly Bill No. 1843 which became effective January 1, 2020 requires that Cities make the following information available on their website. This must be completed by January 1, 2021. The following information must be provided:

1. A current schedule of fees, exactions, and affordability requirements imposed by the city, county, or special district, including any dependent special districts, of the city or county applicable to a proposed housing development project, which shall be presented in a manner that clearly identifies the fees, exactions, and affordability requirements that apply to each parcel.
2. All zoning ordinances and development standards, which shall specify the zoning, design, and development standards that apply to each parcel.
3. The list of information required to be compiled pursuant to Section 65940.
4. The current and five previous annual fee reports or the current and five previous annual financial reports, that were required pursuant to subdivision
5. An archive of impact fee nexus studies, cost of service studies, or equivalent, conducted by the city, county, or special district on or after January 1, 2018.

Any updates to the above information must be available within 30 days.

FEE ADJUSTMENTS

The fees will be automatically adjusted each year on July 1st based on the June Engineering News-Record Construction Cost Index (ENR CCI) for Los Angeles. The base index shall be the January 2020 Index of 12,144.49. In addition, the fees may be adjusted to reflect revised facility standards, receipt of funding from alternative sources (i.e., state or federal grants), revised facilities or costs, changes in demographics, or changes to the land use plan. A complete review of the fees must be completed every five years per California Government Code but it is recommended that the fees be updated more frequently.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD REGARDING DEVELOPMENT IMPACT FEES AMENDING ARTICLE VI, CHAPTER 15, DIVISION 1, SECTIONS 15-165, 15-166, 15-167, 15-170, 15-171, 15-173, 15-174, 15-178, AND ADDING SECTIONS 15-183 AND 15-184, AMENDING DIVISION 2, SECTIONS 15-186 AND 15-188, AMENDING DIVISION 5, SECTIONS 15-216, 15-218, 15-219, AND ADDING SECTION 15-220, AMENDING DIVISION 6, SECTIONS 15-225, AND 15-229, ADDING DIVISION 8, SECTIONS 15-242, 15-243, 15-244, AND 15-245, AND MAKING FINDINGS PURSUANT TO CEQA

WHEREAS, on May 19, 2020, the City Council held a duly noticed open and public meeting regarding the adoption of the proposed updated Development Impact Fee Nexus Study, as required by Government Code Sections 66016, 66017, and 66018; and

WHEREAS, the amount of each fee has been determined and calculated in a manner consistent with the Mitigation Fee Act and any applicable finance plan; and

WHEREAS, the effective date of a resolution that establishes the initial amount or increase of a fee is to be determined in accordance with California Government Code Section 66017; and

WHEREAS, all other prerequisites to the adoption of this Ordinance, the approval of the Development Impact Fee Nexus Study, prepared by Harris & Associates, and dated, April 2020, and the proposed updated Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Mobility Fee, and Utility Undergrounding In-lieu Fee have been followed; and

WHEREAS, City staff has evaluated the potential environmental impacts of the adoption of this Ordinance, the approval of the *Development Impact Fee Nexus Study* prepared by Harris & Associates and dated April 2020, and the updated Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Mobility Fee, and Utility Undergrounding In-lieu Fee pursuant to the California Environmental Quality Act ("CEQA"). City staff has determined that these actions do not constitute a "project" under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which *may* result in a potentially significant physical impact on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

PART 1. Article VI, Chapter 15, Division 1 of the Oxnard City Code is hereby amended, and Section 15-183 and Section 15-184 are added to read as follows:

“ARTICLE VI. DEVELOPMENT FEE PROCEDURES

DIVISION 1. IN GENERAL

SEC. 15-165. APPLICABILITY.

(A) This division applies to all development fees imposed by the city council as a condition of development approval for the purpose of financing capital improvements, the need for which is attributable to such development, unless the development fee is exempted herein or by other law.

(B) The development fees to which this division applies include, but are not limited to:

- (1) Planned drainage facilities fees imposed pursuant to division 2 of this article;
- (2) Planned wastewater facilities fees imposed pursuant to division 3 of this article;
- (3) Planned water facilities fees imposed pursuant to division 4 of this article;
- (4) Planned traffic circulation facilities fees imposed pursuant to division 5 of this article;

and

- (5) Growth requirement capital fees imposed pursuant to division 6 of this article.
- (6) Mobility fee imposed pursuant to division 7 of this article.

SEC. 15-166. EXEMPTIONS.

(A) The provisions of this division do not apply to any monetary exactions other than development fees.

(B) Such monetary exactions include, but are not limited to:

- (1) Taxes or special assessments;
- (2) Fees for processing development applications or approvals;
- (3) Fees for enforcement of or inspections pursuant to regulatory ordinances;
- (4) Fees collected under development agreements adopted pursuant to Cal. Gov't Code

Section 65864 et seq.;

- (5) Fees specified in Cal. Gov't Code Section 66477;

(6) Fees imposed pursuant to a reimbursement agreement by and between the city and a property owner or developer for that portion of the cost of a capital improvement paid by the property owner or developer which exceeds the need for the capital improvement attributable to and reasonably related to the development.

SEC. 15-167. DEFINITIONS.

Except as otherwise provided with regard to a particular development fee, the following definitions apply for purposes of this article and any resolution adopted to implement development fees imposed by this article:

(A) **ACCESSORY DWELLING UNIT (ADU)**- A second unit on the same lot that is attached or detached from a residential unit.

(B) **ADMINISTRATIVE FEES**- The share of the Development Impact Fee that is allocated to fund the cost of the City administration.

(C) **APPLICANT**- The owner, or duly designated agent of the owner, of property as to which a request for development approval is received by the city.

(D) **APPROVAL OF A DEVELOPMENT PROJECT** - Tentative subdivision map or parcel map approval if development fees could lawfully be imposed at such time; building permit issuance if development fees could not lawfully be imposed at the time of tentative subdivision map or parcel map approval or if the city did not approve a tentative subdivision map or parcel map for the project; or any other inspection, certificate, approval or collection of fees connected with the development project if neither of the foregoing situations applies.

(E) **BENEFIT AREA** - The geographic area within which development fees are collected and expended for a particular type of capital improvement serving development projects within such area.

(F) **BUILDING PERMIT** - The permit issued or required for residential development, nonresidential development, commercial development, industrial development or other development within the city, pursuant to and as further defined by the city of Oxnard building code.

(G) **CALCULATE** - To determine the amount of development fees to be collected based on the need for capital improvements related to a particular development project.

(H) **CAPITAL IMPROVEMENTS** - Public improvements, such as land and/or facilities for the storage, treatment, or distribution of water; for the collection, treatment, reclamation, or disposal of wastewater; for the collection and disposal of storm waters or for flood control purposes; for the generation of electricity or the distribution of gas or electricity; for transportation and transit, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities; for parks and recreation identified in the city's adopted capital improvement plan or master plans

(I) **CAPITAL IMPROVEMENT PLAN** - The five or six year plan for capital improvements adopted or updated annually by the city council. The capital improvement plan indicating the approximate location, size, time of availability and estimated cost of capital improvements to be financed with development fees and appropriates money for capital improvement projects.

(J) **COLLECTION** - The point at which the development fee due is actually paid by the applicant to the city.

(K) **COMMERCIAL DEVELOPMENT** - Retail, educational, and downtown non-residential development.

(L) **COMMITMENT** - Earmarking of development fees to fund or partially fund capital improvements serving new development projects.

(M) **DEVELOPMENT FEE** - A monetary exaction, other than those referred to in section 15-166, imposed as a condition of or in connection with approval of a development project for the purpose of defraying all or a portion of the cost of capital improvements related to the development project.

(N) **DEVELOPMENT PROJECT** - Any project undertaken for the purpose of development, including a project involving the construction of a building or structure or the reconstruction,

addition to, remodeling, rehabilitation, alteration or other improvement of an existing building or structure; however not including the issuance of a permit to operate.

(O) FEE RESOLUTION - the resolution and fee schedule adopted by the city council, as may be amended from time to time, that approves the amount of the ~~storm drainage~~ impact fees.

(P) HOTEL - development designed to be occupied less than 30 days per stay.

(Q) IMPOSITION - The determination that a particular development project is subject to the condition of payment of development fees and the attachment of such requirement to the project as a condition of development approval.

(R) INDUSTRIAL DEVELOPMENT - manufacturing and warehouse development.

(S) MASTER PLAN -

(1) A plan adopted by the city council for a specific type of public facility, including drainage facilities, wastewater facilities, water facilities, and traffic circulation facilities.

(2) A master plan includes, but is not limited to, an estimate of the total costs of constructing the type of facilities required by the plan and a map of the area covered by the plan, showing the location of the facilities.

(T) MULTI-FAMILY - all attached residential dwellings such as duplexes, condominiums, townhomes, apartments, and dormitories.

(U) OFFICE DEVELOPMENT - general, professional, and medical office development.

(V) SINGLE FAMILY - detached single-family homes.

SEC. 15-168. AMOUNT OF FEE; ADOPTION OF RESOLUTION.

(A) Development fees shall not exceed the estimated reasonable cost of providing the facility for which the fee or exaction is imposed.

(B) Except as otherwise provided by law or by this article, development fee amounts and benefit areas shall be established and amended by city council resolution.

SEC. 15-169. PURPOSE; USE; RELATIONSHIP.

In any action establishing, increasing or imposing a development fee, the city council shall do all of the following:

(A) Identify the purpose of the fee;

(B) Identify the use of the fee. If the use is financing capital improvements, the improvements shall be identified. That identification may, but need not, be made by reference to the capital improvement plan, to master plans, to applicable general or specific plan requirements, or to other public documents that identify the capital improvements for which the fee is charged;

(C) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;

(D) Determine how there is a reasonable relationship between the need for the capital improvement and the type of development project on which the fee is imposed; and

(E) Determine how there is a reasonable relationship between the amount of the fee and the cost of the capital improvement or portion of the capital improvement attributable to the development on which the fee is imposed.

SEC. 15-170. HEARING REQUIRED.

(A) Prior to the establishment or increase of any development fee, the city council shall hold a public hearing at which oral or written presentations may be made, as a part of a regularly scheduled meeting except for the annual adjustment procedure outlined in Sec. 15-171.

(B) Notice of the time and place of hearing, including a general explanation of the matter to be considered, shall be published in accordance with Cal. Gov't Code Section 6062a.

SEC. 15-171. AMENDMENT PROCEDURES.

(A) The fees will be automatically adjusted each year based on the Engineering News-Record Construction Cost Index (ENR CCI) for Los Angeles.

(B) In addition, the city may adopt, through resolution, an adjustment to the fees based on revised facility standards, receipt of funding from alternative sources, revised facilities or costs, changes in demographics, or changes to the land use plan.

SEC. 15-172. EFFECTIVE DATE.

An ordinance or resolution establishing a new development fee or increasing an existing development fee shall take effect no sooner than 60 days following the final action by the city council on the ordinance or resolution.

SEC. 15-173. IMPOSITION, CALCULATION AND COLLECTION OF DEVELOPMENT FEES.

(A) Development fees shall be imposed as a condition of approval of a development project. No tentative subdivision map or final map or parcel map, grading permit, building permit, final inspection, final approval, or certificate of occupancy shall be approved, made or issued unless the provisions of this section have been fulfilled. An inspection or approval shall be deemed "final" if the inspection or approval is the last one to be performed for the project by the city.

(B) For development projects for which the city issues a building permit, development fees shall be calculated and collected at the time of issuance of the building permit, based on the development fee schedule then in effect. For development projects for which the city does not issue a building permit, development fees shall be calculated and collected, based on the development fee schedule then in effect, at the time of collection by the city of any other fee, at the time of issuance by the city of any other permit, certificate or approval, or at the time of performance by the city of any inspection of the project, which time shall be selected by the director of public works.

(C) Notwithstanding subsection (B) above, planned water facilities fees and planned wastewater facilities fees for residential development projects shall be calculated and collected at the time of application for connection to the utility system. For all development projects already

connected to the utility system, such fees based solely on an increase in water meter size or a change in use shall be calculated and collected prior to installation of the larger meter or making a change in use.

(D) The city council has determined that the adoption and annual update of the capital improvement plan, together with the adoption of any applicable master plans, constitutes the adoption of a proposed construction schedule or plan for the public improvements or facilities for which development fees are imposed by this article on residential development. The requirement of payment of such fees by residential development at the time provided in subsection (B) above is, therefore, in accordance with Cal. Gov't Code Section 66007, Subdivision (b).

(E) Notwithstanding subsection (B) above, 50 % of the amount by which planned traffic circulation facilities fees exceed credits for the provision of planned traffic circulation facilities must be paid prior to issuance of a building permit for a development project. The remaining amount must be paid prior to the sale or transfer of all or any part of the project or issuance of any temporary or permanent certificate of occupancy for all or any part of the project, whichever first occurs.

(F) If the developer, prior to the date upon which fees are otherwise required to be paid under this section, enters into a written agreement with the city providing that at least 20 % of the units in the development will be sold or rented only to lower income families or that at least 10 % of the units in the development will be sold or rented only to very low income families, as defined in Cal. Health and Safety Code Sections 50079.5 and 500105 respectively, at housing costs affordable to such families, as defined in Cal. Health and Safety Code Sections 50052.5 and 50053, for a period of at least ten years from the date of such written agreement, the city council may, in such written agreement or in a separate written agreement entered into prior to the date upon which fees are otherwise required to be paid under this division, agree to do either or both of the following:

(1) Defer payment of all or part of the fees required by this section up to the date that the developer first requests electrical service clearance for a unit in the development;

(2) Calculate development fees for the project based on such fees in effect as of a date no earlier than the date such fees otherwise would be required to be paid under this section.

SEC. 15-174. DEVELOPMENT FEE ACCOUNTS.

(A) The city shall deposit development fees received with other fees for the same type of capital improvement in a separate capital improvement account in a manner to avoid commingling of the fees with other city revenues and funds, except for temporary investments, and shall expend the fees solely for the purpose for which they were collected.

(B) Any interest income earned by money in the capital improvement account shall also be deposited in that account and expended only for the purpose for which the fees were collected.

(C) For each separate development fee account, the director of finance shall, within 180 days of the close of each fiscal year, make available to the public the following information:

- (i) Brief description of the type of fee in the account or fund.
- (ii.) Amount of the fee.
- (iii) Beginning and ending balance in the account or fund.

- (iv) Amount of the fee collected and the interest earned.
- (v) Identification of each public improvement for which fees were expended and the amount of expenditures.
- (vi) Identification of an approximate date by which time construction on the improvement will begin if it is determined that sufficient funds exist to complete the project.
- (vii) Description of each inter-fund transfer or loan made from the account and when each will be repaid.
- (viii) Identification of any refunds made once determined that sufficient monies have been collected to fund fee-related projects.

(D) The city council shall review the information referred to in subsection (C) of this section at the next regularly scheduled public meeting held not less than 15 days after the information is made available.

SEC. 15-175. USE OF DEVELOPMENT FEE PROCEEDS.

(A) Development fees shall be expended only for the type of capital improvement for which they were imposed, calculated, and collected and shall be expended or committed in accordance with the time limits and procedures established in this article. Development fees may be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements.

(B) Development fees shall not be expended to maintain, repair or operate capital improvements.

SEC. 15-176. TIME LIMIT ON EXPENDITURES.

The city shall expend or commit development fees deposited in the development fee account within five years from the date of deposit into the fund, except as provided in section 15-177(B).

SEC. 15-177. REFUNDS.

(A) Once each fiscal year, the city council shall identify all unexpended or uncommitted development fees in each development fee account.

(B) With respect to any portion of development fees unexpended or uncommitted five or more years after deposit in a development fee account, the city council shall make findings once each fiscal year to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. Such findings need be made only for money, and not for letters of credit, bonds or other instruments taken to secure payment of the fees at a future date. If the city council makes such findings, the fees are exempt from the refund requirements.

(C) The city shall refund to the then current record owner or owners of lots or units of the development project or projects on a prorated basis the unexpended or uncommitted portion of

the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to subsection (B).

(D) If the city council finds that the administrative costs of refunding unexpended or uncommitted development fees exceed the amount to be refunded, the city council, after a public hearing, notice of which shall be published in accordance with Cal. Gov't Code Section 6061 and posted in three prominent places within the area of each development project subject to a refund, may determine that the revenues shall be allocated for other capital improvements for which development fees are collected and which serve the development projects on which the fee was originally imposed.

(E) The city may refund the unexpended or uncommitted portions of development fees by direct payment, by temporarily suspending fees, by offsetting the refunds against other development fees due for development projects on the property, or by other means agreed to by the property owner.

SEC. 15-178. CREDITS AND REIMBURSEMENTS.

(A) Any applicant subject to a development fee imposed pursuant to this article who dedicates real property or interests therein to the city for the construction of capital improvements or who constructs, escrows money with the city for the construction of, agrees to participate in an assessment district for the construction of or who otherwise contributes funds for capital improvements may be eligible for a credit for such dedication, construction or contribution against the development fee otherwise due.

(B) Eligibility for, and the amount of, the credit shall be determined by the director of public works based on adopted city standards and procedures, including, but not limited to, whether the dedication, construction or contribution meets capital improvement needs for which the particular development fee has been imposed, as provided in this article and the capital improvement plan or applicable master plan; whether the dedication, construction or contribution will substitute for or otherwise reduce the need for or cost of capital improvements anticipated to be provided with development fee funds; and the value of the dedication, construction or contribution. In no event, however, shall the credit exceed the amount of the otherwise applicable development fee.

(C) If the cost of construction exceeds the fee credits, the developer may receive a reimbursement as determined by the director of public works based on adopted city standards and procedures, including, but not limited to, whether the dedication, construction or contribution meets capital improvement needs for which the particular development fee has been imposed, as provided for in this article and the capital improvement plan or applicable master plan; whether the dedication, construction or contribution will substitute for or otherwise reduce the need for or cost of capital improvements anticipated to be provided with development fee funds; and the value of the dedication, construction or contribution. In no event, however, shall the reimbursement exceed the lesser of the estimated cost of the improvements shown in the City's Development Impact Fee Nexus study, subject to inflation factors, or the actual cost incurred.

SEC. 15-179. APPEALS.

(A) The applicant may appeal any decision of a city official to the city council, including, but not limited to, calculation of the amount of the development fee, the number of development units, reimbursement due, applicability of an exemption, and eligibility for and amount of a credit or refund.

(B) In order to perfect an appeal, the applicant must file a notice of appeal with the city clerk within ten days following the action of the city official that is the basis of the appeal. The notice of appeal shall include, at a minimum:

- (1) Name and address of applicant/agent;
- (2) Description, location and size of the affected property;
- (3) Land use proposed for the affected property;
- (4) Number of residential units proposed, by type and/or number of square feet of nonresidential development by type;
- (5) The particular circumstances giving rise to the appeal;
- (6) The city official whose action is being appealed;
- (7) The grounds for the appeal, i.e., why the city official's decision is erroneous; and
- (8) Such other relevant information as may be requested by the city.

(C) The burden of proof shall be on the appellant to establish that the decision of the city official is erroneous pursuant to the express terms or intent of this article and applicable State law, including, but not limited to Cal. Gov't Code Section 66000 et seq.

(D) The city council shall schedule the appeal to be heard at a regular or special meeting to be held not more than 45 days after the filing of the notice of appeal by the appellant. At least 20 days prior to the hearing date, the city shall notify the appellant of the hearing date by certified mail, return receipt requested, at the address stated on the notice of appeal.

(E) The hearing on the appeal shall be administrative. Evidence may be submitted by the appellant and by the city. Testimony shall be under oath. The city council shall make written findings of fact and conclusions of law after the close of the hearing. However, if the city clerk determines from the notice of appeal or from relevant city documents that the appeal is improper, the city, within 20 days after receipt of the notice of appeal, shall reject the notice of appeal, stating the grounds therefor and notifying the appellant by certified mail, return receipt requested.

(F) A request for a continuance of the hearing may be made by the city council on its own motion or at the request of the appellant. If requested by the appellant, the city council shall determine whether a continuance should be granted.

(G) Within 30 days after the close of the administrative hearing, the city council shall render its decision, in writing, and notify the applicant of such decision by certified mail, return receipt requested, at the address listed on the notice of appeal.

(H) The findings of fact and conclusions of law shall be completed not later than 10 days following the decision of the city council and shall be filed with the city clerk. Upon the request of the applicant, the findings of fact and conclusions of law shall be sent to the applicant.

(I) Upon the filing of the findings of fact and conclusions of law with the city clerk, the decision of the city council shall be deemed to be final.

(J) Any petition for judicial review of the city council's final decision shall be filed not later than 90 days following the date on which the decision becomes final, and shall be made in accordance with Cal. Code of Civil Procedure Sections 1094.5 and 1094.6.

(K) If the development fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the city attorney, in an amount equal to the development fee calculated to be due, the application for development project approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the development fee calculated by the city to be due unless sufficient and acceptable surety has been provided.

(L) If, as a result of an appeal pursuant to this section or judicial review pursuant to section 15-180, a development fee is reduced or waived, the city council may determine whether and how such reduction or waiver may affect the development fee calculation methodology. If the city council determines that capital improvement needs are correspondingly reduced, the city council may amend the capital improvement plan, the applicable master plan, the development fee calculation methodology, the applicable development fee, or take such other action as it may deem appropriate. If the city council determines that capital improvement needs remain the same, the city council shall appropriate funds in an amount equal to the reduction or waiver of the development fee and shall deposit same to the applicable development fee account or take such other action as it may deem appropriate.

SEC. 15-180. PROTESTS/JUDICIAL REVIEW.

