

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 24 hours before the item is to be considered at this special meeting are available for public inspection on the City of Oxnard web site at www.oxnard.org.



AGENDA
City Council Special Meeting
Council Chambers, 305 West Third Street
July 17, 2020, 1:00 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](https://www.youtube.com/oxnardnews). Video recordings are typically available online immediately following the meeting.

The public may provide comments to the City Council via email at cityclerk@oxnard.org no later than 12:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time due to the State of California "Stay At Home" order. Requests to speak must be submitted no later than 12:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the City Clerk's Office at (805) 385-7803, or email your request to cityclerk@oxnard.org.

A. ROLL CALL, POSTING OF AGENDA

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. 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.

D. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))

Name of case: City of Oxnard v. Aaron Starr

Ventura County Superior Court Case No. 56-2020-00539039-CU-MC-VTA

Legislative Body: City Council

E. REPORTS

1. City Attorney Department

SUBJECT: Placing Three Initiative Measures on the November 3, 2020 Ballot.

RECOMMENDATION: That the City Council adopt three resolutions ordering an election to be held on November 3, 2020 to consider the adoption of three initiative measures, requesting the County Clerk to conduct the election, and authorizing the Board of Supervisors to canvass the returns, with the measures entitled as follows:

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

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

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

3. “New Requirements Regarding The Way In Which City Council Meetings, Council Committees And Other City Legislative Bodies Are Run.”

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

F. ADJOURNMENT



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. E-1

DATE: July 17, 2020
TO: City Council
FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org
SUBJECT: Placing Three Initiative Measures on the November 3, 2020 Ballot.

RECOMMENDATION

That the City Council adopt three resolutions ordering an election to be held on November 3, 2020 to consider the adoption of three initiative measures, requesting the County Clerk to conduct the election, and authorizing the Board of Supervisors to canvass the returns, with the measures entitled as follows:

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

BACKGROUND

On April 18, 2019, the City Clerk received notices of intention to circulate five initiative petitions from the proponent. The proponent submitted signatures to the City Clerk's office on October 28, 2019, in an effort to qualify the initiatives for the ballot.

On December 17, 2019, the City Clerk certified that four of the five initiatives had enough valid signatures to qualify for the ballot. At that same meeting, the City Council directed that a report be prepared pursuant to Elections Code 9212 to address the impacts or effects of the initiatives on the City.

At its January 15, 2020 meeting, Russ Branson of Russ Branson Consulting presented Election Code Section 9212 reports on three of the four initiatives that had qualified for the ballot, while Community Development Director Jeff Lambert provided a 9212 report on one of the initiatives.

The City Council voted on January 15, 2020 to place one of the measures (entitled the “Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council”) on the November 3, 2020 ballot.

On January 21, 2020, the City Council received official notification that the fifth measure had obtained enough signatures to qualify for the ballot. Later that evening, the City Council adopted the measure titled “Term Limits for the Mayor and Councilmembers, Extension of Mayor’s Term from Two Years to Four Years Starting in 2022.”

On June 9, 2020, the proponent filed a lawsuit in the Ventura County Superior Court in an effort to force the City to place this measure on the November 3, 2020 ballot – even though the City had already adopted this initiative on January 21, 2020. On July 13, 2020, Judge Walsh of the Ventura County Superior Court denied the proponent’s request to place the term limit measure on the ballot.

As to the three initiative measures that are the subject of this Agenda item, after the City Council heard the Election Code Section 9212 reports at the January 15, 2020 City Council meeting, the City Council voted to initiate litigation to challenge the measures entitled:

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

On January 17, 2020, the City filed litigation to challenge the validity of the three measures in the Ventura County Superior Court. The proponent did not immediately respond to the litigation and then the pandemic effectively shut down the consideration by California’s courts of almost all cases. On June 10, 2020, the proponent filed a cross-complaint against the City seeking to force the City to place the three measures on the ballot.

