

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
(Items I-15 and I-16 added – 8/28/20)

OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
September 1, 2020

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.

The public may provide comments to the City Council via email at cityclerk@oxnard.org no later than 3:00 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 3:00 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

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council, Housing Authority Board, and Successor Agency Board.

B. APPOINTMENT ITEMS (5:00 PM)

1. Finance Department

SUBJECT: Presentation of Internal Control - Integrated Framework. (20/20/10)

RECOMMENDATION: That the City Council:

1. Receive a presentation on the Internal Control – Integrated Framework (ICIF).
2. Adopt a resolution adopting four framework implementing policies, approving the ICIF, and amending Council Committee Bylaws to delegate internal control duties and responsibilities to the Finance and Governance Committee.

(Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Kevin Riper, (805) 385-7475

C. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

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

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

D. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker cards shall be submitted as set forth on the first page of this agenda. Based on the number of speaker cards submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to three minutes, but shorter time may be established as deemed necessary. 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.

E. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

1. City Manager Department

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

RECOMMENDATION: That the City Council:

1. Receive an update from the Director of Emergency Services;
2. Adopt a resolution ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

2. Cultural & Community Services Department

SUBJECT: Cultural and Community Services Update on Department Response to COVID-19. (10/5/5)

RECOMMENDATION: That the City Council receive an update on the Cultural and Community Services Department's response efforts related to COVID-19.

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

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

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the July 17, 2020 special meeting; July 21, 2020 regular meeting; July 29, 2020 regular meeting; and August 5, 2020 special meeting as presented.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

2. City Manager Department

SUBJECT: League of California Cities Annual Conference Voting Delegate/Alternate 2020.

RECOMMENDATION: That the City Council designate Mayor Flynn as the voting delegate and Mayor Pro Tem Ramirez as the voting alternate as Oxnard's representatives to the 2020 League Annual Business Meeting at the League of California Cities Annual Conference.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

3. Community Development Department

SUBJECT: Second Reading and Adoption of Ordinance No. 2984 and No. 2985 - Updates to Oxnard City Code Chapters 11 and 16: to Create Consistency with Accessory Dwelling Units State Law; Incorporate Certain Cannabis Activities into the Zone Use Tables and Correct Typographical Errors (Chapter 16 Divisions 10 and 11); and Related to Cannabis Uses (Chapter 11).

RECOMMENDATION: That the City Council approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2984 and No. 2985 regarding updates to Oxnard City Code Chapters 11 and 16: to create consistency with Accessory Dwelling Units state law; incorporate certain cannabis activities into the zone use tables and correct typographical errors (Chapter 16 Divisions 10 and 11); and related to cannabis uses (Chapter 11).

Legislative Body: City Council

Contact: Jeff Pengilley, (805) 385-8208

4. Community Development Department

SUBJECT: Planning and Zoning Permit No. 19-680-01 (Mills Act Agreement-Henry T. Oxnard-Landmark No. 161), Murray J. Wineman House at 121 South F Street (APN 202-0-030-140). Filed by Robin Roy, Successor Trustee on behalf of Property Owner.

RECOMMENDATION: That the City Council approve a recommendation by the City of Oxnard

Cultural Heritage Review Board to authorize the Mayor to execute a Mills Act Contract (Agreement No. A-8200) to maintain and preserve a historic property located at 121 South F Street (Oxnard-Landmark No. 161).

Legislative Body: City Council

Contact: Jeff Pengilley, (805) 385-8208

5. Community Development Department

SUBJECT: Amended Recognized Obligation Payment Schedule 2020-21B.

RECOMMENDATION: That the Community Development Commission Successor Agency (Successor Agency) adopt a resolution adopting an Amended Fifth Annual Recognized Obligation Payment Schedule for January 1, 2021 - June 30, 2021 (ROPS 20-21B).

Legislative Body: City Council, Successor Agency

Contact: Ashley Golden, (805) 385-7478

6. Community Development Department

SUBJECT: Planning and Zoning Permit No. 18-300-10 (Final Parcel Map for 18-310-10) for the Lockwood Subdivision. Filed by Eric Widmer for Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230.