(A) An applicant may seek judicial review of:

(1) A final decision by the city council on an administrative appeal, pursuant to section 15-179;

(2) The adoption, by resolution or ordinance, of a new development fee or the amendment of an existing development fee or the automatic adjustment of development fee if such adjustment results in a fee increase, pursuant to this section and Cal. Gov't Code Section 66022;

(3) The imposition of a development fee as a condition of development approval, pursuant to this section and Cal. Gov't Code Section 66020.

(B) The applicable time periods for and conditions precedent to the filing of an action for judicial review are:

(1) Appeal from a final decision of the city council not later than 90 days following the date on which the decision becomes final;

(2) Adoption of a development fee ordinance or amendment not later than 120 days following the effective date of the ordinance or resolution. However, if the development fee has been directly imposed as a condition of development approval and is challenged as a special tax, the appellant must, at least 30 days prior to initiating legal action, request that the city provide the documents which establish that the development fee does not exceed the cost of the capital improvements. The requirement for this request is a condition precedent to an action challenging the development fee as a special tax, but does not alter the applicable time period for filing an action for judicial review of the fee ordinance or amendment, pursuant to Cal. Gov't Code Section 66024;

(3) Imposition of the development fee as a condition of development approval if a protest is timely filed pursuant to this section and Cal. Gov't Code Section 66020, not later than 180 days after the date of imposition; if a protest is not timely filed pursuant to this section and Cal. Gov't Code Section 66020, not later than 90 days following imposition.

(C) Any party may protest the imposition of a development fee pursuant to Cal. Gov't Code Sections 66020 and 66021.

(1) If payment of the development fee has been imposed as a condition of development project approval, the protest shall be filed at the time of such approval or conditional approval of the proposed project;

(2) If the development fee has not been calculated and payment is now required, the protest shall be filed within 90 days after the date of collection;

(3) A valid protest must meet both of the following requirements:

(a) The applicant must tender any required payment in full or provide evidence satisfactory to the city attorney of arrangements to ensure performance of the conditions necessary to meet the requirements of the imposition;

(b) The applicant must serve written notice on the city council, which notice shall contain:

(i) A statement that the required payment is tendered, or that any conditions which have been imposed are provided for or satisfied, under protest; and

(ii) A statement informing the city council of the factual elements of the dispute and the legal theory forming the basis of the protest.

(4) If a valid and timely protest is filed by an applicant, the city council shall schedule a hearing date, at a regular or special meeting, not more than 45 days after the filing of the protest. The city shall notify the protestant of the hearing date by certified mail, return receipt requested, at the address listed on the protest petition at least 20 days prior to the hearing date. However, if it is determined from the protest petition or from relevant city documents that the protest is improper, the city, within 20 days after receipt of the protest petition, shall reject the protest petition, stating the grounds therefor and notifying the protestant by certified mail, return receipt requested.

(5) The hearing of the protest shall be administrative. Evidence may be submitted by the protestant and by the city. Testimony shall be under oath. The city council shall make written findings of fact and conclusions of law after the close of the hearing.

(6) A request for continuance of the hearing may be made by the city council on its own motion or at the request of the protestant. If requested by the protestant, the city council shall determine whether a continuance should be granted.

(7) Within 30 days after the close of the administrative hearing, the city council shall render its decision, in writing, and notify the applicant of such decision by certified mail, return receipt requested at the address listed on the protest petition.

(8) The findings of fact and conclusions of law shall be completed not later than 15 days following the decision of the city council and shall be filed with the city clerk. Upon the request of the applicant, the findings of fact and conclusions of law shall be sent to the applicant.

(9) Upon the filing of the findings of fact and conclusions of law with the city clerk, the decision of the city council shall be deemed to be final.

(10) Any petition for judicial review of the city council's final decision on the protest shall be filed not later than 90 days following the date on which the decision becomes final, and shall be made in accordance with Cal. Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. 15-181. EFFECT OF DEVELOPMENT FEES ON ZONING AND SUBDIVISION REGULATIONS.

This article shall not affect, in any manner, the permissible uses of property, density or intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the city pursuant to zoning ordinances, subdivision ordinances or other ordinances or regulations of the city.

SEC. 15-182. DEVELOPMENT FEES AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENTS.

Specific development fees imposed by divisions 2, 3, 4, 5 and 6 of article VI of the code reflect a development's proportionate share of the cost of providing improvements necessary to meet demands created by such development at established city service level standards. As such, development fees are additional and supplemental to, and not in substitution of, either onsite improvement requirements or offsite improvement requirements imposed by the city pursuant to zoning, subdivision or other ordinances and regulations.

SEC. 15-183 ACCESSORY DWELLING UNITS

An accessory dwelling unit is a second unit on the same lot that is attached or detached from a residential unit. In accordance with Assembly Bill 881 (AB 881), fees cannot be charged for an ADU that is less than 750 square feet. For an ADU that is 750 square feet or larger, an ADU will pay a percentage of the residential fee based on the square footage of the ADU in proportion to the primary dwelling unit.

SEC. 15-184 COMPLIANCE WITH OTHER LAWS

(A) The provisions of this chapter shall not be construed to limit the power of the City Council to impose any other fees or exactions or to continue to impose existing ones on development within the City of Oxnard, but shall be in addition to any other fees, exactions or other requirements that the city is authorized to impose, or has previously imposed, as a condition of approving plans, rezoning or other entitlements within the city of Oxnard pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and/or pay other exactions authorized or required by, but not limited to: (1) the City of Oxnard public works department improvement standards; (2) school impact fees (Gov't Code Section 65970 et seq.) and implementing ordinances; Any credits or repayments pursuant to Section 15-178 shall not include credits or repayment for the funding, construction or dedications described in this section.

(B) The construction of facilities by a private owner pursuant to Section 15-178 shall be performed and contracted for only as required by law, including, but not limited to, compliance with the city's improvement standards and requirements for public works projects, if applicable to the particular facility."

PART 2. Article VI, Chapter 15, Division 2, Section 15-185 through Section 15-189 of the Oxnard City Code is hereby amended to read as follows:

"DIVISION 2. PLANNED DRAINAGE FACILITIES FEES

SEC. 15-185. PURPOSE.

This division imposes fees to defray actual or estimated costs of constructing planned drainage facilities for the removal of surface and stormwater, as required by a development project.

SEC. 15-186. MASTER PLAN OF DRAINAGE FACILITIES.

The master plan of drainage for the city contains an estimate of the total costs of constructing the drainage facilities required by the plan and a map of the area covered by the plan, showing the location of the facilities. The fees imposed by this division shall be based on the master plan of drainage and the Development Impact Fee Nexus Study. The costs estimated in the master plan of drainage shall be adjusted to reflect current costs.

SEC. 15-187. IMPOSITION OF FEES.

The approval of each development project resulting in stormwater runoff shall be conditioned on the payment of fees to carry out the purpose of this division.

SEC. 15-188. USE OF FEES.

The fees collected shall be used to pay for the drainage facilities necessary to mitigate new development's impact on the storm drainage system.

SEC. 15-189. REASONABLE RELATIONSHIP.

(A) There is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed, and between the need for the drainage facilities financed by the fee and the type of development project on which the fee is imposed in that all types of development projects subject to the fee result in greater storm runoff, which requires more or higher capacity drainage facilities.

(B) There is a reasonable relationship between the amount of the fee and the cost of the drainage facilities or portion thereof attributable to the development project on which the fee is imposed in that the cost estimates used to calculate the fee shall be reasonable cost estimates for constructing the drainage facilities identified, the total fees to be imposed shall not exceed the total of the cost estimates, and the fees to be imposed on a particular development project shall

not exceed the project's proportionate share of the cost of the facilities that are necessary to serve the development project.”

PART 3. Article VI, Chapter 15, Division 5, Section 15-215 through Section 15-219 of the Oxnard City Code is hereby amended, and Section 15-220 is hereby added to read as follows:

“DIVISION 5. PLANNED TRAFFIC CIRCULATION FACILITIES FEES

SEC. 15-215. PURPOSE.

This division imposes fees to defray actual or estimated costs of constructing planned traffic circulation facilities required by a development project.

SEC. 15-216. MASTER PLAN OF TRAFFIC CIRCULATION FACILITIES.

The master plan of traffic circulation for the city contains an estimate of the total costs of constructing the traffic circulation facilities required by the plan and a map of the area covered by the plan, showing the location of the facilities. The fees imposed by this division shall be based on the master plan of traffic circulation and the Development Impact Fee Nexus Study. The costs estimated in the master plan of traffic circulation shall be adjusted to reflect current costs.

SEC. 15-217. IMPOSITION OF FEES.

The approval of each development project producing additional vehicle trips shall be conditioned on the payment of fees to carry out the purpose of this division.

SEC. 15-218. USE OF FEES.

The fees collected shall be used to pay for the facilities that are necessary to mitigate new development’s impact on traffic circulation facilities.

SEC. 15-219. REASONABLE RELATIONSHIP.

(A) There is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed, and between the need for the traffic circulation facilities financed by the fee and the type of development project on which the fee is imposed in that all types of development projects subject to the fee produce traffic, which requires more or higher capacity traffic circulation facilities.

(B) (1) There is a reasonable relationship between the amount of the fee and the cost of the traffic circulation facilities or portion hereof attributable to the development project on which the fee is imposed in that the cost estimates used to calculate the fee shall be reasonable cost estimates for constructing the traffic circulation facilities identified, the total fees to be imposed shall not exceed the total of the cost estimates, and the fees to be imposed on a particular development project shall not exceed the project's proportionate share of the cost of the facilities that are necessary to serve the development project.

(2) Such cost estimates and the method of calculating each development project's proportionate share thereof shall be set out in the Development Impact Fee Nexus Study.

SEC. 15-220. EXCEPTIONS FOR TRANSIT ORIENTED DEVELOPMENT.

Pursuant to Government Code Section 66005.1, the Traffic Circulation Fee shall be reduced to reflect a lower rate of automobile trip generation associated with housing developments that meet all of the following requirements in comparison with housing developments without these characteristics:

(1) The housing development is located within one-half mile of a transit station and there is direct access between the housing development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length.

(2) Convenience retail uses, including a store that sells food, and is located within one-half mile of the housing development.

(3) The housing development provides either the minimum number of parking spaces required by the local ordinance, or no more than one onsite parking space for zero to two bedroom units, and two onsite parking spaces for three or more bedroom units, whichever is less.

(b) If a housing development does not satisfy the characteristics in subdivision (a), the local agency may charge a fee that is proportional to the estimated rate of automobile trip generation associated with the housing development.

(c) As used in this section, "housing development" means a development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the floor space is for residential use.

(d) For the purposes of this section, "transit station" has the meaning set forth in paragraph (4) of subdivision (b) of Govt' Code Section 65460.1. "Transit station" includes planned transit stations otherwise meeting this definition whose construction is programmed to be completed prior to the scheduled completion and occupancy of the housing development."

PART 4. Article VI, Division 6, Sections 15-225 through 15-229 of the Oxnard Code is hereby amended to read as follows:

“DIVISION 6. GROWTH REQUIREMENT CAPITAL FEES

SEC. 15-225. PURPOSE.

(A) This division imposes fees to defray actual or estimated costs of constructing public facilities required to serve population growth and increased demand for public services attributable to development projects.

(B) The city council is committed to expanding the City's public facilities as necessary to meet the City's public safety, operational and recreational needs.

(C) The city council has determined that commercial and industrial development projects result in a need for additional public services, which in turn results in a need for additional government and public safety facilities and essential infrastructure and related facilities.

(D) The city council has determined that residential development projects, including new mobile home park development projects, result in significant increases in city population and

adversely affect the public facilities-to-population relationship which creates a need for additional government and public safety facilities, essential infrastructure and related facilities, and cultural and recreational facilities.

SEC. 15-226. CAPITAL IMPROVEMENT PLAN.

The city's capital improvement plan for the city contains an estimate of the total costs of public facilities required by the plan. For purposes of this division, "costs of public facilities" means any costs related to acquisition, construction, and financing of public facilities and equipment funded through the capital improvement plan, not including costs of routine maintenance.

SEC. 15-227. IMPOSITION OF FEES.

(A) The approval of each development project producing population growth or increasing the demand for public services shall be conditioned on the payment of fees to carry out the purpose of this division.

(B) For purposes of this division, "development project" shall not include alteration of an existing structure that does not increase the floor area of the structure.

SEC. 15-228. USE.

(A) The fees collected shall be used to pay for only the public facilities identified in the capital improvement plan in the categories of government and public safety facilities, essential infrastructure and related facilities, and cultural and recreational facilities.

(B) For purposes of this division, the following words shall have the following meanings:

(1) CULTURAL AND RECREATIONAL FACILITIES - Any libraries, auditoriums, concert halls, parks, playgrounds and similar facilities located in the city.

(2) ESSENTIAL INFRASTRUCTURE - Any facilities for the storage, treatment and distribution of nonagricultural water; facilities for the collection, treatment, reclamation and disposal of sewage; facilities for the collection and disposal of stormwaters and for flood-control purposes; facilities for the generation of electricity and the distribution of gas and electricity; transportation and transit facilities, including, but not limited to, streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports and related facilities; and any other capital projects identified in the capital improvement plan that are not related facilities, cultural and recreational facilities, government facilities or public safety facilities, as defined in this section 15-228.

(3) GOVERNMENT FACILITIES - City hall, city garages and equipment yards, city offices, parking areas and similar facilities in or through which the city conducts general city operations.

(4) PUBLIC SAFETY FACILITIES - Any capital improvements or equipment related to city police and fire operations.

(5) RELATED FACILITIES - Any major landscaping, fountains, monuments, signs and similar structures and facilities of general benefit to the city.

SEC. 15-229. REASONABLE RELATIONSHIP.

(A) There is a reasonable relationship between the need for additional public facilities and the type of development projects on which the fee is imposed in that commercial and industrial development projects create a need for additional government and public safety facilities and essential infrastructure and related facilities, and residential development projects create a need for additional government and public safety facilities, essential infrastructure and related facilities, and cultural and recreational facilities.

(B) There is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed in that the fee imposed on commercial and industrial development projects is used to pay for additional government and public safety facilities and essential infrastructure and related facilities, and the fee imposed on residential projects is used to pay for additional government and public safety facilities, essential infrastructure and related facilities, and cultural and recreational facilities.

(C) There is a reasonable relationship between the amount of the fee and the cost of the public facilities or portion thereof attributable to the development project on which the fee is imposed in that the cost estimates used to calculate the fee shall be reasonable cost estimates for constructing the public facilities identified, the total fees to be imposed shall not exceed the total of the cost estimates, and the fees to be imposed on a particular development project shall not exceed the project's proportionate share of the cost of the facilities that are necessary to serve the development project. The methodology used to determine a project's proportionate share shall be established in the City's most recent Development Impact Fee Nexus Study."

PART 5. Article VI, Division 8, Sections 15-242 through 15-245 of the Oxnard City Code are hereby added to read as follows:

"DIVISION 8. MOBILITY FEES

SEC. 15-242. PURPOSE.

The fees shall be used to construct mobility improvements including sidewalks, bike lanes, pedestrian bridges, and other similar facilities that are necessary to improve connectivity within the City, improve bicycle and pedestrian safety, improve bicycle and pedestrian access to public transportation stops and stations, and increase bicycle mode sharing.

SEC. 15-243. BICYCLE AND PEDESTRIAN FACILITIES MASTER PLAN

The Bicycle and Pedestrian Facilities Master Plan for the city contains a summary of the mobility facilities that are needed to meet the City's goals. The fees imposed by this division shall be based on the Development Impact Fee Nexus Study.

SEC. 15-244. IMPOSITION OF FEES.

The approval of each development project shall be conditioned on the payment of the most recently adopted Mobility Fees in order to carry out the purpose of this division as set forth in the Development Impact Fee Nexus Study.

SEC. 15-245. USE OF FEES.

The fees collected shall be used to pay for the facilities that are necessary to improve the City's bicycle and pedestrian facilities as identified in the City's Master Plan."

PART 6. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provision of this act are severable.

PART 7. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days after its adoption.

PART 8. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five (5) days before the City Council's adoption of the ordinance.

[illegible]

PART 10. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, 20____, and finally adopted on _____, 20____, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

MEMO



DATE: April 24, 2020

TO: Housing and Economic Development Committee

FROM: Jeffrey Lambert, Community Development Director
Emilio Ramirez, Housing Director
Kathleen Mallory, Planning & Sustainability Manager
Elsa Brown, Affordable Housing Manager
Alison Bouley, Senior Director, Municipal + District Finance
Hitta Mosesman, Senior Director, Community Economics + Housing Solutions
Harris & Associates

Subject: April 28, 2020 Committee Item No. D.1 - Development Impact Fee: Affordable Housing In-Lieu Fee and Inclusionary Housing

The above committee staff report did not provide a summary of the April 8, 2020 community meeting with representatives of the affordable housing community regarding the proposed Affordable Housing In-Lieu Fee Nexus Study. This was a staff oversight.

The following summarizes comments received at this meeting in addition to written comments staff received following this meeting. On April 8, 2020, City staff scheduled a virtual meeting and presentation (due to the shelter-in-place directive resulting from the COVID-19 Pandemic) to provide detailed information on the Affordable Housing In-Lieu Fee Nexus Study (prepared by Harris and Associates) for local housing advocates, developers and other interested parties. Although 17 participants joined the on-line presentation, not everyone's identity was visible to other participants during the meeting. To staff's knowledge, the following were in attendance during the virtual meeting:

- Barbara Macri-Ortiz
- Maury Ruano, People's Self-Help Corporation
- Gail Weller Brown
- Mark Pettit
- Sal Gonzalez
- Eduardo Espinoza, Cabrillo Economic Development Corporation
- House Farm Workers Distribution Group
- Jeffrey Lambert, Community Development Director
- Emilio Ramirez, Housing Director
- Kathleen Mallory, Planning & Sustainability Manager
- Elsa Brown, Affordable Housing Manager
- Alison Bouley, Harris & Associates
- Hitta Mosesman, Harris & Associates

Hitta Mosesman led a powerpoint presentation that walked participants through the assumptions utilized in the Nexus Study, including the precise dollar amounts for housing costs, rents, mortgage costs, utilities, development costs, rents, income levels, unit affordability and the requirements of the City's existing Inclusionary Housing ordinance. Ms. Mosesman also presented flow charts showing a step-by-step process of how this information was used to calculate the difference between the cost to develop affordable units and the

amount of revenue those units generate through sales prices (in the case of for-sale housing) or the maximum supportable debt for financing (in the case of rental housing) at different affordability levels. It was specified that this difference is the “affordability” gap. Additionally, it was explained that the resulting affordability gap numbers were then applied to the required percentages of units that must be affordable including the levels of affordability (i.e., very low and low income units) in the City’s existing inclusionary housing ordinance to calculate the updated in-lieu fees contained in the report.

At the conclusion of the presentation, City staff and Harris took questions from participants. Ms. Macri-Ortiz had the following questions and comments. Staff’s response to these comments follows in italics:

- Ms. Macri-Ortiz expressed concern that the fee should reflect the actual price of the cost to construct the affordable units, not what the other cities are doing. *Harris and City staff responded that the “Proposed Fees” contained in the Study are based on the Inclusionary Equivalent methodology, which applies the calculated affordability gap to existing inclusionary housing percentage requirements as contained in the City’s existing and current Inclusionary Housing ordinance. Additionally, the fees under this methodology are adjusted lower somewhat to be more consistent with the in-lieu fees from several surrounding cities so that housing development as a whole would not be reduced as a result of Oxnard having higher fees than nearby cities.*
- Ms. Macri-Ortiz stated that the City’s existing Inclusionary Housing Requirement, as contained in the ordinance, should require a higher percentage of affordable units when market rate housing is built. In other words, the total percentage of units that must be affordable as part of housing development projects should be higher than the 10% contained in the existing ordinance. She also stated that fees should be high enough so that developers choose to develop the affordable units in, and included as part of, development projects rather than paying an in-lieu fee. *City Staff replied that this is a policy decision for the City and they will coordinate with her in the process of updating the Inclusionary Housing ordinance.*
- Ms. Macri-Ortiz expressed concern that the maximum housing costs in the Nexus Study did not take into account utilities and maintenance, and insurance. *Harris staff confirmed that the Nexus Study did include costs for utilities, insurance, homeowners association fees, property taxes, etc. and referenced the tables in the Nexus Study that provide this information.*
- Ms. Macri-Ortiz expressed concern with the rents identified in Nexus Study - that the rents looked higher than they are supposed to be and that rents are not going to be at the maximum housing affordability costs. *Harris staff clarified that the rents identified in the Nexus Study are based on the maximum amount that a very low, low and/or moderate income household could pay for rent, pursuant to data from the US Department of Housing and Urban Development (HUD) for Ventura County. HUD data on income and rents are required data points in affordable housing development and implementation.*
- Ms. Macri-Ortiz stated that it was unclear whether the Demand-Based Methodology or the Inclusionary Equivalent Fee Methodology was used in the Nexus Study. *Harris staff replied that the Nexus Study examines two (2) different methodologies related to the need for affordable housing units when market-rate housing is developed. The first methodology is the Inclusionary Equivalent Fee Methodology which applies the calculated affordability gap to existing inclusionary housing percentage requirements as contained in the City’s existing and current Inclusionary Housing ordinance. The second methodology is Demand-Based Methodology which applies the calculated affordability gap to the demand for affordable housing generated by the development of market rate housing, as determined by the economic modeling software, IMPLAN. Although both methodologies are presented in the Nexus Study,*

Harris staff replied that the first methodology was the focus for the recommended “Proposed Fees” in coordination with City staff because the in-lieu fees from the Inclusionary Equivalent Analysis were closer to the average of surrounding cities.