On July 15, 2020, Judge Walsh held a hearing regarding whether the City should be ordered to place the three remaining measures on the November 3, 2020 ballot. In his ruling ordering the City to either adopt the initiatives or place them on the November 3, 2020 ballot, Judge Walsh stated:

“Here, the City filed its declaratory relief action to test the validity of Mr. Starr’s initiatives. That was an appropriate thing for the City to do if it doubted the validity of the initiatives. It also sought to set a briefing schedule with opposing counsel. This did

not come to fruition, and then the Covid interruption shut everything down for close to three months. At this point, with a July 20 deadline to have arguments provided to the Registrar of Voters for inclusion in the voter information packet, time had effectively run out for a comprehensive pre-election review of the Starr sponsored initiatives.”

Judge Walsh went on to state that the court had “wide discretion to review post-election an initiative which has procedurally qualified for the ballot. The court is exercising that discretion by this ruling, and expresses no opinion regarding the legal sufficiency of the initiatives. It is simply putting that off for another day should they be approved by the electorate.”

Judge Walsh then set a status conference for November 23, 2020 to determine what further action may be required to resolve all of the issues raised in the pleadings.

DISCUSSION

Based upon Judge Walsh’s order, staff recommends that the City Council adopt the three resolutions attached to this Agenda Report that will place the following three ballot measures on the November 3, 2020 ballot:

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

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

Unknown at this time.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Kenneth Rozell, Chief Assistant City Attorney

ATTACHMENTS:

- Resolutions: City Treasurer, Measure O/Streets, Meetings

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 3, 2020 TO CONSIDER THE ADOPTION OF A MEASURE TITLED "EXPANSION OF DUTIES OF ELECTED CITY TREASURER BY APPOINTING THE CITY TREASURER AS DIRECTOR OF FINANCE AND GIVING THE CITY TREASURER ADDITIONAL DUTIES PURSUANT TO THAT NEW ROLE: AUTHORITY OVER CITY'S FINANCE DEPARTMENT; SELECTION AND OVERSIGHT OF INTERNAL AUDITOR; ESTABLISHMENT, PREPARATION AND SUBMITTAL OF MONTHLY FINANCIAL REPORTS; ESTABLISHMENT, PREPARATION AND SUBMITTAL OF MONTHLY PERFORMANCE MEASUREMENTS FOR CITY DEPARTMENTS; AND PREPARATION AND SUBMITTAL OF ANNUAL CITY BUDGET," REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

The City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The City Council hereby calls a General Municipal Election for Tuesday November 3, 2020.

SECTION 2. The City Council orders, pursuant to Elections Code Section 9222, that the initiative measure entitled "Expansion Of Duties Of Elected City Treasurer By Appointing The City Treasurer As Director of Finance And Giving The City Treasurer Additional Duties Pursuant To That New Role: Authority Over The City's Finance Department; Selection And Oversight Of Internal Auditor; Establishment, Preparation And Submittal Of Monthly Performance Measurements For City Departments; And Preparation And Submittal Of Annual City Budget" shall be submitted to the voters of the City of Oxnard at the regular election to be held on November 3, 2020.

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

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

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

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

SECTION 7. The text of the proposed ordinance is attached to this Resolution as Exhibit B. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard. If not provided in the voter guide, upon request, copies will be sent at the expense of the City.

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

Shall the initiative ordinance to increase the powers of the City Treasurer, prohibit the City Council from reducing the powers of the City Treasurer, reduce oversight authority of the City Manager and Director of Finance, mandate the City Treasurer's assumption of professional responsibilities with authority over the City's \$523,000,000 Budget, \$256,000,000 Investment Portfolio, Finance Department, preparation and submittal of the annual municipal budget, and professional financial operations of the City, be adopted?	YES	
	NO	

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

SECTION 10. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

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

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

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

SECTION 14. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

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

PASSED AND ADOPTED THIS 17th day of July, 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

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

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

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

FROM: **City of Oxnard**

City, School District or Special District Name


Signature of Authorization

ELECTION: Presidential General

DATE: November 3, 2020

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

ITEM #1

PUBLICATIONS

☒

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

☐

B. City/District will publish.

ITEM #2

COUNTY VOTER INFORMATION GUIDE PUBLICATION

☒

A. Print Full Measure Text.

☐

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

ITEM #3

MEASURE/INITIATIVE PROPONENT FILINGS

☐

A. Random sample of 500 signatures.

☐

B. Full check of all signatures submitted.

ITEM #4

ELECTION NIGHT RESULTS

☒

On-line results

☐

E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

50% + 1

ELECTIONS DIVISION SERVICES PROVIDED:

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

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

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

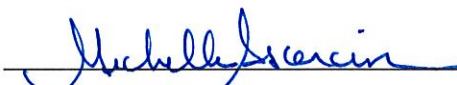
SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

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

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

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

Name of City /
School District: City of Oxnard

Signature & Title:  Michelle Ascencion, City Clerk

Date: July 17, 2020

Exhibit B

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

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

SECTION 1. Title.