RECOMMENDATION: That the City Council:

1. Accept Final Parcel Map 18-300-10 for the Lockwood Subdivision;
2. Receive and file a "Notice of Pending Approval" for Parcel Map 18-300-10 by the Interim Community Development Director including signature of "City Council's Certificate" on the title sheet; and
3. Adopt a Resolution approving a Subdivision Improvement Agreement and Accepting the water rights offered in dedication to the City of Oxnard and accepting public access and utility easements associated with Parcel Map 18-300-10.

Legislative Body: City Council

Contact: Jeff Pengilley, (805) 385-8208

7. Community Development Department

SUBJECT: Budget Appropriation for previously endorsed projects using the Downtown Improvement Program Settlement Funds (DIPSF)/Fund 481 City-Downtown Improvement.

RECOMMENDATION: That the City Council approve a budget appropriation, as previously endorsed at Council's December 3, 2019 meeting, in the amount of \$200,000 to Downtown Targeted Police Deployment and \$100,000 to Homeless Outreach from the fund balance of the City-Downtown Improvement Fund 481.

Legislative Body: City Council

Contact: Jeff Pengilley, (805) 385-8208

8. Cultural & Community Services Department

SUBJECT: Ratification of the Agreement for Hueneme Elementary Afterschool Program Services to Provide COVID-19 Support Services.

RECOMMENDATION: That the City Council

- 1) Ratify an amendment to Agreement No. 8069 between the City and Hueneme Elementary School District to operate the FY20-21 Homework Support Center and provide extended learning program

services in a Hybrid/Blended Learning program not to exceed the amount of \$215,265 and
2) Approve a budget appropriation in the amount of \$215,265 in FY 20-21 to ASES funding (272-5511/Project AS0951).

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

9. Human Resources Department

SUBJECT: Side Letter of Agreement Amending the Memorandum of Understanding (Agreement No. A-8237) with the Oxnard Mid-Managers Association to Extend Post Retirement Medical Benefits Earned through the Oxnard Police Officers Association to a Promoted Employee.

RECOMMENDATION: That the City Council adopt a resolution approving the side letter agreement between the City of Oxnard and the Oxnard Mid-Managers Association and authorizing the City Manager or Designee to take the necessary administrative actions to implement the attached side letter.

Legislative Body: City Council

Contact: Steve Naveau, (805) 385-7947

10. Housing Department

SUBJECT: License Agreement for Development Visioning and Temporary Use for Housing Authority Property Located at 610 Cuesta del Mar.

RECOMMENDATION: That the Oxnard Housing Authority Board of Commissioners approve and authorize the Housing Director to execute the proposed License Agreement A-8233 with LUCHA, for an initial term of three years.

Legislative Body: Housing Authority Board

Contact: Emilio Ramirez, (805) 385-8094

11. Public Works Department

SUBJECT: Notice of Completion for Fire Station 6 Roof Replacement and Remodel Project FD 19-89.

RECOMMENDATION: That the City Council receive an update following a Notice of Completion for the Fire Station 6 Roof Replacement and Remodel Project executed on June 16, 2020.

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

12. Public Works Department

SUBJECT: Automatic Public Toilets as Standard for Future Restroom Projects.

RECOMMENDATION: That the City Council approve and authorize City staff to adopt prefabricated self-cleaning Automatic Public Toilets (APT) as the standard restroom for future park restroom projects. (Public Works and Transportation Committee approved 3-0)

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

13. Public Works Department

SUBJECT: Grant Resolution for Active Transportation Program, Highway Safety Improvement

Program, and Allocation of Funding for Local Road Safety Plan and Sustainable Communities Grant Projects.

RECOMMENDATION: That the City Council approve and authorize:

1. The adoption of a resolution authorizing the City Manager to submit grant applications and execute grant agreements, if awarded, for Active Transportation Program, an Active Transportation Program Quick Build project in partnership with the Southern California Association of Governments (SCAG), and Highway Safety Improvement Program, authorizing the Finance Director to submit financial reports and claims for the use of the grant funds, and authorizing the Public Works Director or designee to submit non-financial reports;
2. The budget appropriation recognizing grant revenue in the amount of \$72,000 of Transportation State Grant Funds (Fund 210), and \$7,200 of Traffic Safety matching funds (Fund 182) to the Local Road Safety Plan Project (213102); and
3. The budget appropriation recognizing grant revenue in the amount of \$410,000 of Transportation State Grant Funds (Fund 210), and \$53,121 of Roadway Maintenance and Rehabilitation Account matching funds (Fund 185) to the Mobility Plan for Sustainable Communities Project (213103). (Public Works and Transportation Committee approved 3-0)

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

14. Public Works Department

SUBJECT: Reclassification of Project Appropriation Allocations and Expenditures from State Gas Tax Fund to Roadway Maintenance and Rehabilitation Account Fund.