- *Ms. Macri-Ortiz expressed concern with the “Proposed Fees” which are lower than the Inclusionary Equivalent fees identified in the Nexus Study. Harris and City staff explained that the “Proposed Fees” are the Inclusionary Equivalent fees that have been adjusted to be lower and consistent with surrounding communities to avoid discouraging developers from building in Oxnard due to higher fees. Developers build when the project “pencils” or is financially feasible - adding a fee adds to the cost to build. City staff explained that the fee needs to balance constructing units while not discouraging development in the City and driving it to a neighboring city.*
- *Ms. Macri-Ortiz expressed that it doesn’t do any good to bring housing development to the City when the housing is not affordable. Densities should increase as land inventory diminishes and that the community doesn’t need more single-family housing. Harris and City staff explained that the decisions pertaining to the required inclusionary percentage of affordable housing units and density were both policy issues which would be comprehensively evaluated as part of the update to the City’s inclusionary housing ordinance. Based on further discussions with Ms. Macri-Ortiz, staff recommends that the HEDC provide a recommendation to the City Council to direct City Staff to begin a more comprehensive update to the inclusionary housing ordinance simultaneously with updating the City’s Housing Element.*
- *Ms. Macri-Ortiz stated the proposed fees should be closer to the fees calculated in the Study. During a subsequent conversation with Ms. Macri-Ortiz, she stated that she believes the “Proposed Fees” should equal the exact amount of the Inclusionary Equivalent fees (as shown in the Nexus Study) with no adjustments made based on the average in-lieu fees of other cities.*

People’s Self Help Housing Corporation/Maury Ruano and Eduardo Espinoza/Cabrillo Economic Development Comments

At the April 8th virtual meeting Mr. Ruano asked questions regarding the existing fee, and how it was implemented. He also provided input on cities which he felt had good Nexus Studies. Following his oral comments on the 8th on April 17th, Ms. Ruano submitted a comment letter (see Attachment 1). In this letter he recommended the adoption of a fee structure that is based on the best two examples of programs People Self-Help Housing Corporation has successfully seen and directly participated in, those administered by the City of San Luis Obispo and the City of Goleta. In response to this comment staff is researching these programs.

On April 8th, staff received an email from Mr. Espinoza (see Attachment 2 - Cabrillo Economic Development) reinforcing the concerns expressed by Ms. Macri-Ortiz and Maury Ruano during the virtual meeting. He also indicated that the fee amount seemed low as compared to the cost of actually building an affordable housing unit.

Inclusionary Housing Ordinance/Housing Element

The City has kicked off work on the City’s 2021-2029 Housing Element. As a result of the in-Lieu Nexus Study and evaluation of components of the City’s existing inclusionary ordinance, a comprehensive update to this ordinance is needed. The existing ordinance contains policy directives which require comprehensively rethinking. Through community outreach regarding the Nexus Study this became abundantly clear.

Staff recommends that as part of recommending that the City Council adopt the Affordable Housing Ordinance (recommendation no. 3.), that the HEDC provide a recommendation to the City Council to comprehensively update the City’s inclusionary housing ordinance simultaneously with update of the City’s Housing Element.

Should the HEDC concur with this amended recommendation, this will be reflected in the City Council Nexus Study staff report.

ATTACHMENTS:

April 17, 2020 People's Self Help correspondence

April 8, 2020 Email Eduardo Espinoza

MEMO



Date: March 2, 2020

To: Ashley Golden, Assistant City Manager

From: Kathleen Mallory, Planning & Sustainability Manager

Subject: Inclusionary Housing Fee

At the last Ventura County Planning Director meeting, jurisdictions were requested to provide information regarding their inclusionary housing fee. Here is the information I was able to secure:

City of Agoura Hills (although not a Ventura County city a recent participant due to policy implications)
(fee in effect since 2018, applies to 10 or more units and no projects with these specifications have been permitted)

In-Lieu Fee for Apartment Developments:

- \$285,336 for every very low income unit not built
- \$260,196 for every low income unit not built
- \$134,498 for every moderate income unit not built

In-Lieu Fee Condominium Developments

- \$307,872 for every very low income unit not built
- \$262,541 for every low income unit not built
- \$130,159 for every moderate income unit not built

In-Lieu Fee Single Family Residential Developments

- \$508,849 for every very low income unit not built
- \$487,943 for every low income unit not built
- \$427,002 for every moderate income unit not built

Other Ventura County Jurisdictions

- Cities of Moorpark, Camarillo, County of Ventura, or City of Simi Valley - no in lieu fee
- City of Ventura working on the in lieu fee but haven't provided it publicly yet.
- City of Santa Paula is updating their fee and could not share.
- Thousand Oaks - no response to date.
- Port Hueneme - Requires that the construction or conversion of 10 or more residential dwellings set aside a minimum of 25% of the units in the development as affordable units, or pay an in-lieu fee (currently \$26,500 per unit)
- Fillmore - No response to date.

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF VENTURA

CERTIFICATE OF PUBLICATION

TYPE OF NOTICE

PUBLIC HEARING NOTICE

(GOV'T CODE SEC. 66018)

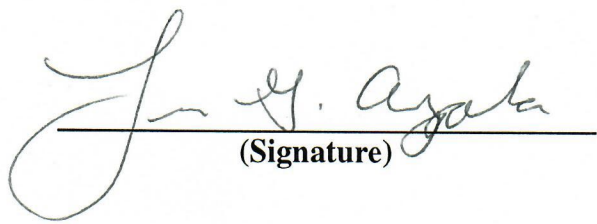
STATE OF CALIFORNIA
COUNTY OF VENTURA

I Luis Ayala
hereby certify that Ventura County VIDA Newspaper, is a newspaper of general circulation within the provision of the Government Code of the State of California, printed and published in the County of Ventura, State of California; that I am the Principal Clerk of said newspaper; that the annexed clipping is a true printed copy and published in said newspaper on the following dates, to wit.

Apr. 30, May 7, 2020

I certify under penalty of perjury that the foregoing is true and correct, at Oxnard, County of Ventura, State of California, on the

7th day of May 2020


(Signature)

PUBLIC HEARING NOTICE (Gov't Code Sec. 66018)

NOTICE OF PUBLIC
HEARING REGARDING DEVELOPMENT IMPACT FEES PURSUANT TO LAW

Notice is hereby given of a Public Hearing to comply with the requirements of the Mitigation Fee Act (California Government Code Section 66000 et seq.), before the City Council of the City of Oxnard, on May 19, 2020 at 6 p.m. at the Oxnard City Council Chambers located at 305 West Third Street, Oxnard, California or as soon thereafter as the matter may be heard, notifying that all interested persons will have an opportunity to appear and be heard in relation to the following: adoption of two resolutions and two ordinances updating and amending the City's Development Impact Fee (DIF) Program and the imposition and collection of DIFs, the City's In-Lieu Affordable Housing Program Payments and making a finding of exemption under the California Environmental Quality Act in connection therewith.

In conjunction with the update of the City's DIF Program, the City Council will consider adoption of DIF ordinances and resolutions, DIF nexus studies prepared by Harris & Associates, and the establishment of DIF amounts

for various categories of development that would be imposed for a Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Public Art Program Fee, Utility Undergrounding In-Lieu Fee, Affordable Housing In-Lieu Fee and a Mobility Fee.

The draft ordinances, resolutions and DIF studies are available for viewing on the City's webpage at www.oxnard.org/city-meetings.

ALL INTERESTED PARTIES are invited to present oral or written testimony on the matter. Written comments may be sent to the City Clerk via email at cityclerk@oxnard.org. Those wishing to speak during the meeting must fill out the speaker request form on the City's webpage at www.oxnard.org/city-meetings or call the City Clerk's office at (805) 385-7803 no later than 3:00 p.m. on the day of the meeting.

If you wish to legally challenge any action taken by the City on this matter you may be limited to raising only those issues you or someone else raised at the public hearing as described in this notice or in written correspondence delivered to the City Clerk prior to or at the public hearing.

BY ORDER OF THE
CITY CLERK of the
City of Oxnard, California.

/s/ Michelle Ascencion,
CMC, City Clerk

Publish April 30, 2020
and May 7, 2020 in Vida
Newspaper.

OXNARD DEVELOPMENT IMPACT FEE UPDATE AND AFFORDABLE HOUSING IN-LIEU FEE

PRESENTATION

May 19, 2020



Harris & Associates



Harris & Associates

AGENDA

- Development Impact Fees
 - Overview
 - Committee Comments
 - Methodology & Fee Summaries
 - Fee Comparisons
 - Funding Summary
 - Next Steps
- Affordable Housing In-Lieu Fees
 - Background & Inclusionary Ordinance
 - Methodology & Calculations
 - Findings and Proposed Fees
 - Committee & Community Input
 - Next Steps



DEVELOPMENT IMPACT FEES

WHAT ARE DIFS & WHY ARE THEY IMPORTANT

- Assembly Bill 1600 (Mitigation Fee Act)
- A One-time Fee on New Development to Mitigate Their Impacts
 - New or expanded city buildings and equipment (police, fire, youth centers, libraries, etc)
 - New or expanded parks
 - Reduce traffic impacts (traffic signals, road widening, adaptive traffic signals)
- Without adequate fees, the City's facilities and infrastructure will become overwhelmed
 - Leads to further reductions in levels of service & increased traffic congestion

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DEVELOPMENT IMPACT FEES

WHY UPDATE THE FEES?

- Best practice to update fees every five years
- The City's development impacts are seriously outdated:
 - Park Development fee was last updated in 1972
 - Storm Drain fee in 1991
 - Growth Capital fee was in 2005
 - Traffic impact fee in 2007
- Fees are based on the cost of facilities, vehicles, and equipment to serve new development
- The amount of the fee is tied to the City's specific infrastructure and facilities needs

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Council Committee Feedback & Staff Response

Public Works and Transportation

1. Consider the impact of these fee increases on future development in the City
 - a. The impact is limited when these costs are known and predictable
 - b. Development is driven by (a) cost of land, (b) cost of materials and (c) cost of labor
 - i. In January 2020 average industrial rent per square foot was:
 1. \$0.71 Oxnard
 2. \$0.79 Moorpark and Simi Valley,
 3. \$0.80 Ventura and Camarillo,
 4. \$0.96 Thousand Oaks
 5. \$1.20 Westlake Village.

Council Committee Feedback & Staff Response Continued

2. Consider fees that are more in-line with adjacent cities
 - a. The amount of the fee is tied to the City's specific infrastructure and facilities construction costs and needs;
 - b. Compared Oxnard fees to five other public agencies: Santa Clarita, Goleta, Ventura, Thousand Oaks and Camarillo
 - i. land area of city, construction constraints, and growth projects drive the fee amounts
 - ii. Construction costs, not demographics drive the fee amounts
 - c. In total, the proposed Oxnard DIFs are aligned with other jurisdictions.

FEE COMPARISON

GROWTH REQUIREMENT CAPITAL FEE

Components:	Land Use	Proposed Fee	Existing 2005 Fee	Percentage Increase
- Government Facilities - Police Facilities - Fire Facilities - Cultural and Recreational Facilities	<u>Residential</u>	<u>per Dwelling Unit</u>		
	Single Family	\$ 5,981	\$ 2,784	115%
	Multi-Family	\$ 3,955	\$ 1,160	241%
	<u>Non-Residential</u>	<u>per 1,000 Building Square Feet</u>		
Existing Inventory Method	Retail	\$ 2,018	\$ 600	236%
	Office	\$ 2,409	\$ 600	302%
	Industrial	\$ 853	\$ 600	42%
		<u>per Room</u>		
	Hotel	\$ 603	n/a	

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COMPARISON

PARKS DEVELOPMENT FEE

- Based on City's General Plan Standard
- Fund 3 acres per 1000 people

Land Use	Proposed	Existing 1972 Fee	Percentage Increase
<u>Residential</u>	<u>per Dwelling Unit</u>		
Single Family	\$ 6,993	\$ 250	2697%
Multi-Family ²	\$ 4,624	\$ 250	1750%

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METHODOLOGY & COMPARISON

STORM DRAINAGE FEE

- Planned Facilities Method
- Based on current adopted fee escalated

Land Use	Proposed	Existing 1991 Fee	Percentage Increase
<u>Residential</u>			
	<u>per gross acre</u>		
Single Family	\$ 21,263	\$ 10,645	100%
Multi-Family	\$ 29,237	\$ 14,637	100%
<u>Non-Residential</u>			
	<u>per gross acre</u>		
Retail	\$ 29,237	\$ 14,637	100%
Office	\$ 29,237	\$ 14,637	100%
Industrial	\$ 29,237	\$ 14,637	100%
	<u>per gross acre</u>		
Hotel	\$ 29,237	\$ 14,637	100%

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CALCULATION

TRAFFIC CIRCULATION FEE

Project	Total Project Cost	Allocation to New Development	Eligible Project Cost
Adaptive Traffic Signals	\$ 1,527,000	100%	\$ 1,527,000
Fifth Street & Pacific Avenue Traffic Signal	\$ 700,000	100%	\$ 700,000
Harbor Boulevard Edison Canal Bridge Widening	\$ 2,300,000	0%	\$ -
ITS Master Plan Update	\$ 250,000	100%	\$ 250,000
Oxnard Boulevard & Saviers Road Signal Improvements	\$ 1,146,600	0%	\$ -
Traffic Circulation Improvements Fee Study	\$ 500,000	100%	\$ 500,000
Traffic Intersection Capacity Improvements	\$ 61,900,000	100%	\$ 61,900,000
Traffic Model Update	\$ 200,000	100%	\$ 200,000
Traffic Signal Modernization (ITS)	\$ 6,800,000	100%	\$ 6,800,000
Traffic Signal Modifications	\$ 1,878,600	100%	\$ 433,500
Traffic Signal Timing	\$ 850,000	100%	\$ 850,000
Total Project Cost	\$ 78,052,200		\$ 73,160,500
Less: Existing Fund 354 Balance			\$ (7,121,156)
Total Remaining Cost			\$ 66,039,344
	New ADT's Generated		66,374.89
	Cost per Trip		\$ 995.00
	With 4% Administrative Fee		\$ 1035.00

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COMPARISON

TRAFFIC CIRCULATION FEE

Planned Facilities Method

Note: Shows a
sampling of fee
categories

Land Use	Proposed	Existing 2007 Fee	Percentage Increase
per ADT	\$ 1,035	\$ 730	42%
<u>per unit</u>			
Single Family	\$ 9,769	\$ 8,030	22%
Mobile Home	\$ 5,174	\$ 3,650	42%
Low-Rise Multifamily	\$ 7,574	\$ 6,278	21%
Mid-Rise Multifamily	\$ 5,630	\$ 6,278	-10%
High-Rise Multifamily	\$ 4,605	\$ 6,278	-27%
<u>per 1,000 SF</u>			
Office	\$ 10,079	\$ 7,899	28%
Medical Office	\$ 6,054	\$ 7,899	-23%
General (C2)	\$ 6,560	\$ 7,899	-17%
Fast Food with Drive Thru	\$ 102,342	\$ 76,059	35%
Gas Station (per fueling station)	\$ 45,924	\$ 21,958	109%
Hotel/Motel (Per Room)	\$ 5,040	\$ 3,796	33%
<u>per 1000 sf</u>			
Light Industrial	\$ 5,132	\$ 5,088	1%
Warehouse	\$ 1,800	\$ 3,621	-50%

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METHODOLOGY

MOBILITY FEE – NEW FEE

Existing Inventory Method

Land Use	A Cost per Capita	B Density	A x B = C Fee (rounded)	C x 4% = D Administrative Fee (4%)	C + D Total Fee
<u>Residential</u>			<u>(Fee per Dwelling Unit)</u>		
Single Family	\$ 757.45	4.31	\$ 3,265	\$ 131	\$ 3,396
Multi-Family	\$ 757.45	2.85	\$ 2,159	\$ 86	\$ 2,245
<u>Non-Residential</u>			<u>(Fee per 1,000 Square Feet)</u>		
Retail	\$ 378.73	2.91	\$ 1,102	\$ 44	\$ 1,146
Office	\$ 378.73	3.47	\$ 1,314	\$ 53	\$ 1,367
Industrial	\$ 378.73	1.23	\$ 466	\$ 19	\$ 485
			<u>(Fee per Room)</u>		
Hotel	\$ 378.73	0.87	\$ 329	\$ 13	\$ 342

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METHODOLOGY

PUBLIC ART PROGRAM

Methodology

- Planned Facilities Method
- ENR CCI of existing 2006 Fee
- Original fee established as 1% of project value
- Projects governed by a specific plan can install their Public Art Element in accordance with their specific plan.

Adopted in-lieu Fee (per building SF)	\$ 0.20
ENR CCI Increase ¹	42%
Proposed Fee (per building SF)	\$ 0.28

¹ Based on the ENR CCI for LA from June 2006 to January 2020.

METHODOLOGY

UTILITY UNDERGROUNDING IN-LIEU

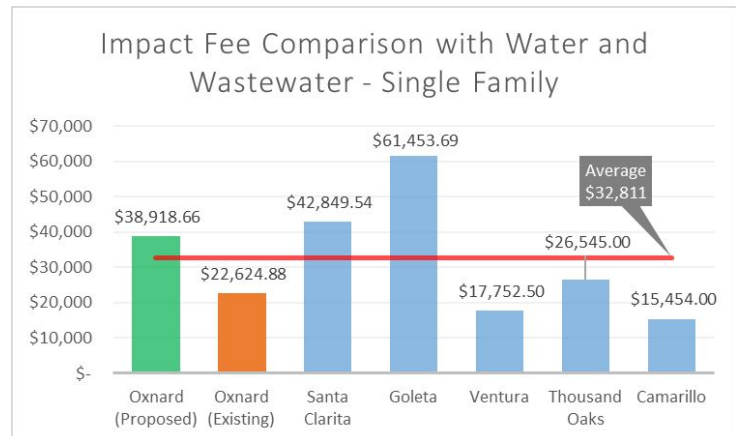
Methodology

- Master Plan Method
- Uses fee calculation from 1989 with updated undergrounding cost
- Applies to small projects in the City Defined as less than 10 acres and less than 134,000 square feet of floor area
- Meant to ensure small projects are not overly burdened

In-Lieu Fee Category	Proposed	Existing 1989 Fee	Percentage Increase
Utility Undergrounding Fee	\$ 0.54	\$ 0.1726	215%

COMPARISON TO SURROUNDING AGENCIES SINGLE FAMILY DWELLING UNIT - INCLUDING UTILITIES

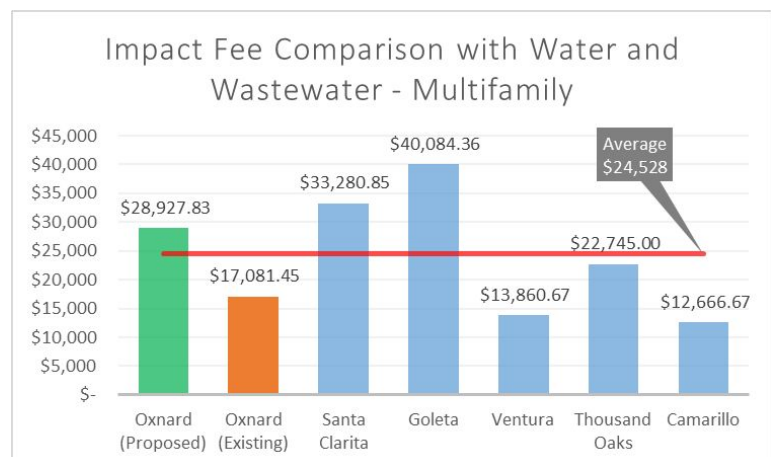
- Ventura Parks and General Capital Fees have not been updated since the 70's except by ENR. Traffic in 2006.
- Thousand Oaks only includes Traffic, Water and Sewer fees – updated in 2018/2019. Quimby In-Lieu Fee for Parks (not included).
- Camarillo only includes Traffic, Water and Sewer (adopted in 2012). Park District in process of studying park fee.



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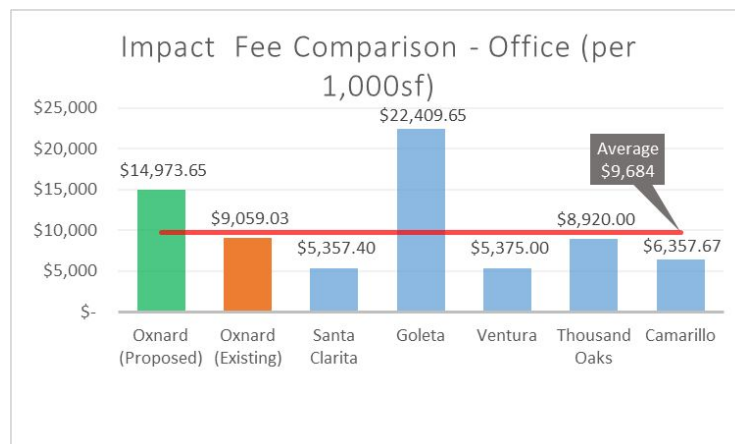
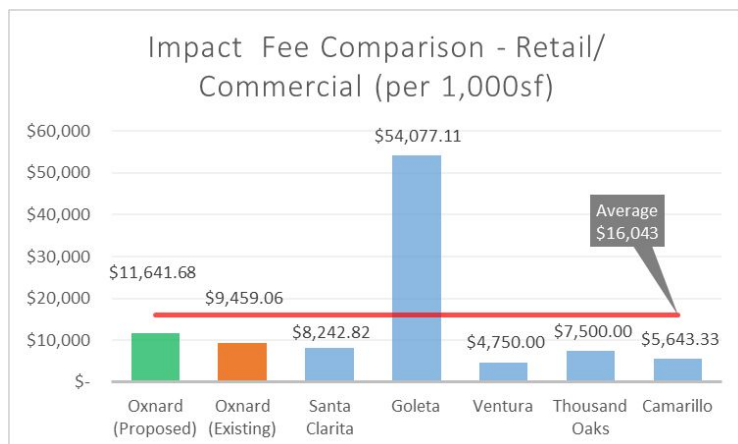
COMPARISON TO SURROUNDING AGENCIES MULTI-FAMILY DWELLING UNIT - INCLUDING UTILITIES

- Ventura Parks and General Capital Fees have not been updated since the 70's except by ENR. Traffic in 2006.
- Thousand Oaks only includes Traffic, Water and Sewer fees – updated in 2018/2019. Quimby In-Lieu Fee for Parks (not included).
- Camarillo only includes Traffic, Water and Sewer (adopted in 2012). Park District in process of studying park fee.