This initiative shall be known and may be cited as the "Oxnard Fiscal Transparency and Accountability Act."

SECTION 2. Findings and Declarations.

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

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

SECTION 3. Purposes and Intent.

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

- a) To declare the elected city treasurer as the city's chief financial officer and ensure a sufficient number of qualified professionals are in the finance department to carry out required duties;
- b) To entrust the elected city treasurer with designing a system of internal controls and overseeing an internal auditor to discourage malfeasance and criminal conduct;
- c) To entrust the elected city treasurer with designing and implementing a robust program of transparency, including monthly financial reports and the online posting of documentation supporting city expenditures;
- d) To task the elected city treasurer with establishing relevant metrics and regularly reporting on the performance of each city department to better ensure that the public is receiving quality, economical and timely services; and

e) To create clear lines of authority between elected officials and hired city staff, and require that the elected city treasurer publicly report on the level of support and cooperation provided by city staff in assisting the elected city treasurer with fulfilling required duties.

SECTION 4. Oxnard Fiscal Transparency and Accountability Act.

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

A. SEC. 2-167 is amended to read as follows:

SEC. 2-167. BOND OF THE CITY TREASURER AND ASSISTANT CITY TREASURER.

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

B. SEC. 2-168 is amended to read as follows:

SEC. 2-168. DUTIES OF CITY TREASURER.

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

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

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

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

SEC 2-175. CREATION.

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

D.. SEC. 2-176 is amended to read as follows:

SEC. 2-176. FINANCIAL AND ACCOUNTING DUTIES.

- (A) Pursuant to Cal. Gov't Code Section 37209, the duties imposed on the city clerk by Chapter 4, Par 2, Division 3, Title 4 of the Cal. Gov't Code are transferred to the director of finance.
- (B) Pursuant to Cal. Gov't Code Section 40805.5, the financial and accounting duties imposed on the city clerk by Cal. Gov't Code Sections 40802 through 40805 are transferred to the director of finance.
- (C) Pursuant to Cal. Gov't Code Section 34004, the duties imposed on the city treasurer by Cal. Gov't Code Section 41004 are transferred to the director of finance.
- (D) The powers and duties of the director of finance include centralizing fiscal and accounting duties; controlling inventory; financial report; and ~~assisting in~~ budgeting.
- (E) The director of finance shall promote, secure and preserve the financial and property interests of the city.
- ~~(F) The city manager may assign to the director of finance additional powers and duties not set forth herein.~~

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

SEC. 2-176.1. INTERNAL CONTROLS.

- (A) The director of finance shall design, implement and oversee a system of internal controls to safeguard assets, ensure financial statement reliability, promote operational efficiency, and encourage compliance with applicable laws and city council directives. The city council may establish additional controls by resolution provided they do not undermine the plenary authority of the director of finance.
- (B) The director of finance shall select and oversee an internal auditor who shall not be an employee of the city. The internal auditor shall be responsible for the following:
 - (1) Conducting internal control reviews, compliance audits and performance audits requested by the director of finance or the city council.
 - (2) Administering the city's whistleblower program.
- (C) In consultation with the city attorney, the director of finance shall report findings of malfeasance and criminal conduct to the city council and/or law enforcement officials.

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

SEC. 2-176.2. FINANCIAL TRANSPARENCY.

- (A) The director of finance shall oversee the design and implementation of a financial transparency program that includes, but shall not be limited to, enabling public online review of city expenditures, including supporting invoices, purchase orders, submitted bids, and solicitations for bids and quotes.
- (B) Each month the director of finance shall submit to the city clerk a financial report and shall file a copy with the city council. The financial report shall include at least the following components:
 - (1) Itemized statements of estimated monthly and fiscal year-to-date revenues and expenses with comparisons to budgets and historical amounts for significant governmental, proprietary and fiduciary funds.
 - (2) Itemized statements showing estimated changes in fund balances for significant governmental, proprietary and fiduciary funds.