RECOMMENDATION: That the City Council authorize and approve the City Manager to:

1. Approve a Fiscal Year 2019-20 budget appropriation to: A) Reclassify budget appropriation allocations of \$390,000 for Rice Avenue Street Resurfacing project 183113, and \$132,383 for Annual Pavement System Update project 19IN01 from State Gas Tax Fund (181) to Roadway Maintenance and Rehabilitation Account (RMRA) Fund (185); B) Decrease \$204,000 from State Gas Tax Fund (181) for Cooper Street Resurfacing project 183109; and C) Recognize revenue of \$750,000 in State Gas Tax Fund (181) and appropriate to RMRA Fund (185) for Public Works Road and Signal Maintenance Project 203009; and
2. Approve a Fiscal Year 2020-21 budget appropriation recognizing revenue of \$1,000,000 in State Gas Tax Fund (181) and appropriating to RMRA Fund (185) for Public Works Road and Signal Maintenance Project 203009.

(Public Works and Transportation Committee approved 3-0)

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

15. Housing Department

SUBJECT: **(NEW)** Application for the U.S. Department of Housing and Urban Development (HUD) Choice Neighborhoods Planning Grant.

RECOMMENDATION: That the Board of Commissioners authorize the Housing Director to prepare, and the Chair to submit, an application to the U. S. Department of Housing and Urban Development (HUD) for a \$450,000 grant under the Choice Neighborhoods Planning Grants (CNPg) program.

Legislative Body: Housing Authority Board

Contact: Emilio Ramirez, (805) 385-8094

16. Fire Department

SUBJECT: **(NEW)** National Institute of Health Grant for Early COVID-19 Detection Through Wastewater Testing.

RECOMMENDATION: That the City Council adopt a resolution authorizing:

1. The City Manager to submit a two-year grant application by September 15, 2020, to the National Institute of Health grant for early COVID-19 detection through wastewater testing in the amount of \$800,000;
2. The City Manager or designee to execute the grant agreement if funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2020-21 and FY2021-22 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

Legislative Body: City Council

Contact: Alexander Hamilton, (805) 385-7708

J. REPORTS1. Finance Department

SUBJECT: Reduce Budget Appropriations to Reflect Employee Givebacks. (5/5/5)

RECOMMENDATION: That the City Council reduce FY 20-21 budget appropriations by a total of \$2,836,913 across all funds other than grant funds to reflect employee givebacks. \$1,821,031 would be returned collectively to the General Fund and Measure O (\$1,693,362 to the General Fund and \$127,669 to Measure O).

Legislative Body: City Council

Contact: Kevin Riper, (805) 385-7475

K. 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.

L. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (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.

Legislative Body: City Council

M. ADJOURNMENT



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

DATE: September 1, 2020
TO: City Council
FROM: Kevin Riper, Chief Financial Officer, (805) 385-7475, kevin.riper@oxnard.org
SUBJECT: Presentation of Internal Control - Integrated Framework. (20/20/10)

RECOMMENDATION

That the City Council:

1. Receive a presentation on the Internal Control – Integrated Framework (ICIF).
2. Adopt a resolution adopting four framework implementing policies, approving the ICIF, and amending Council Committee Bylaws to delegate internal control duties and responsibilities to the Finance and Governance Committee. (Finance and Governance Committee approved 3-0)

BACKGROUND

Internal controls are the mechanisms, rules and procedures implemented by an organization to ensure the integrity of financial and accounting information, promote accountability, and prevent fraud. Internal controls can also help improve operational efficiency by improving the accuracy and timeliness of financial reporting.