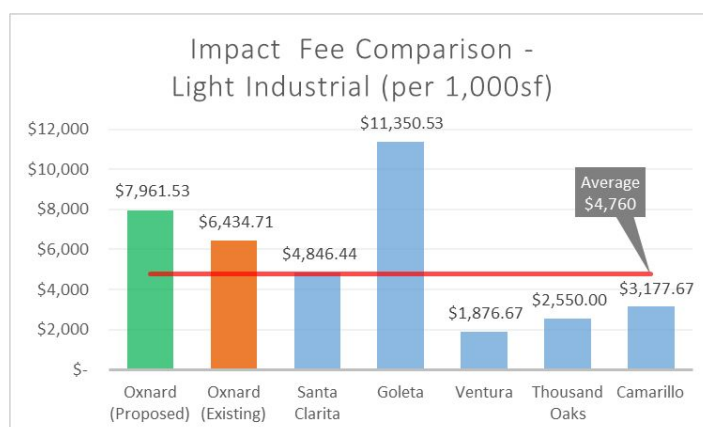
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COMPARISON TO SURROUNDING AGENCIES NON-RESIDENTIAL USES – NOT INCLUDING UTILITIES



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COMPARISON TO SURROUNDING AGENCIES NON-RESIDENTIAL USES – NOT INCLUDING UTILITIES



Note: Proposed Fee for
Warehouse = \$4,629.53

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REVENUE COLLECTED AT BUILDOUT

	Estimated Revenue Collected at Build-out	
	Proposed Fees	Existing Fees
Growth Requirement Capital Fee	\$ 22,779,521	\$ 8,229,988
Traffic Circulation Fee	\$ 66,039,344	\$ 48,453,669
Mobility Fee	\$ 12,933,775	\$ 12,933,775
Park and Recreation Fee	\$ 20,763,581	\$ 1,071,750
Public Art Program Fee	\$ 3,457,552	\$ 2,469,680
Storm Drainage Fee	\$ 24,479,557	\$ 12,239,778
Total	\$ 150,453,331	\$ 85,398,642

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Option for Phased in Fees

- Criteria for delay consideration
 - Comparison to adjacent cities
 - Fees increasing greater than 100%
- Phased in Option:
 - Park Development Fee - $\frac{1}{3}$ immediately, $\frac{1}{3}$ July 2021, $\frac{1}{3}$ July 2022
 - Growth Fee - 50% immediately, 50% (other than industrial development) July 2021
- All other fees would be implemented immediately

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AFFORDABLE HOUSING IN-LIEU FEE - BACKGROUND

- Well Documented Affordable Housing Crisis in CA
- Many Cities Adopted Inclusionary Housing Ordinances
 - Require Affordable Units When Market-Rate Development
- Common Practice to Allow In-Lieu Fee or Off-Site Units
 - Options to Developers & Encourage More Housing Built

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CITY'S EXISTING INCLUSIONARY HOUSING ORDINANCE

- Developers Can Pay In-Lieu Fee Instead of Including Affordable Units
- 20 Year Covenants to Preserve Affordability

Land Use	Inclusionary Requirement	Affordability Level	Fee per Unit
Single Family Detached For-Sale	10%	80% AMI or below	\$7,000
Multifamily For-Sale	10%	80% AMI or below	\$5,500
Multifamily For-Rent	5%	50-80% AMI	\$23,147
	5%	50% AMI or below	

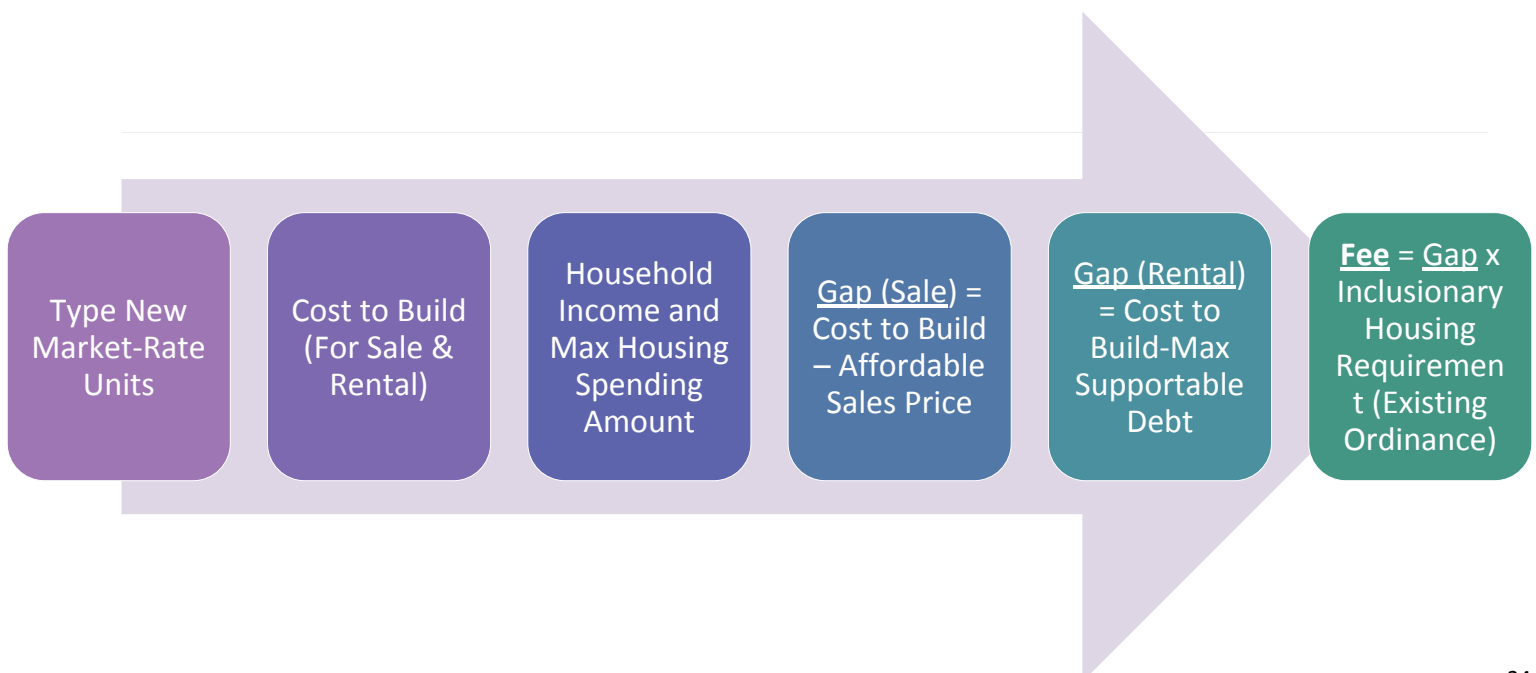
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AFFORDABLE HOUSING IN-LIEU FEE NEXUS STUDY

- Inclusionary Equivalent
 - Updated Costs, Revenues & Affordability Metrics Using City's Existing Inclusionary Housing Ordinance Requirements on Fees
 - Updates Affordability Gap – difference between market rate sales prices/rents and what residents can afford to pay at various income levels

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METHODOLOGY - INCLUSIONARY EQUIVALENT



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AVERAGE AFFORDABILITY GAP – FOR SALE AND RENTAL

Average Affordability Gap - Sale and Rent				
HH Generated per Market-Rate Unit Developed	For Sale		For Rent	Average Affordability Gap
	Single Family Unit	Multi-Family Unit	Multi-Family Unit	
Very Low Income (0-50% AMI)	n/a	n/a	\$333,823	\$333,823
Low Income (50-80% AMI)	\$447,023	\$368,534	\$234,315	\$349,957
Moderate Income (80-120% AMI)	\$316,869	\$238,204	\$127,708	\$227,594

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FINDINGS & PROPOSED FEES

Land Use	Inclusionary Requirement	Afford. Level (AMI)	Afford. Gap per Unit	Fee/ Unit	Total Fee/ Unit	Average Fee Other Cities	Proposed Fee
SFD	10%	Up to 80%	\$447,023	\$44,702	\$44,702	\$36,026	\$36,000
MF Sale	10%	Up to 80%	\$368,534	\$36,853	\$36,853	\$34,951	\$35,000
MF Rent	5%	50-80%	\$234,315	\$11,716	\$28,407	\$23,147	\$28,000
	5%	Up to 50%	\$333,823	\$16,691			

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COMMUNITY INPUT

- April 8 - Community Meeting (Local Housing Advocates, Developers & Interested Parties)
- Barbara Macri-Ortiz
 - Density Assumptions
 - Utilities and Other Expenses Included
 - Inclusionary Housing Ordinance Revisions and Maximize Fees
- People's Self Help Housing Corporation/Maury Ruano
 - Recommended SLO and Goleta Programs
- Eduardo Espinoza/Cabrillo Economic Development
 - Agreed with above comments
 - Fees seem too low

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Council Committee Feedback

Housing and Economic Development

- **Consider the comparison of the proposed fee to those in adjacent cities**
 - In-lieu fees are not consistent across the region and the City's proposed fees are based on Oxnard specific facts and the City's Affordable Housing policies
- **How does the concept of supply and demand impact the production of affordable housing?**
 - Generally more supply means lower prices; however, when it comes to addressing California's severe housing crisis, additional market rate supply doesn't necessarily result in more affordable housing; further intervention is necessary to ensure affordability
- **How much in-lieu funding has been collected and how is it being used?**
 - The current in-lieu fee balance is \$2.3m and these funds are used to leverage other funding and maximize the number of new affordable housing units

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NEXT STEPS – DIF & AFFORDABLE HOUSING IN-LIEU

If approved by Council:

- June 2nd - Second reading of ordinances
- Fees Effective 60 days After Final City Council Action
- City will Update Inclusionary Housing Ordinance as Part of General Plan Update

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THANK YOU

QUESTIONS



*Law Office of
BARBARA MACRI-ORTIZ
P.O. Box 6432
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April 26, 2020

Housing & Economic Development Committee
Oxnard City Council
300 West Third Street, 4th Floor
Oxnard, CA 93030

RE: Item D.1. Affordable Housing In-Lieu Fee & Inclusionary Housing Ordinance Amendments

Dear Chairman Madrigal, and members Basua and Flynn:

There is no question that the current In-Lieu Fee is woefully inadequate. That is a given. However, more important is the fact that the existing Inclusionary Housing Ordinance is not only woefully inadequate to address Oxnard's housing crisis, but it is obsolete in every respect. This did not happen overnight. Over the past decade, City leaders have failed and refused to heed the pleas of House Farm Workers! and local housing advocates to update the inclusionary ordinance in an effort to improve one of the City's tools to respond to the diminishing supply of land within Oxnard and to address the shortage of affordable housing available to meet the very real housing needs of our residents.

Dating back to the time of Housing Director William Wilkins, and then Arturo Casillas and now Emilio Ramirez, local housing advocates, including House Farm Workers!, have been asking City officials and staff to revise the ordinance. Our pleas fell on deaf ears.

As a result of the City's inaction, and in spite of the fact that Oxnard's housing stock increased by 18.7%, to the tune of 8,471 new housing units between 2000 and 2014, significantly more of our residents, particularly in South Oxnard and other working class neighborhoods find themselves living in severely overcrowded households.

Ventura County's Regional Analysis of impediments to Fair Housing choice, prepared in

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2015, painted a bleak picture for the lower income community throughout Ventura County and in particular for Oxnard residents. My critique of the facts contained in that document are enclosed for your information [Public Comment letter addressed to Karl Lawson, dated April 22, 2015]. That situation as presented in that document was indeed sobering and it has not gotten any better.

The housing challenges faced by our residents continue to mount, as described in the City's Mid-Cycle Housing Element Update, adopted by the Council on October 10, 2017.¹ The lack of a sufficient supply of decent, safe and sanitary housing that is affordable to our very low and low income households is a growing problem, even as the City meets or exceeds its RHNA goals for market rate housing. Oxnard has been quite successful over the years in meeting its goals for market rate housing units while our low income community continues to stay behind the eight ball when it comes to affordable housing.

For example, as of March 2017, only 53 above moderate units were needed in order to achieve the total RHNA for this income category for the period 2013 -2021. In other words, at that point in time the City had an additional 4+ years left in the current RHNA cycle to entitle a mere 53 more market rate units (no doubt this has already been achieved). In contrast, at that same point in time the RHNA deficit was 1,525 very low income units, 806 low income units and 166 moderate income units. [See adopted Housing Element, Table D-4. - Remaining RHNA through March 2017, pg. D-5]. The City's production of low and very low income units during the previous Housing Element cycles was equally dismal, in comparison to the production of above moderate Income units. For example, the production of above moderate income units within the City was 295% of the RHNA above moderate income need for the 1998 - 2005 RHNA Cycle [See Oxnard Housing Element, Draft No. 4, February 2012, Table A-1, page A-2]. A total of

¹. According to the Oxnard's 2017 Mid-Cycle - 2013-2021 Housing Element Update, adopted October 10, 2017, [a]s of 2009, Oxnard had 49,550 households, with an average household size of 3.65 persons, in 2016, DOF reports 51,298 households with average size of 4.01] higher than the Ventura County average size of 3.04 persons as well as the California average of 2.89 persons ... In comparison to Ventura County and the state, the City has a larger proportion of households considered large with 5 or more persons. Nearly one-third of all households in the city are large, 27 percent (13,517 households), in comparison to 15 percent of households in Ventura County and 14 percent of households in the state. Many of these households, particularly farm workers live in housing designed for much smaller households.

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3,645 housing units -- 1,855 single family and 1,790 multi-family, were produced during the period 2006- 2013 [See Mid-Cycle Housing Element Update, Table B-30, page B-22. No affordability breakdown was provided].

The policy question for the City Council is simple. How can the City neglect to update its Inclusionary Housing Ordinance as expeditiously as possible in light of the fact that the City has produced more than 13,000 units during the period 2000 - March 2017, while our residents continue to scramble for a dearth of affordable housing units? As acknowledged in the nexus study, Oxnard's Median Annual Household Income is \$68,303 [Slide 3 of Slide show presentation]. Contrast that with the Ventura County Median Annual Household Income of \$97,800 [2019 Income Limits, published by HCD, May 6, 2019].

With respect to the matter before you today, after reviewing the April 24, 2020 Memo, as well as the letters received from the Los Angeles/Ventura Chapter of the BIA and the Chamber of Commerce I have a much better understanding of the process and what in my view went wrong.

The process was flawed from the beginning because we were not given any opportunity at the beginning of the process to provide any meaningful input for the consultants to take into consideration as they initiated their assignment. Furthermore, by the time we were brought into the process the consultants had already completed their work. Thus, there was no opportunity (or interest) for the consultants to consider or follow up on any of our comments as reported in the April 24, 2020, memo regarding what transpired in the April 8th community meeting.

To put the process in perspective, I offer the following chronology:

We were advised at a House Farm Workers! meeting several months ago that the City intended to update its in lieu fee schedule for the Inclusionary Housing Program. As I recall we had a spirited discussion at that time with respect to the issue of whether such an update more appropriately should be part of an update of the entire Inclusionary Housing Program, including the inclusionary requirements themselves. Our suggestion was rebuffed at that time, but we were assured that our input would be sought before the study was finalized and brought to the Council.

Thereafter, apparently the City hired Harris & Associates, to simply prepare a nexus study

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to justify an increase in lieu fees, without any consideration of the substance of the underlying ordinance or the efficacy of the City's Inclusionary Housing Program.²

I understand from the content of the April 16, 2020, letter submitted by Christine Rangel, Senior Director, Government Affairs for the BIA/LAV, that she attended what was described as "an initial outreach workshop" on March 12, 2020, and learned about the "development impact fees proposal." Apparently Nancy Lindholm, President/CEO of the Oxnard Chamber of Commerce, also attended the same meeting as in her letter she references a "presentation from Harris & Associates." It is unclear whether any materials were provided at that meeting.

On March 16, 2020, Ms. Mallory advised me by email that the City would "very shortly" be issuing a document "with the updated number including the methodology for how this number [the Inclusionary housing fee] was calculated." The following day Ms. Mallory sent me six slides "which have been extracted from the presentation that the City will be giving at the Housing & Economic Development Committee on April 28th regarding the City's Development Impact Fees." She provided the figures being recommended and stated that the "methodology analysis will be attached to the April 28th HEDC staff report which would be available on or around April 21st." Ms. Mallory informed me that she planned to attend the April 8th Farm worker Housing meeting to discuss the attached documents and any questions we may have. She also offered to meet with me, if I would like to discuss the study further.

Two days later the Governor imposed the COVID-19 shelter-in-place order, and most of us were forced to reorder our priorities and make contingency plans for getting our work done. After getting a chance to review the slides and the proposed fees, I sent Ms. Mallory an email on March 27, advising that the information provided did not make sense . . . in particular questioning how the gap for a very low income unit could be less than

². The process should have included three steps: 1) an initial public comment period, including a meeting with the community/stakeholders and the consultants to allow relevant input to be provided before the initiation of the consultant's work plan; 2) circulation of the draft study allowing an opportunity for public comment by the community and stake holders; and 3) a second meeting with the community to review the draft and consider changes before the document and recommendations were finalized and presented to the HEDC and the Council.

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the gap for a low income unit? ³

I requested a copy of the consultant's written report with the methodology. No report was forthcoming. Instead, the day before the April 8th virtual meeting we were provided essentially the same 16 page power point presentation that will be presented to the HEDC [pages 88 - 95 in your packet]. After the April 8th meeting, we were provided a copy of virtually the same "Final Draft of the Affordable Housing In-Lieu Fee Nexus," which is before this Committee [pages 10 - 41 in your packet].

Based on the above chronology, whether intended or not, it is clear that the public was not given any real opportunity to be heard, both with respect to substantive amendments to the Inclusionary Housing Program or the methodology and amount of the proposed In Lieu Fees. The City must do better!

The City must finally begin to effectively use its police powers to respond to our housing crisis. One important step forward would be to significantly increase the percentage of affordable units required to be built in accordance with the City's Inclusionary Housing Ordinance.

It is my understanding that Staff is now recommending that the time frame within which the City will *actually adopt an ordinance* containing substantive revisions to the Inclusionary Housing Ordinance be condensed. Thus, I will expect that such revisions will be completed and adopted by the Council on or before the adoption of 2021 - 2029 Housing Element. This task cannot be treated as a program tucked away in the new Housing Element because our housing crisis is real and desperate – we simply do not have the luxury to keep pushing such a major affordable housing tool into the background.

Among categories of changes that need to be addressed are the following:

³. I have since been informed that the difference is the result of a formula that is based on 30 units to the acre for the Multifamily For-Sale product and 39 units to the acre for the Multifamily rental units. That makes absolutely no sense to me in light of the City's land use and zoning standards. Furthermore, in light of the well known fact that very low income rental units generate less income to cover the mortgage debt and expenses, I cannot figure out how it is possible to have less of a gap for this product, notwithstanding the explanation I received from Ms. Brown and Ms. Mallory.

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1. Significant increases in the amount/percentage of low and very low income housing that must be included in each development project. It should be noted that with the removal of reference to the redevelopment areas of the City, the ordinance before you actually LOWERS the amount of affordable housing because under the ordinance housing developed within the redevelopment project areas were subject to the 15% inclusionary requirements as set forth in state law. Note that while the Redevelopment Agencies have been dissolved, the applicable law requiring the 15% inclusionary requirement is still on the books. Thus, I would assert that this inclusionary requirement is still operable in the City's Redevelopment project areas. Also, note that much of the land identified for development within the City is located within a redevelopment project area, most notably the HERO project area.
2. The term of affordability should be increased to no less than fifty-five years for both rental and For-Sale affordable units.
3. The ability of the developer to choose to pay In Lieu fees rather than construct the housing should continue to be strictly limited.
4. Part 15 of the ordinance before you today should be deleted in its entirety as it conflicts with State Density Bonus Law, as determined by the Court in Latinos Unidos Del Valle de Napa y Solano v. County of Napa (2013) 217 Cal.App.4th 1160.
5. Since the methodology in the current nexus study is grounded in the current inclusionary requirements, the study will have to be redone to comport with the updated inclusionary requirements. This is a major objection I had to conducting the in lieu fee study before necessary revisions to the ordinance are completed. The City's chosen path will necessarily result in extra expense and extra work.

In closing I would just point out that Part 9 of the Ordinance that is before you today provides for preference to Oxnard residents qualified to purchase or rent the affordable units produced in accordance with the inclusionary ordinance. Thus, the City already has a basis to impose the local preference on developers of housing in the City. I hereby specifically request that the City start enforcing this section of the ordinance without

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further delay.

I plan to speak at the hearing by telephone and look forward to answering any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'B Macri-Ortiz', written in a cursive style.