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

(4) Additional schedules established by city council resolution.

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

SEC. 2-176.3. PERFORMANCE MEASUREMENTS.

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

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

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

H. SEC. 2-177 is repealed:

SEC. 2-177. BOND.

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

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

SEC. 2-179. BUDGET.

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

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

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

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

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

(4) Provision for contingent expense.

(5) A general budget summary.

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

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

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

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

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

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

SECTION 5. Broad Construction.

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

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

SECTION 6. Conflicting Ballot Measures.

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

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

SECTION 7. Proponent Standing.

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

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

SECTION 8. Severability.

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

RESOLUTION NO. _____

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

The City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The City Council hereby calls a General Municipal Election for Tuesday November 3, 2020.

SECTION 2. The City Council orders, pursuant to Elections Code Section 9222, that the initiative measure entitled "Early Termination Of Measure O Sales Tax If Specific Pavement Standards For City Streets And Alleys Are Not Met; Extension Of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met" shall be submitted to the voters of the City of Oxnard at the regular election to be held on November 3, 2020.

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

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

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

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

SECTION 7. The text of the proposed ordinance is attached to this Resolution as Exhibit B. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard. If not provided in the voter guide, upon request, copies will be sent at the expense of the City.

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

Shall the initiative ordinance to mandate revisions to Measure O (adopted by Oxnard voters in 2008) to either end funding early for City services such as fire, emergency response, street paving/pothole repair, youth recreation, after school and anti-gang prevention programs, parks/open space preservation, senior services, and code compliance, or override the currently-approved expiration date, be adopted?	YES	
	NO	

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

SECTION 10. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 11. Because of language in the initiative measure, it is unclear if the measure would impose a new restriction on the use of funds generated by Measure O. The California Constitution requires a two-thirds vote to pass a tax measure if use of tax revenues is restricted; a simple majority is required to pass a tax measure where the revenue may be used for general governmental purposes. It is not clear whether the proposed modifications to Measure O is a general or special tax; hence, it is uncertain whether a majority or a two-thirds vote is required for passage of the initiative measure.

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

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

SECTION 14. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

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

PASSED AND ADOPTED THIS 17th day of July, 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

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

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

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

FROM: **City of Oxnard**

City, School District or Special District Name


Signature of Authorization

ELECTION: Presidential General

DATE: November 3, 2020

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

ITEM #1

PUBLICATIONS

☒

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

☐

B. City/District will publish.

ITEM #2

COUNTY VOTER INFORMATION GUIDE PUBLICATION

☒

A. Print Full Measure Text.

☐

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

ITEM #3

MEASURE/INITIATIVE PROPONENT FILINGS

☐

A. Random sample of 500 signatures.

☐

B. Full check of all signatures submitted.

ITEM #4

ELECTION NIGHT RESULTS

☒

On-line results

☐

E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

50% + 1

ELECTIONS DIVISION SERVICES PROVIDED:

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

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

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

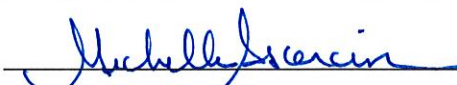
SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

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

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

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

Name of City /
School District: City of Oxnard

Signature & Title:  Michelle Ascencion, City Clerk

Date: July 17, 2020

Exhibit B

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

SECTION 1. Title.

This measure shall be known and may be cited as the “Keeping the Promise for Oxnard Streets Act.”

SECTION 2. Findings and Declarations.

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

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

SECTION 3. Purposes and Intent.

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

- a) To fulfill the promise of better streets by focusing City Hall attention on repairs and maintenance of the city streets and alleys.
- b) To ensure local officials do not take for granted the additional sales and use tax money we pay.

- c) To require the City of Oxnard to justify the extra half-cent sales tax by providing a corresponding level of service.
- d) To authorize the City Council to extend the tax in five-year increments provided that the city streets and alleys are maintained at an acceptable level.

SECTION 4. Keeping the Promise for Oxnard Streets Act.

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

Part 4.

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

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

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

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

SECTION 5. Broad Construction.