Barbara Macri-Ortiz

Enclosure

cc: Michelle Ascencion, City Clerk
Alexander Nguyen, City Manager
Ashley Golden, Assistant City Manager
Jeffrey Lambert, Community Development Director
Emilio Ramirez, Housing Director
Kathleen Mallory, Planning & Sustainability Manager
Elsa Brown, Affordable Housing Manager

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April 22, 2015

**Karl Lawson
Fair Housing Officer
City of Oxnard Housing Department
435 South "D" Street
Oxnard, CA 93030**

***RE: PUBLIC COMMENT
2015 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING***

Dear Mr. Lawson:

Thank you for the opportunity to comment on the Ventura County Regional Analysis of Impediments to Fair Housing Choice, prepared by the County of Ventura as the Lead Agency with the assistance and input of the incorporated jurisdictions, including the City of Oxnard. The report paints a very bleak picture for the lower income community throughout the County who must compete for scarce housing opportunities in this high housing cost area of the State and Country. The information contained in this report should serve as an eye opener not just for the citizens of Oxnard but for every jurisdiction in our County. The statistics in this report provide a picture of the changes in our communities that have occurred during the period 2000 - 2014. Taken as a whole, these statistics crystalize the major fair housing issues that we face within Oxnard and Ventura County, even as this report is silent as to the true fair housing implications presented.

Oxnard's demographics, as reported in the Analysis reveal the following: The number of Oxnard households (50,613) has grown by 15.9% over the last 14 years, second only to Moorpark, although Moorpark has less than half as many households as Oxnard (24,776). [Table 12, p. 24]. Oxnard has the largest average household size (3.95) overall in the County; 80.3% of these households are families, with an average family size of 4.20, and 42.8% of these families include minor children [Table 13, p. 25]. Oxnard's Median

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Household Income is \$60,736 while its Median Family Income is a little higher at \$62,345 [Table 20, p. 39]. Of 51,360 Oxnard households as of 2011, 56.0% were lower income households, earning 80% or less than the Area Median Income [Table 21, p. 40¹]. Oxnard's workforce includes many of the low wage workers who serve the needs of the entire County in its retail, restaurant, manufacturing, landscape, healthcare, education, childcare and tourist industries.² Oxnard is also home to 61.7% of the farm workers who toil in Ventura County's rich agricultural fields [Table 19, p. 38].

Oxnard residents are paying a higher percentage of their income for housing than the residents of any other City in Ventura County. Yet, even though over fifty percent of Oxnard's households (50.1%) are overpaying for their housing, including 44.6% of homeowners and 56.9% of renters [Table 35, p. 57], Oxnard households are second only to the City of Santa Paula as being the most overcrowded for both owners and renters in the County, and Oxnard has the highest percentage of renter households in the County that are severely overcrowded [Table 36, p. 59]. Yet, during the same time period (2008-2012), the vacancy rate in Oxnard was 6.6%, which was actually above the 5% rate considered to be indicative of a *healthy* housing market. [Table 29, p. 51].

How can this be? The answer is simple. Rents have continued to skyrocket across the County and particularly in Oxnard. As of January 2015, average rents in Oxnard for studios (\$1,237) and three bedroom apartments (\$2,375) are *the highest of any city in Ventura County* [Table 32, p. 53]. What that means is that in order for an adult child or young couple to move out of the family home, they must earn \$4,123 per month (\$49,480 annual earnings) to be able to afford to rent a studio. How many of our adult children who still live at home are earning that kind of money? Also, for families with two to four

¹. It should be noted that the Income Distribution section contains a serious error, as it incorrectly defines *Low-Income* as 31-50% of AMI, when in fact 31-50% AMI is the definition of *Very Low Income*. It also defines *Moderate-Income* as 51-80% of AMI, when in fact 51-80% AMI is the definition of *Low Income*. Finally, under the definition *Middle/Upper-Income* (above 80% of AMI), it includes both *Moderate Income* (81-120% of AMI) and *Above Moderate Income* (121% or more of AMI). See bullets on p. 40 and Table 21. Table 33, p. 54, suffers from the same mistake.

². As shown in Table B-12 on page B-9 in the *City of Oxnard 2013-2021 Housing Element, Public Review Draft March 2015*, the vast majority of residents in Oxnard work in or near the City. The commute time for 70 percent of our residents is less than 30 minutes, while just over 30 percent of residents commute 30 minutes or more to work.

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children who would like to move out of overcrowded or substandard living arrangements, they must earn \$7,917 per month (\$95,004 annual earnings) in order to be able to afford to rent a three bedroom apartment. Is there any doubt why our residents are living in overcrowded or substandard housing? It is no mystery why some families must opt to be sheltered in garages, rather than apartments.

Even as the situation becomes more dire for Oxnard residents, one would think that we should be doing much better in light of the fact that Oxnard's housing stock has increased by 8,471 units between 2000 and 2014, an increase of 18.4%. Oxnard's housing production represents 25.8% of the increase in housing stock *for the entire County*. Only Moorpark's increase of 19.0% is greater than Oxnard's, but by comparison Moorpark only produced 1,741 units during the same time frame. Yet, despite the significant number of units actually produced in Oxnard during the last fourteen years, this new housing stock is simply not available to the majority of Oxnard residents in need of housing. So while we permit more apartments and homes, the vast majority of these new residences are filled with folks from other parts of Ventura County as well as commuters from Santa Barbara and Los Angeles Counties. This does nothing to solve the housing crisis in our own back yard while it exacerbates the congestion on the 101 freeway.

There is an evident disconnect between the residential development that has occurred in Oxnard as compared with the housing needs of our community and the pressing housing problems that we face. Unfortunately, the growth of housing stock in the community has resulted in a mismatch between the available housing offered on the market and those in our community in need of decent, safe and sanitary housing that is affordable. This housing crisis is further exacerbated by the fact that Oxnard is also home to one of the highest concentrations in Ventura County of persons living below the poverty line [p. 43, and Figure 4, p. 44], including farm workers, female headed households, seniors, and the disabled.

The disparity in incomes between residents of east and west Ventura County also seriously impacts housing prices, including rents at tax credit affordable housing complexes where rents are tied to the Area Median Income (AMI). This disparity creates a serious fair housing issue as it has a disparate impact on lower income families and households in Oxnard (as well as Santa Paula and Fillmore) that are predominately minorities.

For example, while Oxnard's median family income in 2012 was \$62,345, it was eclipsed

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by the median family incomes in the cities of Thousand Oaks (\$115,782), Moorpark (\$109,321), Camarillo (\$100,765) and Simi Valley (\$97,722). The incomes of these predominately east county jurisdictions had the effect of raising the area median family income for Ventura County to \$86,579. Median household incomes are generally lower than median family incomes. However, while Ventura County's Area Median Household Income in 2012, was \$76,483, the household median income in Oxnard was \$60,736, a difference of \$15,747 [Table 20, p. 39]. While this might not seem like a lot of money, it can have a significant impact on the maximum rent that may be charged in tax credit properties for units rented to households at 30% to 60% of Ventura County's Area Median Household Income. What this means is that for some of our extremely low income residents (whose incomes are well below 30% of Ventura County's AMI, i.e. below \$26,790 for a family of four in 2015), they are not able to afford to pay the lowest tax credit rent unless the property has additional federal or state rental operating subsidies, such as USDA (farm worker), HUD (disabled or senior) or MHP (family).³

Furthermore, after the County crawled out the recent recession, the Ventura County Median Household Income for 2014, rose to \$89,300 for a family of four, an increase of \$12,817, in just two years. Oxnard's work force has not received wage increases anywhere close to that magnitude, and thus, our residents continue to fall behind as the income limits for *Extremely Low Income* (\$27,200), *Very Low Income* (\$45,300) and *Low Income* (\$72,500) households rise, resulting in higher rents in tax credit properties, and making it more difficult to compete for public subsidies for first time home buyer assistance programs.⁴

Public Housing and Section 8 tenants are not directly impacted by the rise in median income since rents are tied to the tenants' actual incomes. However, Section 8 tenants are

³. It is a little known fact that the Area Median Income in Ventura County has consistently been higher than the AMI in both Santa Barbara and Los Angeles Counties. Furthermore, based on the 2015 State of California Income Limits released by HCD on April 15, 2015, the AMI for a family of four in Ventura County is still \$89,300. Yet, that figure puts our County ahead of the Tri Counties and the Southern California counties of Santa Barbara (\$75,400), Los Angeles (\$64,800), Orange (\$87,200), San Diego (\$75,900) and San Luis Obispo (\$77,100).

⁴. The Analysis should also contain a Table listing all the affordable tax credit properties in the County, including the locations, number of units, and identification of the number of units in each property that are dedicated for special needs populations, i.e. farm workers, disabled, and seniors.

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most definitely affected when market rents eclipse Fair Market Rents as fewer landlords are willing to offer their properties to Section 8 recipients. We always experience this reduction in housing choice for Section 8 recipients in times when demand for rental housing far exceeds the supply, such as today and during the aftermath of the recent foreclosure crisis, when thousands of homeowners flooded the rental housing market after losing their homes.

The lack of sufficient decent, safe and sanitary housing that is affordable to lower income families and households in and of itself should be viewed as a serious impediment to Fair Housing because it creates an environment that is ripe for discrimination and has a disparate impact on minority populations and families with children who are least able to compete for scarce housing resources.

We must face this crisis knowing that the movement has already begun to renew the SOAR initiatives and ordinances, which constrain the ability of cities to grow outside of their boundaries. It is also no secret that voter approval of these initiatives is likely. The stated goal or reason for SOAR as expressed in its name is to *Save Our Agricultural Resources*. That is an exemplary goal as Ventura County has probably the richest soil in the world and one of the best climates for the production of the fruits and vegetables we need as a people to survive. However, the cost for SOAR has to be a commitment by each jurisdiction accompanied by actions to ensure much better use of the vacant land and available parcels for redevelopment that remain within our cities' borders. Each city must commit to rezoning actions that will allow for mixed use and high density residential development and redevelopment in our cities. As a community Ventura County residents have to embrace high density residential development as a fact of life in *every* city in the County. Each community must commit not only to eliminate new low and medium density residential development, but also to maximize the use of what vacant land is left in the cities for the housing needs of our entire community, including all those who harvest our crops or otherwise serve the needs of the affluent and our aging populations. The cold hard fact is that if we cannot grow outward into our agricultural lands and open spaces, we must grow upward.

Table 53, p. 106, *Typical Land Use Categories & Permitted Density by Jurisdiction*, demonstrates our current wasteful land use policies as expressed by our zoning ordinances. If we truly want to preserve our agricultural resources (not to mention the need to reduce water consumption), we should no longer allow single family residential developments of less than 14 units to the acre, nor can we allow multifamily residential

developments of less than 30 units to the acre. Furthermore, high density development is the only solution to allow sufficient development to meet the needs of our children and the workforce who serve every community in this County. Oxnard should not have to be the home for all the workers who service the needs of every affluent community. Every community must be able to house its own workers and in doing so it will help lower housing costs and improve the environment as well.

Inclusionary Housing Programs must not only be continued in those seven cities that have such programs in place, but Simi Valley, Fillmore and Ojai should also implement inclusionary housing programs. All jurisdictions need to improve and strengthen these programs in order to ensure that the market is actually building housing to address the needs of our total community.⁵ Based on the demographics of Ventura County it is necessary for each City to commit to Inclusionary Housing Programs that require that at least forty percent (40%) of new construction projects be dedicated to serve the needs of our *Extremely-Low*, *Very-Low* and *Low-Income* communities⁶ because the fact is that these residents are needed to do the low wage jobs that are required and will continue to be required in every community in the years ahead.

If our communities fail to seriously commit to rezoning programs that will allow us to make better use of our land and create incentives to produce more affordable housing, we will have a much more serious fair housing issue to deal with because exclusive or

⁵. It should be noted that the discussion on page 125 regarding Ventura's Interim Inclusionary Housing Policy is somewhat premature. The Supreme Court heard oral arguments on April 8, 2015, in the case of California Building Industry Association v. City of San Jose, the case referenced in that discussion. A decision is expected in July. Whatever happens in this case, the Legislature and the Governor will be hard pressed not to remedy whatever outstanding issues remain with respect to inclusionary housing, including the residual negative impacts of the Palmer/Sixth Street Properties v. City of Los Angeles case since its ripple effect has frustrated communities across our State. One errant Appellate Court decision cannot be allowed to undermine California Housing Element Law or stymie government's ability to protect its people from a housing crisis of tsunami proportions.

⁶. See Table 21, p. 40. Although the columns are incorrectly labeled, the totals for Ventura County reflect that based on their earnings our residents fall within the following categories in the following proportions which total 41.0% of the County's population: 12.3% - Extremely-Low Income (0-30% AMI); 11.7% - Very-Low Income (31-50% AMI); and 17.0% - Low-Income (51-80%).

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wasteful land use policies and programs have a discriminatory impact on minorities in violation of Government Code § 65008 and other Fair Housing laws. However, the impacts of such discrimination reach way beyond the victims of such discriminatory land use policies and programs. At the end of the day, if we price our workforce and our young people out of our communities, then our communities will eventually shrivel up and die from their own dead weight.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Macri-Ortiz', written in a cursive style.

Barbara Macri-Ortiz

xc: County Executive Office, Ventura County Community Development Division



CITY COUNCIL AGENDA REPORT
REPORTS
AGENDA ITEM NO. N.1

DATE: May 19, 2020
TO: City Council
FROM: Michelle Ascencion, City Clerk, (805) 385-7805, michelle.ascencion@oxnard.org
SUBJECT: Ordinance Authorizing Electronic Filing of Campaign Disclosure Statements. (5/5/5)

RECOMMENDATION

That the City Council introduce for first reading an ordinance adding subsection (C) "Electronic Filing of Campaign Disclosure Statements" to Chapter 2, Article VI, Section 2-247 of the Oxnard City Code to make the necessary findings and adopt regulations allowing for the electronic and paperless filing of Campaign Finance Disclosure forms.

BACKGROUND

Government Code Section 84615, enacted in 2013, allows local government agencies to require an elected officer, candidate, committee or other person ("committees") to file statements, reports, or other documents online or electronically with the local filing officer. This does not include committees who receive contributions or make expenditures less than two thousand dollars (\$2,000) in a calendar year. This code further authorizes the City Clerk to accept electronic filings in lieu of paper filings.

In order for Oxnard to use and accept electronic campaign filings, the City Council must first adopt an ordinance with required findings approving the use of an electronic system, which includes that the system will operate securely and effectively and will not unduly burden filers. In addition, certain defined criteria must be satisfied by a local government agency, including, among others, that the system be available free of charge to filers, available to the public to view filings, and include procedures for filers to comply with the requirement that they sign statements and reports under penalty of perjury. At this time, according to the Secretary of State website, more than 150 local government agencies and 30 counties throughout California have chosen to enact paperless filing.

Since March of 2019, the City Clerk Department has utilized the Granicus (formerly SouthTech) "DisclosureDocs" system for electronic filing of Statements of Economic Interest (Form 700). The City Clerk's Office now wishes to implement the "CampaignDocs" module to allow for the electronic filing of candidate and committee campaign forms, particularly in light of the new requirements enacted by the recently adopted Oxnard Government Accountability and Ethics Act in March 2020.

ANALYSIS

Public access to campaign disclosure information is a vital and integral component of a fully-informed electorate. Transparency in campaign financing is critical in order to maintain public trust and support of the political process.

Although state law authorizes the City to mandate electronic filing, we recognize that such mandate could have a direct effect on those committees or individuals who do not have computer access or familiarity with computer programs. To ensure that the same opportunity to comply with the Political Reform Act is afforded to all committees without unduly

burdening any one committee, the City Clerk recommends the Council approve an Opt-In/Out program. In short, to ensure reporting continuity and accurate accounting of contributions/expenditures, once a committee chooses to file a report electronically using NetFile, the committee is deemed to have “opted in” and shall be required to file all future statements electronically using the City Clerk’s system. On the other hand, any committee who wishes to continue to paper-file may “opt-out” of the electronic filing system by filing all original statements with the City Clerk. Should a Committee choose to only paper-file, the City Clerk will continue to accept such reports until the committee “opts-in.”

The CampaignDocs system operates securely and effectively without unduly burdening filers, while providing immediate online access to redacted statements. Filers are able to input campaign finance information periodically, or all at once, with the system retaining and aggregating data specific to a campaign, to be used and carried over from one reporting period to the next. Accessibility to online statements can significantly reduce staff time spent on administration of campaign filings and will continue to demonstrate the greatest level of transparency by making reports immediately available to the public via the City’s webpage.

To ensure a smooth transition, and as part of the agreement an implementation of the system, Granicus will partner with the City Clerk’s Office to provide the necessary training and customer service to properly bring the campaign finance module online, as it did with the Form 700 system. The company’s experience and proven track record throughout California is one of the key reasons staff selected the Granicus system and for the City Clerk’s Office to recommend this action to the City Council now. The goal is to achieve 100% participation for active committees, as well as the yet to be determined number of candidates and committees that may be participating in the upcoming 2020 general municipal election.

STRATEGIC PRIORITIES

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

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michelle Ascencion, City Clerk

ATTACHMENTS

1. 05.19.2020 Electronic Filing Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ADDING SUBSECTION (C) "ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS" TO CHAPTER 2, ARTICLE VI, SECTION 2-247 OF THE OXNARD CITY CODE REGARDING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS

WHEREAS, California Government Code Section 84615 provides that the legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports or other documents required by Chapter 4 of the Political Reform Act, except those whose contributions and expenditures each total less than two thousand dollars (\$2,000) in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

WHEREAS, the City Council expressly finds and determines that Granicus CampaignDocs software web-based system, as proposed by the City Clerk, contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers; and

WHEREAS, the software used by Granicus CampaignDocs's electronic filing system has been certified by the Secretary of State and meets the requirements set by Government Code Section 84615; and

WHEREAS, the City Clerk and Granicus will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-247 (Campaign Disclosure) of the Oxnard City Code is amended to add subsections (C) to read as follows:

"C. Electronic Filing of Campaign Disclosure Statements. Pursuant to California Government Code section 84615, the City of Oxnard hereby finds that online or electronic filing will facilitate the efficient and secure filing of required campaign reports, and that such system will operate securely and effectively and will not unduly burden filers.

(1) Whenever any elected officer, candidate, or committee is required to file a campaign statement under the Political Reform Act or the Regulations with the City Clerk, the elected officer, candidate, or committee shall file the statement in an electronic format prescribed by the City Clerk.

(2) Any statement, report, or other document filed electronically or online pursuant to this section will be accepted as an original statement and need not be filed in paper format. To ensure reporting continuity, once a statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, or committee, all future

statements, reports, forms, and other documents filed on behalf of that officer, candidate or committee must be filed electronically. An elected officer, candidate, committee or other person may choose not to use the electronic filing system by filing all original statements, reports, forms, or other documents in paper format with the City Clerk, until such time as the City Council determines that electronic filing is mandatory for all filers.

(3) The date of filing for a statement, report, or other document that is filed online or electronically shall be the day that it is received by the local filing officer, and the electronic system will provide confirmation with a timestamp ensuring that the statement, report, or other document was received.

(4) If access to online filings has not been prescribed in a timely manner, the elected city officer, candidate, or committee may file an original statement by paper, at the discretion of the Filing Officer.

(5) The provisions of this subsection shall apply only to persons or combinations of persons who qualify as a committee under Section 82013 of the Political Reform Act.

(6) The City Clerk is authorized to adopt such administrative policies and procedures as deemed necessary to implement this Chapter.”

SECTION 2. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published a minimum of five (5) days before the City Council’s adoption of the ordinance and within fifteen (15) calendar days of the adoption in a newspaper of general circulation published and circulated in the City; and shall post a certified copy of this Ordinance in the office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 3. Ordinance No. _____, first read on May 19, 2020, was adopted on June _____, 2020 to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this _____ day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. N.2

DATE: May 19, 2020

TO: City Council

FROM: Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

SUBJECT: City of Oxnard Environmental Resources Division Cash Handling Report. (15/15/10)

RECOMMENDATION

That the City Council receive and file the Internal Auditor Report on the Environmental Resources Division Cash Handling. (Finance and Governance Committee approved 3-0)

BACKGROUND

The City of Oxnard established an Internal Audit Department to help the City accomplish its objectives and help improve the effectiveness of risk management, control and the governance process. As a result of the City-wide risk assessment, it was identified that the Environment Resources Division of the City handles a significant amount of cash on a daily basis. Cash is a high risk area for potential misappropriations.

The objective of the cash handling audit is to determine whether the Environmental Resources Divisions have proper internal controls in place to ensure proper handling and recording of cash transactions. This includes obtaining an understanding the internal control design as well as testing the implementation of those controls. As a result of the audit, recommendations to the Division and City are made for operational improvement. The Internal Audit department has completed the cash handling audit of the City of Oxnard and has issued their report.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to strengthen and stabilize the organizational foundation of the City in the areas of Finance, Information Technology, and Human Resources, and to improve workforce quality while increasing transparency to the public. This item supports the following goals and objectives:

Goal 1. To help foster a healthy and accountable corporate foundation by strengthening the support functions of the organization, which include Finance, Information Technology and Human Resources.

Objective 1a. Ensure the 128 recommendations outlined in the organizational assessment are implemented through the 3 phased implementation action plans adopted by Council in July, 2015 and provide periodic reports to Council on the status of the implementation plans.

Objective 1b. Establish an Internal Audit Program to complete performance audits of identified programs to ensure compliance with state and federal law and that Council policy is adhered to.

Objective 1c. Develop written procedures to address Internal Control recommendations from Auditor.

Goal 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

FINANCIAL IMPACT

The cash handling audit has been budgeted by the City of Oxnard to be included in the annual internal audit work plan.

COMMITTEE OUTCOME

The Finance and Governance Committee approved 3-0 on April 14, 2020 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Henry Oum, Price Paige & Company

ATTACHMENTS

1. City of Oxnard - ER Division Cash Handling Report (Redacted)
2. City of Oxnard Internal Audit Department ER Division Cash Handling Presentation

REPORT FOR

**CITY OF OXNARD ENVIRONMENTAL RESOURCES DIVISION
CASH HANDLING PROCEDURES AUDIT**

FOR THE PERIOD JULY 1, 2016 THROUGH DECEMBER 31, 2018

September 17, 2019

Prepared by:

**Price Paige and Company
Internal Auditors of the City of Oxnard**

570 N. Magnolia Avenue Suite 100
Clovis, CA 93611

(559) 299-9540

**CITY OF OXNARD ENVIRONMENTAL RESOURCES DIVISION
CASH HANDLING PROCEDURES AUDIT
FOR THE PERIOD JULY 1, 2016 THROUGH DECEMBER 31, 2018**

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BACKGROUND AND AUDIT OBJECTIVES

The Del Norte Regional Recycling and Transfer Station ("Del Norte") is the City of Oxnard's (the "City") Material Recovery Facility ("MRF") operated by the Environmental Resources Division (the "ER Division"). Del Norte was designed in the early 1990s and opened in October of 1996. It is currently permitted to accept a total of 2,779 tons per day in the following quantities: 1,667 tons of solid waste and 1,112 tons of recyclable, organic/green-waste and other diver-table material. At current volumes, Del Norte receives, processes, and transfers approximately 1,000 tons per day of municipal solid waste, source-separated or "curbside" recyclables and organics (green waste and food waste) from the western region of Ventura County. The primary source of this material comes from the City of Oxnard; however, as a regional facility, material is also received from the City of Port Hueneme and unincorporated areas of Ventura County.

The MRF conducts business transaction at the scale house weigh station and at the recyclable buy back center. The MRF utilizes the Paradigm Software Weigh Station Program (main system) to record all transactions. The main system is backed up by the Municipal Solid Waste Disposal ticket system.

During 2018, we performed a City-wide risk assessment which considered all of the City's departments. The purpose of the risk assessment was to identify any significant risks of error or fraud. As a result of the risk assessment process, certain risks were identified within various departments and a timetable established for conducting audits to address those risks. The ER Division's audit was scheduled for the year ended June 30, 2019.

The City-wide risk assessment process included interviews with the ER Division's management personnel. Consideration was given to the size of each of the City department's operating budget, as well as staffing resources, job duties, and operational complexities within each department from a risk standpoint of potential waste, fraud or abuse. The ER Division collects approximately \$2,400,000 in cash (\$1.4M) and credit card receipts (\$1.0M) on an annual basis. The identification of risks do not necessarily indicate issues within a department, but rather potential risks based on a department's operating environment.

The primary and key objective of the review of the ER Division's cash handling procedures is to determine the following:

1. Potential non-compliance with cash handling policies and procedures that may lead to opportunities for misappropriation or theft of cash receipts

SCOPE OF AUDIT

The scope of our audit included a review of the ER Division's policies and procedures, including testing of compliance with internal policies and procedures over cash handling, and a review of source documents including weight tickets, daily collection reports, bank deposits slips and others. This assessment reviewed the ER Division's Cash Handling Protocols developed by the ER Division since beginning the operation of the Del Norte Station prior to the establishment of formal policies and procedures effective February 1, 2019. We performed a physical tour of the ER Division and conducted various meetings and interviews with ER personnel as well as with members of the ER Division's management to obtain an understanding of their cash handling, recording and monitoring process. We also met with the City Treasurer's office to obtain an understanding of their cash receipt and collection process.

The scope of our audit was from July 1, 2016 through December 31, 2018, a total of 30 months. Through that period, the ER Division had approximately 165,000 transactions that totaled approximately \$4,200,000 in net revenue for the City (\$3.4M collected in cash, \$2.4M collected in credit card and \$1.6M dispensed in cash at the Buyback Center for the purchase of California Redemption Value CRV recycled beverage containers for a net revenue collected of approximately \$4.2M). The ER Division handles a significant amount of cash on an annual basis.

AUDIT PROCEDURES

The audit procedures applied focused on a review of key components in the ER Division's cash handling process, specifically related to internal controls.

Below is a list of audit procedures performed:

- | | |
|---------------------|--|
| Audit Procedure #1: | Review the weight tickets issued by the scale house operator for each transaction. Confirm that all weight tickets issued are supported by the appropriate documentation. |
| Audit Objective: | To determine whether the ER Division is complying with its internal policies and procedures for the issuance and recording of weight ticket information. |
| Audit Procedure #2: | Review and confirm that a Municipal Solid Waste ("MSW") disposal ticket is issued by the scale house operator in accordance with ER Division's policies and procedures. |
| Audit Objective: | To determine whether the ER Division is complying with its internal policies and procedures related to the issuance of MSW disposal tickets for each transaction. |
| Audit Procedure #3: | Review cash reconciliation sheet submitted by scale house operators for each day selected. Confirm cash reconciliation sheet submitted by the operator was initiated by the operator and verified by an Accounting Technician or other similar designee. |
| Audit Objective: | To determine whether the ER Division is complying with its internal policies and procedures related to the cash reconciliation review and approval process. |
| Audit Procedure #4: | Review and compare the cash amount listed on the deposit type by detail report generated by the Accounting Technician to the cash reconciliation submitted by each scale house operator. |
| Audit Objective: | To determine whether the ER Division is complying with its internal policies and procedures related to the information entered into the WeighStation computer system as it relates to cash reconciliations. |
| Audit Procedure #5: | Review and compare cash amounts listed on the daily main cash reconciliation to the cash reconciliations submitted by each scale house operator. |
| Audit Objective: | To determine whether the ER Division is complying with its internal policies and procedures related to the cash amounts reported on each operator's cash reconciliation report to the main cash reconciliation form entered into the system. |
| Audit Procedure #6: | Review and compare the amount listed on the daily deposit detail sheet generated by the Accounting Technician to the sum of the cash and credit card totals on the cash reconciliation from each scale house operator. |
| Audit Objective: | To determine whether the ER Division is complying with its internal policies and procedures related to the daily deposit detail sheet matching the cash reconciliation for each operator. |

- Audit Procedure #7: Review and compare the cash amount listed on the consignment log to the cash amount listed on the deposit summary.
- Audit Objective: To determine that the amount listed on the consignment log is the same amount that's listed on the deposit summary, showing what was ultimately deposited with the City Treasurer's office.
- Audit Procedure #8: Confirm cash collections were picked up by the armored security transport company, Garda, within a reasonable number of days.
- Audit Objective: To determine whether the elapsed time of when cash was received by the ER Division to when it was ultimately deposited with the City Treasurer's office.

SUMMARY OF RESULTS AND FINDINGS

- Audit Procedure #1: Review the weight tickets issued by the scale house operator for each transaction. Confirm that all weight tickets issued are supported by the appropriate documentation.

Each transaction requires a weight ticket to be issued by the scale house operator. This is an electronic ticket generated by the scale system which is called Paradigm Software WeighStation Program. This ticket contains the customer name and net weight information of the load. Customers are charged by net weight per ton. This ticket is proof that a transaction took place and will be used by the accounting team to reconcile the transaction to the supporting documentation.

- Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. There were no instances in which weight tickets were not issued for each transaction identified.

- Audit Procedure #2: Review and confirm that a Municipal Solid Waste disposal ticket is issued by the scale house operator in accordance with the ER Division's policies and procedures.

For each transaction, the scale house operator is also required to issue a MSW disposal ticket to the customer. A MSW ticket is a manual ticket issued by the scale house operator which serves as a backup mechanism in case the ER Division's electronic system breaks down or becomes unavailable. Information on the MSW needs to contain the customer name as well as the net weight of the load. In case of an electronic breakdown, this ticket is proof that a transaction took place and will be used by the accounting team to reconcile the transaction.

- Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. We noted a total of 49 instances in which a MSW disposal ticket was not available or retained in the ER Division's records.

Audit Procedure #3: Review cash reconciliation sheet submitted by scale house operators for each day selected. Confirm cash reconciliation sheet submitted by the operator was initiated by the operator and verified by Accounting Technician or other similar designee.

The cash reconciliation sheet provides information about the scale house operator's beginning of day cash drawer amount, amounts collected during the day, and end of the day cash drawer amount. This cash reconciliation sheet is then provided to the Accounting Technician or designee to acknowledge its receipt and to provide support that it was submitted and verified by another person.

Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. We noted a total of 13 instances in which the cash reconciliation sheet was unavailable or missing. In addition; of the cash reconciliation sheets that were reviewed, we noted a total of 8 instances in which the form omitted information related to the starting cash box amount.

Audit Procedure #4: Review and compare the cash amount listed on the deposit type by detail report generated by the Accounting Technician to the cash reconciliation submitted by each scale house operator.

The scale house operator will prepare the cash reconciliation sheet at the end of the day and submit it to the Accounting Technician or other similar designee. The Accounting Technician will then pull the deposit type by detail report. This audit procedure ensures that the information received from the scale house operators were properly entered into the WeighStation computer system by the scale house operator.

Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. We noted a total of 6 instances in which the deposit type by detail report was not available or missing from the ER Division's records.

Audit Procedure #5: Review and compare cash amounts listed on the daily main cash reconciliation to the cash reconciliations submitted by each scale house operator.

The scale house operator is required to submit a daily cash reconciliation report which summaries the denomination of cash and total credit card transactions for the day. This report also provides information related to reviewer approvals. The cash amounts listed on the daily cash reconciliation schedule should agree to the reconciliations submitted by each of the scale house operators and identify who prepared the reconciliation and who reviewed it.

Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. We noted a total of 2 instances in which the daily cash reconciliation report was not available for review in the Department's records.

Audit Procedure #6: Review and compare the amount listed on the daily deposit detail sheet generated by the Accounting Technician to the sum of the cash and credit card totals on the cash reconciliation from each scale house operator.

The Account Clerk III will pull the deposit type detail report. The amount of total cash and credit cards collected during the day should reconcile to the amounts reflected in the system.

Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. We noted a total of 113 instances in which the daily deposit detail sheet did not match the sum of the cash and credit card totals on one or more of the cash reconciliations of the scale house operators.

Audit Procedure #7: Review and compare the cash amount listed on the consignment log to the cash amount listed on the deposit summary.

The cash amount listed on the consignment logs should agree to the amounts listed on the deposit summary. This confirms that what was collected by the ER Division was remitted to Garda.

Result: We reviewed a total of 250 transactions from July 1, 2016 through December 31, 2018. We noted two instances in which the daily deposit summary did not match the cash amount listed on the consignment log. For these two instances, the total amount listed on the daily deposit summary was \$6,959 and what was listed on the consignment log was \$6,938 a difference of \$21.

In addition, we noted two other instances in which consignment logs were missing and not available for our review.

Audit Procedure #8: Confirm cash collections were picked up by the armored security transport company, Garda, within a reasonable number of days.

Once cash has been received, logged in the accounting system, and stored in the safe, Garda will be called to pick up the cash to be deposited with the City Treasurer's office. While there is no written policy for the number of days from cash receipt to deposit, a reasonable time period would be a maximum of three days.

Result: We reviewed a total of 201 transactions from July 1, 2016 through December 31, 2018. We noted 3 instances in which the elapsed time from when the cash was logged in by the ER Division and picked up by Garda was beyond 3 days. Of the 3 instances, there was one instance in which the total elapsed time was 26 days, a second instance when it was 52 days, and a third instance when it was 167 days.

RECOMMENDATIONS

Our audit was conducted specifically to address the objectives identified above and our recommendations below reflect improvements in the internal controls or processes to help mitigate risks of error or fraud. In addition, during the course of our audit, we sometimes come across opportunities for improvement in internal controls or operations as a byproduct of the audit procedures applied. These recommendations may not be a direct result of a finding or exception, but should be considered by the ER Division for implementation to improve controls or operations. The ER Division and the City should also consider the costs and related benefits of implementing these recommendations.

Recommendation #1 – Issuance of MSW Disposal Tickets

The ER Division is inconsistently issuing MSW disposal tickets. According to the ER Division's policies and procedures manual, an MSW ticket is to be issued with every transaction. MSW tickets are manual tickets which serve as a backup mechanism in case the ER Division's electronic system breaks down or becomes unavailable. Issuing and keeping track of MSW tickets with every transaction will ensure the ER Division's backup system is working in case of any breakdowns in the electronic system.

Department's Response:

We concur with the recommendation. The MSW disposal ticket was originally designed for identifying the customer transaction (i.e. deposit amount, weight, personal protective equipment, special material fees) but overtime the MSW disposal ticket has also served as a backup document in the event that the computer system was down.

The ER Division has experienced back-logged orders with its supply vendor of MSW disposal tickets. ER will work closely with its supply vendor to prevent back-log orders and having adequate supply of MSW disposal tickets.

Recommendation #2 – Timely Reconciliation of Cash

Currently, there is a time lag between when the cash is counted and dropped off by the scale house operators to when cash is reconciled by the Accounting Technicians. We recommend that the ER Division have set schedules of when cash will be reviewed and reconciled in a timely manner. Implementing a mechanism that timely reconciles the cash collected by the scale house operator to the cash collected and recorded in the system by the Accounting Technicians will reduce the potential for misappropriation of cash.

Department's Response:

We concur with the recommendation based on staff resources indicated in Recommendation #4. However, the ability to comply with this recommendation is directly related to availability of "cash-trained" staff, and affected by the differences in operational schedules between ER Division and the City Treasurer's office.

Recommendation #3 – Scheduled Armored Cash Pick-Up Days

The ER Division does not have a set schedule for Garda to pick up deposits and deliver the cash to the City Treasurer's office. Pick-ups are currently scheduled on a change order need basis, and occur an average of three pickups per week. To be specific, the term "change order" is used in a financial context: it is a request to the bank for specific currency dominations and coinage to allow for uninterrupted cash customer transactions. This has resulted in the ER Division having no viable alternative except to hold on to the cash for a long period of time. Having a set pick up schedule would minimize delays in depositing the funds to the City Treasurer's office, but would still be dependent upon availability of "cash-trained" staff.

Department's Response:

We concur with the recommendation. Currently, deposits are scheduled based on the need for change orders. There is no fixed schedule for pick up days.

Recommendation #4 – Staff Resources

As a result of our audit, we noted that there appears to be a shortage of Accounting Technicians employed by the ER Division to handle the significant volume of transactions and workload necessary in order to maintain adequate controls and recordkeeping. Currently employees appear to be working at or over capacity which results in inefficiencies and contravention of internal controls. The ER Division should conduct a full-time equivalent analysis to determine whether work can be allocated appropriately among existing employees or whether additional full time equivalents are required.

Department's Response:

We concur with the recommendation. The ER Division is currently releasing a request for proposal for a consultant to review the comprehensive business plan. This specific task is included.

Recommendation #5 – Documentation Retention

During our audit, we noted a significant number of instances in which information requested was missing or unavailable (not easily obtainable) from the ER Division. Maintaining sufficient documentation is a key part of ensuring records are complete and support the underlying transactions. A lack of or missing documentation does not provide an audit trail for subsequent review or properly documents the trail of information and related cash. We highly recommend that the ER Division ensure that documents are retained in a manner that is easily retrievable, or develop an electronic system to store this information (scanning).

Department's Response:

We concur with the recommendation. The ER Division will look into designing an electronic filing system where documents can be retained and easily retrievable. It should be noted that currently, the Division relies on four separate software systems for operations. Consolidation of those systems would be beneficial. The ER Division will also look into the City's Retention Records Policy to determine retention time for documents generated by the ER Division. Currently, weigh tickets are electronically stored. The City retention policy on weigh tickets is five years plus one year before retention time is expired.

Recommendation #6 – Staff Training

Our audit identified significant instances of the cash reconciliation forms being improperly completed or reconciled by the ER Division staff. We recommend that the ER Division implement continuous training for staff to ensure that the forms are filled out completely and accurately. The Accounting Technician's review is critical to ensuring the information is complete and accurate. Training of new staff or periodic update training of existing staff should reduce the number of errors during the form completion process.

Department's Response:

We concur with the recommendation. Due to the high turnover rate of scale house operators (Customer Service Representatives) and limited staff resources as indicated in Recommendation #4, continuous training is not always feasible given operational and regulatory mandates. Currently, new scale house operators are trained at the scale house for (3) three weeks and (1) one week at the BuyBack Center. In addition, new scale house operators complete a training checklist of duties required. However, vacancies are a common problem and contribute to the problem ER Division will create a quality control matrix to track employee training.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We did not perform a financial audit, the objective of which would be the expression of an opinion on the ER Division's specific records, accounts or items. Accordingly, we do not express such an opinion. The scope of our review was limited to an analysis of internal control system and compliance with policies and procedures as it relates to the Environmental Resources Division cash handling process and procedures. Had we performed additional procedures, other matters may have come to our attention which we would have reported to you.

This report is intended solely for use by the ER Division's management, Finance and Governance Committee of the City of Oxnard, and the City's management and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully,

Price Paige & Company

Price Paige & Company
Internal Auditors of the City of Oxnard

City of Oxnard Environmental Resources (ER) Division Cash Handling Procedures Audit



PRICE PAIGE & COMPANY
Accountancy Corporation

Presented by:
Internal Audit Department of the City of Oxnard

Background

- City-wide risk assessment was conducted to determine significant risk of error or fraud.
- Identification of risks do not necessarily indicate issues, but rather potential risks based on a department's operating environment.
- Cash handling identified as high risk, as the ER Division handles approximately 2.4MM in cash annually.
- Information from City personnel elevated this audit as a higher priority.

Audit Objective

Key Audit Objective:

- Potential non-compliance with cash handling policies and procedures that may lead to opportunities for misappropriation or theft of cash receipts.
- Examination of the Department's control systems related to cash handling

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Audit Objective

What the audit isn't designed for

- Audit procedures are not designed to specifically look for misappropriation of cash receipts or fraud.
- Those procedures require specific identification of system vulnerabilities and expanded audit procedures.
- However, if any instances of misappropriation or fraud came to our attention, we would share that with the City

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Scope of the Audit

- Audit Period - July 1, 2016 through December 31, 2018 (30 months).
- Review Environmental Resources Division's cash handling procedures and test compliance with internal policies and procedures over cash handling and recording.
- Population included approximately 165,000 transactions that totaled approximately \$4.2M in net revenue for the City (\$3.4M collected in cash, \$2.4M collected in credit card and \$1.6M dispensed in cash at the Buyback Center).

5

Audit Procedures

- Conducted a physical tour of the Environmental Resources Division's plant facilities and interviewed department personnel to obtain an understanding of the cash handling, recording and monitoring procedures.
- Performed detailed walkthroughs of Environmental Resources Division's cash handling procedures to document the controls in place.
- Selected 250 transaction samples for compliance testing from the period of audit.

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Internal Control Procedures Testing

For 250 transactions, we performed the following:

1. Reviewed weight tickets issued by the scale house operator for each selected transaction. Confirmed that all weight tickets issued were supported by the appropriate documentation.
2. Reviewed and confirmed that a Municipal Solid Waste ("MSW") disposal ticket was issued by the scale house operator in accordance with ER Division's policies and procedures.

7

Internal Control Procedures Testing

For 250 transactions, we performed the following:

3. Reviewed cash reconciliation sheets submitted by the scale house operators for each day selected. Confirmed cash reconciliation sheet submitted by the operator was verified by Administrative Technician.
4. Reviewed and compared the cash amount listed on the deposit type by detail report generated by the Administrative Technician to the cash reconciliation submitted by each scale house operator.

8

Internal Control Procedures Testing

For 250 transactions, we performed the following:

5. Reviewed and compared cash amounts listed on the daily main cash reconciliation to the cash reconciliations submitted by each scale house operator.
6. Reviewed and compared the amount listed on the daily deposit detail sheet generated by the Administrative Technician to the sum of the cash and credit card totals on the cash reconciliation from each scale house operator.

9

Internal Control Procedures Testing

For 250 transactions, we performed the following:

7. Reviewed and compared the cash amount listed on the consignment log to the cash amount listed on the deposit summary.
8. Confirmed cash collections were picked up by the armored security transport company, Garda, within a reasonable number of days (3 days).

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Key Audit Results/Observations

- Procedure 1 – No exceptions noted. All selected transactions had supporting weight tickets.
- Procedure 2 – Exceptions noted. Noted 49 instances in which a MSW disposal ticket was not available or retained in the Department's records.
- Procedure 3 – Exceptions noted. We noted a total of 13 instances in which the cash reconciliation sheet was unavailable or missing.
- Procedure 4 – Exceptions noted. We noted a total of 6 instances in which the Deposit Type by Detail Report was not available or missing from the Department's records.
- Procedure 5- We noted a total of 2 instances in which the daily cash reconciliation report was not available for review in the Department's records.

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Key Audit Results/Observations (continued)

- Procedures 6 - Exceptions noted. Noted a total of 113 instances in which the daily deposit detail sheet did not match the sum of the cash and credit card totals on one or more of the cash reconciliations of the scale house operators.
- Procedure 7 - Exceptions noted. Noted noted 2 instances in which the daily deposit summary did not match the cash amount listed on the consignment log. For these two instances, the total amount listed on the daily deposit summary was \$6,959 and what was listed on the consignment log was \$6,938 a difference of \$21.
- Procedure 8 – Exceptions noted. Noted 3 instances in which the elapsed time from when the cash was logged in by the Department and picked up by Garda was beyond 3 days.