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

SECTION 6. Conflicting Ballot Measures.

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

SECTION 7. Proponent Standing.

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

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

SECTION 8. Severability.

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

RESOLUTION NO. _____

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

The City Council of the City of Oxnard hereby resolves as follows:

SECTION 1. The City Council hereby calls a General Municipal Election for Tuesday November 3, 2020.

SECTION 2. The City Council orders, pursuant to Elections Code Section 9222, that the initiative measure entitled "New Requirements Regarding The Way In Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run" shall be submitted to the voters of the City of Oxnard at the regular election to be held on November 3, 2020.

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

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

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

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

SECTION 7. The text of the proposed ordinance is attached to this Resolution as Exhibit B. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard. If not provided in the voter guide, upon request copies will be sent at the expense of the City.

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

Shall the initiative ordinance mandating all meetings of City legislative bodies to exclusively utilize prerecorded videotaped staff presentations, use Robert's Rules of Order, purchase guidebooks and training from a professional Parliamentarian on meeting procedures, restrict meeting start times, and alter existing rules for public comment, be adopted?	YES	
	NO	

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

SECTION 10. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

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

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

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

SECTION 14. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

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

PASSED AND ADOPTED THIS 17th day of July, 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

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

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

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

FROM: **City of Oxnard**
City, School District or Special District Name


Signature of Authorization

ELECTION: Presidential General

DATE: November 3, 2020

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

ITEM #1 PUBLICATIONS

☒

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

☐

B. City/District will publish.

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

☒

A. Print Full Measure Text.

☐

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

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS

☐

A. Random sample of 500 signatures.

☐

B. Full check of all signatures submitted.

ITEM #4 ELECTION NIGHT RESULTS

☒

On-line results

☐

E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

50% + 1

ELECTIONS DIVISION SERVICES PROVIDED:

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

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

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

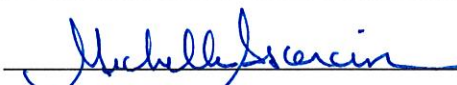
SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

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

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

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

Name of City /
School District: City of Oxnard

Signature & Title:  Michelle Ascencion, City Clerk

Date: July 17, 2020

Exhibit B

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

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

SECTION 1. Title.

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

SECTION 2. Findings and Declarations.

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

- a) The Oxnard City Council adopted Oxnard Ordinance No. 2949, which created a number of committees charge with conducting important city business.
- b) Those committees meet at times that conflict with many residents’ work schedules, which effectively limits their opportunity to provide input on issues affecting their quality of life.
- c) Inconvenient meetings make a mockery of the ideal that the proceedings of elected and appointed officials ought to be conducted openly and at times that reasonably allow members of the public to directly address legislative bodies while they are deliberating on matters of public policy.
- d) Meetings are conducted largely without making full use of standard recognized parliamentary procedures, often resulting in prolonged disorderly meetings, and thus reducing the likelihood that residents will be able to remain in attendance long enough to participate.
- e) The details of proposals are often better revealed in staff presentations than they are in written staff reports, but because such presentations are not presented until the actual meeting and considerable time is consumed making such presentations, the ability of the People to know the full impact of those proposals and adequately formulate their concerns are significantly diminished.
- f) Residents wanting to speak to the Oxnard City Council on matters of public concern have been limited to one or two minutes to state a position, especially on controversial matters, thus creating an environment where public participation is discouraged.

SECTION 3. Purposes and Intent.

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

SECTION 4. Oxnard Open Meetings.

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

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

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

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

(B) Rules of procedure and standing rules -

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

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

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

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

SEC. 2-1.2. ALLOWABLE MEETING TIMES.

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

SEC.2-1.3. PARLIAMENTARY TRAINING.

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

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

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

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

SEC. 2-1.5. PUBLIC COMMENT.

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

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

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

SECTION 5. Broad Construction.

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

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

SECTION 6. Conflicting Ballot Measures.

a) In the event that this measure and another measure or measures relating to the disclosure or conduct of meetings appear on the same citywide election ballot, the provisions of the other measures that would affect in whole or in part the field of meeting conduct shall be deemed to be in conflict with this

measure. In the event meeting that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

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

SECTION 7. Proponent Standing.

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

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

SECTION 8. Severability.

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