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Key Audit Results/Observations (continued)

Summary of Results:

Procedure #	Procedure Description	# of Transactions	
		Tested	Exceptions
1	Weight ticket documentation	250	0
2	MSW ticket issued	250	49
3	Cash reconciliation sheet has proper approvals	250	13
4	Deposit amount collected ties to reconciliation	250	6
5	Cash on daily main reconciliation matches	250	2
6	Daily deposit total matches scale house operator total	250	113
7	Consignment log amount matches deposit summary	250	2
8	Cash picked up by Garda within reasonable number of days	201	3

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Recommendations

- #1 - MSW Tickets Issuance** - Currently, the ER Division is inconsistently issuing MSW disposal tickets. Issuing and keeping track of MSW tickets with every transaction will ensure the ER Division's compliance with its written policy and ensure the backup system is working in case of any breakdowns in the electronic system.
- Department's Response:** The Department concurs with the recommendation. The MSW disposal ticket will serve as a backup document.

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Recommendations

- **#2 - Timely Reconciliation of Cash** - Currently, there is a time lag between when the cash is counted and dropped off by the scale house operators to when cash is reconciled by the Administrative Technicians. We recommend that the ER Division have set schedules of when cash will be reviewed and reconciled in a timely manner.
- **Department's Response:** The Department concurs with the recommendation.

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Recommendations

- **#3 - Scheduled Armored Cash Pickup Days** – Currently, the ER Division does not have a set schedule for Garda to pick up deposits and deliver the cash to the City Treasurer's office. Having a set pick up schedule would minimize delays in depositing the funds to the City Treasurer's office.
- **Department's Response:** The Department concurs with the recommendation. Currently, deposits are scheduled based on the need for change orders. There are no fixed schedule for pick-up days.

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Recommendations

- **#4 - Staffing Resources:** There appears to be a shortage of Administrative Technicians employed by the ER Division to handle the significant volume of transactions. The Department should conduct a full-time equivalent analysis to determine whether work can be allocated appropriately among existing employees or whether additional full time equivalents are required.
- **Department's Response:** The Department concurs with the recommendation. The ER Division is currently releasing a request for proposal for a consultant to review the comprehensive business plan. This specific task is included.

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Recommendations

- **#5 - Missing Documentation:** We noted a significant number of instances in which information requested was missing or unavailable from the Department. A lack of or missing documentation does not provide an audit trail for subsequent review or properly documents the trail of information and related cash. We highly recommend that the Department ensure that documents are retained in a manner that is easily retrievable, or develop an electronic system to store this information (scanning).
- **Department's Response:** The Department concurs with the recommendation. The ER Division will look into designing an electronic filing system where documents can be retained and easily retrievable.

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Recommendations

- **#6 – Staff Training:** The audit identified instances of the cash reconciliation form being improperly completed or reconciled by the ER Division staff. We recommend that the Department implement training to ensure forms are filled out completely and accurately.
- **Department's Response:** The Department concurs with the recommendation. Due to the high turnover rate of scale house operators and limited staff resources, continuous training not always feasible.

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Summary of Conclusions

- New staff and significant turnover creates challenges for the ER Division to operate effectively and efficiently when dealing with cash.
- The audit identified opportunities for the ER Division to improve cash handling operations to minimize the risk of theft or error of cash handling.
- The lack of documentation for certain audit procedures performed did not allow for us to quantify the cost of those errors.

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City of Oxnard
Environmental Resources Division
Cash Handling Procedures Audit

Questions and comments?

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CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. N.3

DATE: May 19, 2020

TO: City Council

FROM: Kevin Riper, Chief Financial Officer, (805) 385-7475, kevin.riper@oxnard.org

SUBJECT: Contract with Audit Firm for Annual Financial Audits and Single Audits for Federally Funded Programs for Fiscal Years 2019-20 through 2023-24. (10/10/10)

RECOMMENDATION

That the City Council award Agreement No. to Eadie+Payne LLP for a five-year agreement in the amount of \$1,075,100 for annual financial audits and Single Audits for Federally funded programs. (Finance and Governance Committee approved 3-0)

BACKGROUND

On September 1, 2015 City Council awarded a contract to Eadie+Payne LLP for annual financial audits and Federally required Single Audits.

With the recent submittal to the Federal Audit Clearinghouse of the Single Audit for the year ended June 30, 2019, Eadie+Payne's contract (including subsequent amendments) is complete.

As a result, the Purchasing Division of the Finance Department issued on February 3, 2020 a Request for Proposals for Professional Auditing Services.

The Purchasing Division posted the RFP on the City's public purchasing platform, and notified directly a number of accounting and auditing firms, encouraging them to respond. In addition, over the 4 days immediately preceding release of the RFP, the Assistant Chief Financial Officer and the Controller visited, in person, other audit firms at the annual conference of the California Society of Municipal Finance Officers in Anaheim, asking them to submit proposals.

Despite this aggressive outreach effort, only two firms responded to the RFP: Brown Armstrong of Bakersfield and Eadie+Payne of Riverside. An evaluation team was formed to review the two proposals. The six evaluation team members were the Mayor, CFO, Assistant CFO, Controller, Senior Manager -- Internal Controls, and Information Technology Manager -- Enterprise Applications. Evaluation team members all signed the Purchasing Code of Conduct; attended the Purchasing Division's evaluation kickoff meeting; reviewed the proposals; and then interviewed both firms via teleconference. (COVID-19 response meetings precluded the Mayor from attending the interviews and scoring the proposals.)

Combined scoring of the two proposals appears below:

RFP Element (max. points)	Brown Armstrong	Eadie + Payne
Responsiveness to RFP (5)	3	5
Relevant experience/ credential/ resumes/licenses/certifications (45)	31	40
Technical Capability and Project Methodology (15)	8	13
Cost (35)	<u>35</u>	<u>25</u>
TOTAL (100)	77	83

The evaluation team felt that both proposers had knowledgeable, experienced audit partners and staff, with an edge to Eadie+Payne's demonstrated experience in conducting audits of municipalities in some financial and accounting distress. Eadie+Payne included two of the firm's partners on its engagement team for the first year of the contract, versus just one for Brown Armstrong. Evaluation team members expressed confidence that both proposers could fulfill the contract at a distance, from their firm headquarters in Riverside and Bakersfield, respectively. Eadie+Payne scored higher than Brown Armstrong on the realism of their proposed audit plan, and their overall familiarity and staff experience with the types of accounting and reporting challenges generally confronting cities of a size, complexity and history like Oxnard's. Eadie+Payne demonstrated significantly more familiarity with the particular challenges facing the City of Oxnard -- obviously due in great part to having been the City's auditor for the last five years.

These attributes pushed Eadie+Payne's total score above Brown Armstrong's, despite a decided advantage to the latter for cost, as shown in the table above.

STRATEGIC PRIORITIES

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

FINANCIAL IMPACT

Eadie + Payne has committed to a not-to-exceed cost for the annual financial audit and the Single Audit for each of the five years of the contract:

FY 2019-20: \$210,600
FY 2020-21: 210,600
FY 2021-22: 216,100
FY 2022-23: 216,100
FY 2023-24: 221,700
TOTAL \$1,075,100

By comparison, the total cost of the same audit services for the last five years was \$1,408,733.

The annual cost will be included in the Finance Department budget for each fiscal year, beginning with the Proposed Budget for FY 2020-21.

COMMITTEE OUTCOME

The Finance and Governance Committee approved the recommendation 3-0 on April 28, 2020.

Prepared by: Kevin Riper, Chief Financial Officer

ATTACHMENTS

1. FN20-51 Professional Services Agreement

Table of Contents

For

Professional Audit Services Agreement

- Pg.1-2 - Cover Page
- Pg.3-9- Terms and Conditions
- Pg.11- Signature Page
- Scope of Service Exhibit
- Rates and Costs Exhibit
- Insurance Exhibit
- Eadie and Paynes Request For Proposal Response

AGREEMENT FOR PROFESSIONAL SERVICES
COVER PAGE

- (1) Agreement Start Date: May 19th, 2020.
- (2) Consultant: Eadie and Payne
- (3) Services: Professional Audit Services
- (4) Schedule of Services:
 - The period of performance anticipated for this agreement is for financial audits and Single Audits for each of the five fiscal years from FY 2019-20 through FY 2023-24.
- (5) Agreement Ending Date: June 30, 2025.
- (6) Total Agreement Amount: \$1,075,100.00
- (7) City's Project Manager: Kevin Riper Chief Financial Officer
- (8) Consultant's Project Manager: Hong Nguyen Client Service Executive
- (9) Insurance Coverage: INS-B
- (10) Addresses for Notice:

FOR CONSULTANT:

3880 Lemon St. Ste 300
Riverside, CA 92501

FOR CITY:

300 W Third Street.
Oxnard, CA 93030
- (11) Contact Emails:

CONSULTANT'S PROJECT

Hong Nguyen

hnguyen@eadiepaynellp.com

CITY'S PROJECT MANAGER:

MANAGER:

Kevin Riper

kevin.riper@oxnard.org

The Agreement for Professional Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

- ☐ Scope of Services Exhibit
- ☐ Rates and Costs Exhibit
- ☐ Insurance Exhibit (INS- B)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Consultant" on the Cover Page, subject to the following terms and conditions:

1. Scope of Services. Consultant shall provide to the City the services listed as "(3) Services" on the Cover Page (the "Services"). Consultant shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.

2. Standard of Performance. Consultant shall undertake and complete the Services to conclusion using the standard of care, skill and diligence normally provided by a professional person in the performance of similar consulting services.

3. Correction of Errors. Consultant shall correct, at its expense, all errors which may be disclosed during review of the Services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

4. Term. This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.

5. Compensation. For the Services performed during the term of this Agreement, City shall pay Consultant an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in Rates and Costs Exhibit shall be in effect through the end of this Agreement. Except as otherwise expressly provided in this Agreement, the City shall not be responsible for expenses incurred by the Consultant in performing the Services.

6. Invoices. Consultant shall submit a payment request to the City by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Each invoice must also list the current balance on the Agreement, including that invoice, as well as the months remaining on the term of the Agreement.

7. Acceptance of Payment. Consultant's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Consultant for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant and its employees, agents and subcontractors. Consultant shall provide the City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

8. Non-Appropriation of Funds. Payments to be made to Consultant by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

9. Coordination of Services. The Services shall be coordinated with the person in the position listed in “(7) City’s Project Manager” on the Cover Page, subject to the direction of the City Manager and Department Director. Consultant hereby designates the person in the position listed in “(8) Consultant’s Project Manager” on the Cover Page as the person responsible for the Services who shall coordinate with City’s Project Manager in making binding decisions in line with this Agreement on behalf of Consultant.

10. Personnel. Consultant represents that it has, or shall secure at its own expense, all personnel required to perform the Services. Any person who performs engineering services pursuant to this Agreement shall be licensed as a Civil Engineer by the State of California and in good standing. Consultant shall make reasonable efforts to maintain the continuity of Consultant’s staff who are assigned to perform the Services. Consultant may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Vendor be responsible for its associates and subcontractors’ labor, advice or materials provided in furtherance of providing the Services. Should any of Consultant’s employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City’s Project Manager, in the process of providing the Services or any portion thereof, the City’s Project Manager may notify the Consultant’s Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

11. Additional Work. City may request additional specified work under this Agreement. The City’s Project Manager must authorize all such work in writing before commencement. Consultant shall perform such work, and City shall pay for such additional work, in accordance with Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Consultant shall submit a quote for all additional work, which the City’s Project Manager must approve in writing before any such work may commence. The City shall compensate Consultant for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Consultant did not obtain the City’s Project Manager’s written approval before work commenced, as determined by the City’s Project Manager in his or her sole discretion.

12. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials used by Consultant in preparing its billings to City as a condition precedent to any payment to Consultant. Consultant will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of \$10,000, the State Auditor may examine and audit Consultant for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, Consultant shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement. Consultant shall include a copy of this Section 12 in all contracts with its subcontractors, and Consultant shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

13. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice. Consultant may terminate this Agreement at any time, with or without cause and without penalty, upon 30 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Consultant, City shall pay Consultant compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Consultant receive an amount exceeding that which would have been paid to Consultant for the full performance of the Services.

14. Hold Harmless, Defense and Indemnity.

If Consultant provides any architectural, landscape architectural, engineering or land surveying (“design professional”) services, to the maximum extent permitted by law, Consultant shall hold harmless, defend, and indemnify City, its legislative and advisory bodies, and the City’s officials, directors, officers, employees, and agents (collectively, “Indemnitees”) from and against any and all claims, demands, causes of action, damages, injuries, liabilities, losses, penalties, fines, judgments, costs or expenses, including reimbursement of attorneys’ fees, court costs and costs of alternative dispute resolution, including but not limited to those relating to death or injury to any person and injury to any property (collectively, “Claims”), to the extent that the Claims arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or of any of its officers, employees, subcontractors or agents in the performance of the Agreement or in the failure to comply with any of the obligations contained in this Agreement. Consultant’s obligation to defend is a separate and distinct obligation from Consultant’s duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, to the extent required herein immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if the Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

If Consultant provides no design professional services, to the maximum extent permitted by law, Consultant shall hold harmless, defend and indemnify the Indemnitees from and against any and all Claims, which arise out of, pertain to, or relate to the performance of this Agreement, or the failure to comply with any of the obligations contained in this Agreement, by Consultant or of any of its officials, directors, officers, employees, subcontractors, or agents. Consultant’s obligation to defend is a separate and distinct obligation from Consultant’s duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

a. The review, acceptance or approval of Consultant’s work or work product by any of the Indemnitees shall not affect, relieve or reduce Consultant’s indemnification or defense obligations. This Section 14 shall survive completion of the Services or termination of this Agreement. The provisions of this Section 14 shall not be restricted by and does not affect the provisions of this Agreement relating to insurance.

15. Insurance. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in “(9) Insurance Coverage” on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the City’s Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages. Consultant shall, before performance of any Services, file with the City’s Risk Manager evidence of insurance coverage as specified in “(9) Insurance Coverage” on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Consultant is a material element of this Agreement. Consultant’s failure to maintain or renew insurance coverages or to provide renewal evidence, and any lapse in insurance coverage, may be considered a material breach of this Agreement.

16. Documents and Materials.

a. All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Consultant pursuant to this Agreement, with the exception of audit workpapers (“Documents and Materials”) shall be the City’s property without restriction or limitation upon its use, duplication or dissemination. All Documents and Materials shall be considered “works made for hire,” and all

Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Consultant shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Consultant hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 16.

b. Consultant shall deliver all Documents and Materials to City's Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally, anytime at City's request, City shall be entitled to possession of, and Consultant shall furnish to City's Project Manager within 10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Consultant prepares Documents and Materials on a computer, Consultant shall provide City with said Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Consultant may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination of these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement.

c. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of incomplete Documents and Materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant.

d. Consultant warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Consultant shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City's use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Consultant shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Consultant, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.

e. This Section 16 shall survive the termination of this Agreement.

17. Confidentiality of Information.

a. For the purposes of this Agreement, "Confidential Information" means all information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas; or (ii) non-technical information, including without limitation finances, financial and accounting data and information with the exception of information contained in audit workpapers, suppliers, customers, customer lists, purchasing data and any other information belonging to the City or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Consultant or is developed by Consultant in whole or in part at the City's expense.

b. All Documents and Materials shall be considered Confidential Information and shall not be reproduced, transmitted, disclosed or used by the Consultant without the written consent of the City, except as may

be necessary for Consultant to fulfill its obligations to the City. Following Consultant's completion of the Services, Consultant shall promptly destroy all such confidential information in its possession or control, with the exception of information contained in audit workpapers, and certify such destruction to City in a writing signed by an authorized representative.

c. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Consultant at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Consultant, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Consultant and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed; provided, however, that before making such disclosure, Consultant shall immediately provide City with written notice and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.

d. Consultant shall use reasonable care to protect the Confidential Information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Consultant. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages. The parties acknowledge that Confidential Information is valuable and unique and that disclosure of the Confidential Information in breach of this Agreement may result in irreparable injury to the City.

e. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by Consultant in reliance on any Confidential Information disclosed under this Agreement.

f. This Section 17 shall survive the termination of this Agreement.

18. Independent Contractor. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Consultant or any of its employees, except as stated in this Agreement. Consultant has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Consultant, and it is free to dispose of all portions of its time which it is not obligated to devote to City in such a manner and to such persons, firms, or corporations as Consultant wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Consultant shall perform for the City. Except as City's Project Manager specifies in writing, Consultant and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Consultant and its employees are not employees of the City. Consultant and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Consultant shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of the City. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. City shall have the right to offset against the amount of any compensation due to Consultant under this Agreement any amount due to City from Consultant as a result of its failure to promptly pay to City any reimbursement or indemnification arising under this Section 18.

19. Nondiscriminatory Employment. Consultant shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Consultant understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Consultant shall be responsible for such subcontractor's compliance with this Section 19.

20. Consultant's Representations. Consultant represents, covenants and guarantees that: a) Consultant is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or impediments of any kind that will limit or prevent Consultant's full performance under this Agreement; c) to the extent required by the standard of practice, Consultant has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

21. Compliance with Laws. In performing the Services under this Agreement, Consultant shall comply with all applicable laws, ordinances and regulations. Before providing any Services under this Agreement, Consultant shall, at its own expense, obtain and maintain all required certificates, licenses and permits, including a City business tax certificate.

22. Conflict of Interest. If, in performing the Services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, Section 18701(a)(2) of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the Services set forth in this Agreement. Furthermore, Consultant shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Consultant "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Consultant has been retained pursuant to this Agreement.

23. Fictitious Name. If Consultant has a fictitious name, Consultant shall submit to the City a new Fictitious Business Name Statement approved by any California county before Consultant's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.

24. Non-Assignability. This Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Consultant shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Consultant shall hold harmless, defend and indemnify Indemnitees from and against all Claims arising from or relating to any unauthorized assignment.

25. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant.

26. Applicable Law; Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.

27. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.

28. Force Majeure. Neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.

29. Authority. Any person executing this Agreement on behalf of Consultant warrants and represents that s/he has the authority to execute this Agreement on behalf of Consultant and to bind it to the performance of these obligations.

30. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.

31. Integration; Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Consultant regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

32. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.

33. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.

34. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relieve to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.

35. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City's regular business hours or (b) the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as "(10) Addresses for Notice" on the Cover Page or at such other address as one party may notify the other in writing.

36. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to Project Managers' emails listed in "(11) Contact Emails" on the Cover Page or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

37. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date that is written as “(1) Agreement Start Date” on the Cover Page.

CITY OF OXNARD

- ☐ Tim Flynn, Mayor
- ☐ Alexander Nguyen, City Manager
- ☐ Dan Willhite, Purchasing Manager
- ☐ Jose Chavez, Purchasing Agent

ATTEST:

Michelle Ascension, City
Clerk (only if Mayor signs)

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Eadie and Payne

_____ Date
Name, Title

_____ Date
_____ Date
_____ Date
_____ Date

_____ Date
_____ Date

_____ Date

SCOPE OF SERVICES EXHIBIT

- Please refer to Eadie and Payne response to the RFP for a detailed description of the scope of services attached in **Tab D of Eadie and Paynes Request for Proposal Response**.

RATES AND COSTS EXHIBIT

Hourly rate detailed by partner, senior manager, manager, field supervisor and other staff.

SERVICE PROPOSAL

Title	Per hour Cost	Title	Per hour Cost
Partner	\$ 280	Supervisor	\$ 175
Director	\$ 250	Senior	\$150
Manager	\$ 200	Staff	\$ 125

City Audit and Related Reports	2019/20	2020/21	2021/22	2022/23	2023/24
State Controller Reports: 1) Cities Financial Transactions Report 2) Special Districts Financial Transactions Report – City of Oxnard Financing Authority 3) Annual Street Report	\$11,700	\$11,700	\$12,100	\$12,100	\$12,500
Single Audit Report	\$16,800	\$16,800	\$17,300	\$17,300	\$17,800
CAFR audit	\$157,500	\$157,500	\$161,300	\$161,300	\$165,200
CAFR preparation	\$19,600	\$19,600	\$20,200	\$20,200	\$20,800
Measure O Report	\$5,000	\$5,000	\$5,200	\$5,200	\$5,400
Total for Fiscal Year (not-to-exceed)	\$210,600	\$210,600	\$216,100	\$216,100	\$221,700

INSURANCE EXHIBIT

Exhibit INS-B

INSURANCE REQUIREMENTS FOR CONSULTANTS (WITHOUT ERRORS AND OMISSIONS REQUIREMENT)

1. Consultant shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Consultant, its agents, representatives, employees or subconsultants.
 - a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;
 - b. Business automobile liability insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto";
 - c. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than \$1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.
2. Consultant shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements affecting coverage required by this Exhibit INS-B. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No.
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007
3. Consultant agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.
4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-B or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available. CG 2010 with an edition date prior to 01/04 and CG 2037).**
5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance coverages (**this must be endorsed**). Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not

affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Consultant shall also be applicable to Consultant's subconsultants. Consultant agrees to maintain appropriate agreements with subconsultants and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notes of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

INS-B.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE

SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY

LETTER **A**

SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY

LETTER **B****COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [X] CLAIMS MADE [X] OCCUR [X] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$1,000,000 PRODUCTS COMP/OP AGG. \$1,000,000 PERSONAL & ADV. INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY [X] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No. _____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~BE RESPONSIBLE TO MAIL~~ 55 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. ~~NOT RESPONSIBLE TO MAIL~~ ~~THE ISSUING COMPANY SHALL BE RESPONSIBLE TO MAIL THE NOTICE~~ ~~IN ANY KIND UPON THE COMPANY, THE AGENT OR REPRESENTATIVE.~~

AUTHORIZED REPRESENTATIVE

SUBMIT IN DUPLICATE			
GENERAL LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")			ENDORSEMENT NO.
			ISSUE DATE (MM/DD/YY)
PRODUCER Telephone:	POLICY INFORMATION: Insurance Company: Policy No.: Policy Period: (from) _____ (to) _____ LOSS ADJUSTMENT EXPENSE _____ Included in Limits In Addition to Limits Deductible Self-Insured Retention (check which) of \$ with an Aggregate of \$ applies to coverage. Per Occurrence Per Claim (which)		
NAMED INSURED	APPLICABILITY This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here in which case only the following specific agreements and permits with the City are covered:		
TYPE OF INSURANCE	CITY AGREEMENTS/PERMITS		
GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY COMPREHENSIVE GENERAL LIABILITY OWNERS & CONTRACTORS PROTECTIVE		OTHER PROVISIONS	
COVERAGES		LIABILITY LIMITS IN THOUSANDS \$ EACH OCCURREN CE AGGREGATE	
GENERAL PRODUCTS/COMPLETED OPERATIONS PERSONAL & ADVERTISING INJURY FIRE DAMAGE		Underwriter=s representative for claims pursuant to this insurance. CLAIMS: Name: Address: Telephone: ()	

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
 2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
 3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
 4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
 5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
 6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
 - a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or
 - b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.
- Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD

Attn: Insurance Compliance

Reference No. _____

P.O. Box 100085 – OX

Duluth, GA 30096

Via Email: cityofoxnard@ebix.com

Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

Broker/Agent

Underwriter

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature

(original signature required)

Telephone: ()

Date Signed

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")		SUBMIT IN DUPLICATE	
		ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)
PRODUCER Telephone:	POLICY INFORMATION: Insurance Company: Policy No.: Policy Period: (from) (to) LOSS ADJUSTMENT EXPENSE Included in Limits In Addition to Limits Deductible Self-Insured Retention (check which) of \$ with an Aggregate of \$ applies to coverage. Per Occurrence Per Claim (which)		
NAMED INSURED	APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here in which case only the following specific agreements and permits with the City are covered: CITY AGREEMENTS/PERMITS		
TYPE OF INSURANCE		OTHER PROVISIONS	
COMMERCIAL AUTO POLICY BUSINESS AUTO POLICY OTHER			
LIMIT OF LIABILITY		CLAIMS: Underwriter's representative for claims pursuant to this insurance. Name:	
\$ per accident, for bodily injury and property damage.		Address: Telephone: ()	

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
 - a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
 - b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).
 Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No. _____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email:
cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

Broker/Agent Underwriter

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature

(original signature required)

Telephone: ()

Date Signed

Eadie and Paynes Request for Proposal Response

CONTRACT WITH AUDIT FIRM FOR ANNUAL FINANCIAL AUDITS AND SINGLE AUDITS FOR FEDERALLY FUNDED PROGRAMS FOR FISCAL YEARS 2019-20 THROUGH 2023-24

Kevin Riper, Chief Financial Officer



RECOMMENDATION

That the City Council award Eadie + Payne LLP a 5 year agreement for annual financial audits and Single Audits for Federally funded programs.

REQUEST FOR PROPOSALS

- Multiple solicitation channels
- Only two responses
 - Brown Armstrong, Bakersfield
 - Eadie + Payne, Riverside

3

EVALUATION TEAM

- Mayor
- CFO
- Assistant CFO
- Controller
- Senior Manager – Internal Controls
- Information Technology Manager – Enterprise Applications

4

EVALUATION TEAM CONCLUSIONS

- Both firms qualified; proposed staff OK
- Physical distance from Oxnard OK
- Edge to Eadie + Payne for audit experience with cities in some accounting and financial distress
- Eadie + Payne's audit plan more realistic
- Big edge to Brown Armstrong on cost

5

EVALUATION TEAM COMBINED SCORING

<u>RFP Element (max. points)</u>	<u>Brown Armstrong</u>	<u>Eadie+Payne</u>
Responsiveness to RFP (5)	3	5
Relevant experience/credential/ resumes/licenses/ certifications (45)	31	40
Technical Capability and Project Methodology (15)	8	13
Cost (35)	<u>35</u>	<u>25</u>
TOTAL (100)	77	83

6

FINANCIAL IMPACT

- 5-year cost

FY 2019-20	\$210,600
FY 2020-21	\$210,600
FY 2021-22	\$216,100
FY 2022-23	\$216,100
FY 2023-24	\$221,700
TOTAL:	\$1,075,100

- By comparison, the total cost of the same audit services for the last five years was \$1,408,733.

7

RECOMMENDATION

That the City Council award Eadie + Payne LLP a 5 year agreement for annual financial audits and Single Audits for Federally funded programs.

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**CITY COUNCIL AGENDA REPORT****REPORTS
AGENDA ITEM NO. N-4**

DATE: May 19, 2020

TO: City Council

FROM: Rosemarie Gaglione, Public Works Director, (805) 385-8055, rosemarie.gaglione@oxnard.org

SUBJECT: FY 2020-21 Landscape Maintenance Districts - Initiation of Proceedings, Declaration of Intention to Levy and Collect Assessments, and Scheduling of Public Hearing. (5/5/5)

RECOMMENDATION

That the City Council approve and authorize:

1. The Mayor to adopt a resolution initiating proceedings for the annual levy and collection of assessments for Fiscal Year 2020-21 within the City of Oxnard's (City) Landscape Maintenance Districts (LMDs);
2. The Mayor to adopt a resolution declaring intention to levy and collect assessments for Fiscal Year 2020-21 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972;
3. The Mayor to preliminarily approve the Annual Engineer's Report;
4. The Mayor to preliminarily approve the Fiscal Year 2020-21 budget for each Landscape Maintenance District;
5. The City Clerk to publish notice of a public hearing to occur on June 2, 2020; and
6. The City Manager to take appropriate and necessary action to carry out the purpose and intent of the Resolution.

BACKGROUND

The City Council, by previous resolutions, formed fifty-six (56) Landscape Maintenance Districts (LMDs) throughout the City. Effective June 30, 2017, the City Council approved the dissolution of eighteen (18) LMDs, leaving a total of thirty-eight (38) remaining. Effective June 30, 2018, the City Council approved the dissolution of two (2) additional LMDs. Therefore, thirty-six (36) LMDs are being proposed to be levied in Fiscal Year 2020-21. The Landscaping and Lighting Act of 1972, pursuant to which these districts were formed, requires annual City Council action to update the assessments which appear on the Ventura County tax roll. The purpose of the report is for the City Council to adopt a resolution initiating proceedings (Attachment 1), adopt a resolution of intention to levy assessments for Fiscal Year 2020-21 (Attachment 2), and to set a public hearing to receive public testimony to be held on June 2, 2020.

DISCUSSION

With the assistance of the City's assessment district consultant, NBS, staff has calculated assessment rates and expenditures for maintenance of public landscaping in the thirty-six (36) LMDs.

Approval of the attached resolutions accomplishes the following:

- Orders the preparation and filing of the 2020-21 Consolidated Engineer's Report.
- Preliminarily approves the Landscaping and Lighting Assessment Districts Fiscal Year 2020-21 Consolidated Engineer's Report.
- Declares intent to levy and collect assessments in the landscape maintenance districts for Fiscal Year 2020-21.
- Identifies certain improvements and services to be provided for Fiscal Year 2020-21 within a total of thirty-six (36) of the LMDs.
- Sets a public hearing for June 2, 2020 at 6:00 p.m. in the City Council Chambers concerning the levy of the proposed assessments.
- Requires the City Clerk to give notice at least 10 days prior to the date of the hearing by causing this resolution to be published once in a newspaper of general circulation within the City.

Following the City Council's action at the public hearing on June 2, 2020, the assessment data will be delivered to the County Auditor-Controller's Office and processed for the collection of assessments in FY 2020-21. That action must take place prior to July 6, 2020.

GENERAL BENEFIT

General benefit is an overall benefit to the public at large resulting from the maintenance activities to be provided by the special taxes levied in the LMDs. The improvements to be maintained by the LMD are located within the LMD boundaries.

The landscaping, tree and park improvements provide aesthetic, safety and economic benefits to the property within the LMD, but it is recognized that the ongoing LMD maintenance activities will also provide a level of benefit to some property within proximity to the LMD, as well as visitors and individuals passing through the LMD. Traffic from property within and outside of the LMD as well as individuals passing through the LMD area will be able to utilize the park improvements and view the maintained landscaping and trees.

As a result of the maintenance and operation of the authorized improvements, there will be a level of general benefit to people that do not live in or intend to conduct business within the LMDs. In order for property within the LMDs to be assessed only for that portion of special benefits received from the LMDs maintenance activities, general benefits provided by the ongoing maintenance of the improvements need to be quantified. The amount of general benefit that is provided from the LMDs maintenance activities cannot be funded via property owners' assessments.

UTILITY CAPS AND GENERAL FUND CONTRIBUTIONS

A number of LMDs were created with utility caps which limits the percentage by which a district's utilities can be increased each year. Regardless of utility rate or usage increases, the districts may only increase their utilities based on the formula set forth in their formation documents. For example, if the

utility rates increase 10% in one year, but the district is limited to a 5% increase, then the district would require a 5% contribution from the general fund to meet their utility needs.

STRATEGIC PRIORITIES

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

FINANCIAL IMPACT

The total Fiscal Year 2020-21 General Fund contribution to the Landscape Assessment Districts (LMDs) is estimated to be \$251,730 which includes \$12,271 of underfunded Cameron Ranch, \$81,195 of general benefit contribution of the districts, and \$158,264 of the General Fund share of utility overage. The \$251,730 will be included as a transfer out contribution to LMDs (account 101-1002-808-8714) from General Fund for FY 2020-21.

COMMITTEE OUTCOME

This item did not originate in Committee.

ATTACHMENTS

1. Resolution to Initiate Proceedings
2. Resolution of Intent to Levy
3. Presentation

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF
ASSESSMENTS FOR FISCAL YEAR 2020-21 WITHIN THE CITY'S LANDSCAPE
MAINTENANCE DISTRICTS

WHEREAS, the City Council of the City of Oxnard (the "City Council") has by previous Resolutions formed the City's Landscape Maintenance Districts (the "Districts"), the listing of which are included in this Resolution as Exhibit A, pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (the "Act"); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Districts and the preparation and filing of an Annual Engineer's Report (the "Engineer's Report"); and

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

1. The City Council hereby order NBS to prepare and file with the City Clerk the Engineer's Report concerning the levy and collection of assessments for the Districts for the Fiscal Year commencing July 1, 2020 and ending June 30, 2021 in accordance with *Chapter 3 Section 22622 of the Act*.
2. The City improvements within the Districts are described more fully in the Engineer's Report. The improvements authorized to be maintained are District-specific and vary between the Districts; the improvements provided may include, but are not limited to: ground cover, turf, trees, shrubs, the landscaped areas of detention basins, screen walls/fencing, park benches, trash containers, overhead structures, theme light poles, ornamental lighting, and sprinkler, irrigation and drainage systems, and may also include sidewalk and hardscape improvements along the landscaping, medians, entry monuments, mailboxes and associated appurtenant facilities. Park improvements, if applicable, vary by park and may include landscape and open space, playground structures, exercise stations, restrooms, benches, picnic tables, and litter receptacles.

Maintenance provided includes all necessary services, operations, administration and maintenance required to keep the above mentioned improvements in a healthy, vigorous and satisfactory condition which may include, but is not limited to: repair, removal or replacement of all or any part of the landscaping, sidewalks, medians, theme light poles or screen walls/fencing. Provision for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, mowing, spraying,

fertilizing and treating for disease or injury. The tree trimming may not occur on an annual basis; therefore, the assessed amount is for the average annual cost. Removal of trimmings, rubbish, graffiti, debris and other solid waste from the landscaped areas, detention basins and screen walls/fencing.

3. There will be no substantial changes in existing improvements and services to the Districts for Fiscal Year 2020-21.

PASSED AND ADOPTED THIS 19th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Tim Flynn, Mayor

Michelle Ascension, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBIT A
CITY OF OXNARD
LANDSCAPE MAINTENANCE DISTRICT LISTING

District Name	Formation Date⁽¹⁾	Formation Resolution No.⁽¹⁾
Landscape Maintenance District No. 3 (River Ridge)	March 18, 1986	8983
Landscape Maintenance District No. 10 (Country Club Estates)	December 13, 1988	9587
Landscape Maintenance District No. 11 (St. Tropez)	January 3, 1989	9603
Landscape Maintenance District No. 12 (Standard Pacific)	March 28, 1989	9665
Landscape Maintenance District No. 13 (Le Village)	March 20, 1990	9894
Landscape Maintenance District No. 14 (California Cove)	June 5, 1990	9972
Landscape Maintenance District No. 16 (California Lighthouse)	July 9, 1991	10206
Landscape Maintenance District No. 23 (Greystone)	June 18, 1996	11071
Landscape Maintenance District No. 24 (Vineyards)	June 18, 1996	11072
Landscape Maintenance District No. 25 (The Pointe)	June 18, 1996	11073
Landscape Maintenance District No. 27 (Rose Island)	June 24, 1997	11259
Landscape Maintenance District No. 28 (Harborside)	June 24, 1997	11260
Landscape Maintenance District No. 30 (Haas Automation)	June 24, 1997	11261
Landscape Maintenance District No. 31 (Rancho De La Rosa)	June 23, 1998	11415
Landscape Maintenance District No. 32 (Oak Park)	February 23, 1999	11505
Landscape Maintenance District No. 33 (El Paseo)	October 19, 1999	11653
Landscape Maintenance District No. 34 (Sunrise Pointe & Sunset Cove)	October 19, 1999	11654
Landscape Maintenance District No. 36 (Villa Santa Cruz & Villa Carmel)	January 25, 2000	11684
Landscape Maintenance District No. 37 (Pacific Breeze)	January 25, 2000	11685
Landscape Maintenance District No. 38 (Aldea Del Mar)	November 28, 2000	11863
Landscape Maintenance District No. 39 (Promesa/Sueno & DR Horton/Seawinds)	March 6, 2001	11905
Landscape Maintenance District No. 40 (Cantada)	January 8, 2002	12078
Landscape Maintenance District No. 41 (Pacific Cove)	January 8, 2002	12079
Landscape Maintenance District No. 42 (Cantabria & Coronado)	May 14, 2002	12144
Landscape Maintenance District No. 43 (Greenbelt)	January 7, 2003	12295
Landscape Maintenance District No. 46 (Daily Ranch)	June 24, 2003	12440
Landscape Maintenance District No. 47 (Sycamore Place)	April 22, 2003	12355
Landscape Maintenance District No. 49 (Cameron Ranch)	June 3, 2003	12394
Landscape Maintenance District No. 50 (Pleasant Valley Senior	June 10, 2003	12404

District Name	Formation Date⁽¹⁾	Formation Resolution No.⁽¹⁾
Housing)		
Landscape Maintenance District No. 51 (Pfeiler)	April 19, 2005	12799
Landscape Maintenance District No. 52 (Wingfield)	February 1, 2005	12768
Landscape Maintenance District No. 53 (Huff Court)	June 7, 2005	12879
Landscape Maintenance District No. 54 (Meadowcrest)	March 28, 2006	13024
Landscape Maintenance District No. 55 (Wingfield West)	March 28, 2006	13025
Landscape Maintenance District No. 58 (Westwind)	June 6, 2006	13069
Landscape Maintenance District No. 60 (Artisan)	March 3, 2009	13604

(1) Source: City of Oxnard Resolution Initiating Proceedings for Fiscal Year 2019-20.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2020-21 WITHIN THE CITY'S LANDSCAPE MAINTENANCE DISTRICTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, the City Council of the City of Oxnard (the "City Council") has by previous Resolutions formed the City's Landscape Maintenance Districts (the "Districts"), the listing of which are included in this Resolution as Exhibit A, pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* (the "Act"); and

WHEREAS, on May 19, 2020 the City Council approved Resolution No. _____ initiating proceedings for the annual levy and collection of assessments for Fiscal Year 2020-2021; and

WHEREAS, NBS has filed with the City Clerk the Consolidated Engineer's Report (the "Report") (Exhibit B) concerning the cost of maintaining the landscaping in such Districts as shown in Exhibit A for the 2020-21 Fiscal Year and the amount of the special benefit received therefrom by each parcel within such Districts; and

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

1. The City Council preliminarily approves the Engineer's Report.
2. The City Council declares its intention to levy and collect assessments within the Districts for Fiscal Year 2020-21 in accordance with the Act.
3. A full and detailed description of the landscaping improvements, the boundaries of the Districts and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Districts are contained in the Engineer's Report on file with the City Clerk which is made a part by reference.
4. Improvements and services to be provided for Fiscal Year 2020-21 within all Districts as reflected in Exhibit B to this resolution.
5. Notice is hereby given that on June 2, 2020 at 6:00 p.m. in City Council Chambers, at 305 West Third Street, Oxnard, California, the City Council will hold a hearing on the levy of the proposed assessment, at which time all interested persons shall be afforded an opportunity to hear and be heard. Any interested person may, prior to the conclusion of the hearing, file a written protest with the City Clerk or, having previously filed a protest, file a written withdrawal of the protest. A written protest shall state all grounds of objection. A protest by a

property owner shall contain a description sufficient to identify the property owned by that person.

6. At least 10 days prior to the date of the hearing, the City Clerk shall give notice of the hearing by causing this resolution to be published once in a newspaper of general circulation within the City.

PASSED AND ADOPTED THIS 19th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBIT A
CITY OF OXNARD
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Landscape Maintenance District No. 60 (Artisan)	March 3, 2009	13604

(1) Source: City of Oxnard Resolution Initiating Proceedings for Fiscal Year 2019-20.

EXHIBIT B

CITY OF OXNARD
CONSOLIDATED ENGINEER'S REPORT

DUE TO FILE SIZE, THE ENGINEER'S REPORT IS NOT BEING REPRODUCED FOR
THE AGENDA PACKET, BUT IT IS AVAILABLE ONLINE AT
<https://www.oxnard.org/city-department/finance/special-assessment-districts/lmds/>
AS WELL AS THE CITY CLERK'S OFFICE.

CITY OF OXNARD

Fiscal Year 2020/21 Consolidated Engineer's Report For:

Landscape Maintenance Districts

May 2020

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

Initiation of Proceedings, Declaration of Intention to Levy and Collect Assessments, and Scheduling of Public Hearing

LANDSCAPE MAINTENANCE DISTRICTS FISCAL YEAR 2020-21

City Council, May 19, 2020

Adam Smith, Project Manager



RECOMMENDATION

That the City Council approve and authorize:

1. The Mayor to adopt a resolution initiating proceedings for the annual levy and collection of assessments for Fiscal Year 2020-21 within the City's Landscape Maintenance Districts (LMDs);
2. The Mayor to adopt a resolution declaring intention to levy and collect assessments for Fiscal Year 2020-21 within the city's LMDs pursuant to the Landscaping and Lighting Act of 1972;
3. The Mayor to preliminarily approve the Annual Engineer's Report;

RECOMMENDATION

That the City Council approve and authorize:

4. The Mayor to preliminarily approve the Fiscal Year 2020-21 budget for each LMD;
5. The City Clerk to publish notice of a public hearing to occur on June 2, 2020; and
6. The City Manager to take appropriate and necessary action to carry out the purpose and intent of the Resolution.

BACKGROUND

- The Landscaping and Lighting Act of 1972 requires annual City Council action to update the assessments which appear on the Ventura County tax roll.
- Council adopts a resolution initiating proceedings
- Council adopts a resolution of intention to levy assessments for Fiscal Year 2020-21
- Set a public hearing to receive public testimony to be held on June 2, 2020.

DISCUSSION

Recommendation of the approval accomplishes the following:

- Orders the preparation and filing of the FY 2020-21 Consolidated Engineer's Report;
- Preliminarily approves the Landscaping and Lighting Assessments within a total of thirty-six (36) of the LMDs;
- Sets a public hearing for June 2, 2020 at 6:00 p.m. in the City Council Chambers;
- Requires the City Clerk to give notice at least 10 days prior to the date of the hearing; and
- Declares intent to levy and collect assessments in the landscape maintenance districts for Fiscal Year 2020-21

GENERAL BENEFIT

- General benefit is an overall benefit to the public at large resulting from the maintenance activities provided by the special taxes in the LMDs
- Ongoing LMD maintenance activities also provides a benefit to some property within proximity to the LMD, as well as visitors and individuals passing through the LMD
- There is a level of general benefit to people that do not live in or intend to conduct business within the LMDs
- Amount of general benefit that is provided from the LMDs maintenance activities cannot be funded via property owners' assessments and must therefore be funded by the General Fund

UTILITY CAPS AND GENERAL FUND CONTRIBUTIONS

- A number of LMDs were created with utility caps, limiting the percentage by which a district's utilities can be increased each year
- Regardless of utility rate or usage increases, the LMDs may only increase their utilities based on the formula set forth in their formation documents
- For example, if the utility rates increase 10% in one year, but the district is limited to a 5% increase, then the district would require a 5% contribution from the General Fund to meet their utility needs

FINANCIAL IMPACT

General benefit contribution based on the budgeted expenses for the districts totals \$93,466 and an additional \$158,264 is being proposed to offset the estimated utility overage.

Total Fiscal Year 2020-21 General Fund contribution is estimated to be \$251,730 for the City's LMDs.

- This contribution estimate includes a subsidy for Cameron Ranch which is currently underfunded.

QUESTIONS?