Over the past few years, the City began improving internal controls. In the early stages, the City Manager relied on audit findings and recommendations of auditors and consultants to begin developing controls such as the Corrective Action Plan in which the Finance Department reports back to the Finance and Governance Committee and City Council every six months.

In the fiscal year 2019-20 budget, the City Council approved a new position for the Finance Department – Senior Manager of Internal Controls – to focus primarily on helping the organization strengthen its internal controls and provide oversight and monitoring to ensure controls continue to operate as designed.

DISCUSSION

The audit findings in the Single Audit Report for fiscal year ending 2015 and subsequent reports highlighted the need for the City to adopt an Internal Control - Integrated Framework (ICIF) as a policy document and to develop the necessary internal controls that will help the City safeguard its assets and achieve its purpose of serving the Oxnard community. The ICIF would take the internal control process one step further than what the City has done in the prior years by being more comprehensive.

In July 2018, the City Council was first introduced to the concept of implementing the ICIF standards of the Committee of Sponsoring Organizations of the Treadway Commission (COSO). The COSO ICIF is the most widely implemented standard for effective internal control systems.

The ICIF recommends nine policies to be adopted, unless already implemented through other processes or controls. The

City Council policies define the City Council's role with respect to internal controls. Staff will be presenting the recommended policies in stages utilizing the framework components that will be discussed in the presentation. The first four framework implementing policies are related to the control environment component of the framework. More specifically, the first four implementing policies recommended for Council adoption are:

- 1.01 The use of the recognized national and state internal control standards and practices, which include COSO's 17 internal control principles;
- 1.02 Council oversight responsibilities in the development and performance of internal control;
- 1.03 The Finance and Governance Committee serves as the audit committee in respect to internal controls; and
- 1.04 Delegation of authority to the City Manager and any elected officials with managerial responsibilities.

A fifth policy titled "Performance Evaluations of City Manager and City Attorney" is not needed because the City already has a process for conducting these evaluations, which is managed by the Human Resources Department.

The ICIF also includes sixteen Administrative Implementation Guidelines (Guidelines). These Guidelines are to assist the City Manager in developing and deploying control activities throughout the organization. For example, Guideline 6 is regarding financial management and operations training, and Guideline 7 is regarding succession and turnover contingency planning. The Guidelines do not need to be adopted by City Council but rather are Guidelines that the City Manager will adopt and implement at the administrative level.

Adoption of City Council policies and the ICIF is only the first step. For them to be effective, the City will need to commit time, skills, technology, and appropriate financial resources. Accountability for implementation will be required. The lack of sufficient resources allocated to internal control resulted in the many problems identified over the years by third-party experts and the City's own staff, Council and residents. Additionally, management is accountable for developing and/or maintaining the necessary internal controls for the City's most significant business systems and processes. The combination of these factors will allow the City to build on and strengthen a culture that strives to provide the level of services desired by the community while protecting City resources.

More detailed control documentation will be completed over the course of the next year to address remaining Single Audit findings and other identified issues. Additionally, over the next two to three years, significant changes will affect the financial reporting environment of the City, especially the implementation of a new enterprise resource planning (ERP) system. Many controls that are currently performed manually and therefore subject to human error can be automated in the ERP system, which will further reduce the risk of errors in financial reporting.

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 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.

Objective 1d. Ensure adequate systems are established, reviewed, and updated within the Human Resources Department related to personnel policies and procedures, employee compensation, benefits, recruitments, testing and other human resources related systems.

FINANCIAL IMPACT

There is no financial impact at this time.

COMMITTEE OUTCOME

The Finance and Governance Committee (F&GC) approved 3-0 on July 14, 2020 to approve the staff recommendation and to forward the item for Council approval. The F&GC provided feedback to identify training requirements for new and current City staff, and City Council members to develop knowledge, skills, and abilities necessary to fulfill their internal control responsibilities and to maintain competency. This should also include documentation, tracking, and reporting of courses taken and completed by each employee.

The F&GC was particularly interested in training for its own members on how to be successful as an audit committee, as recommended in the ICIF. Staff is exploring with the City's independent financial auditors, Eadie + Payne, the possibility of that firm providing such training to members of the F&GC.

Prepared by: Christine Williams, Senior Manager, Internal Controls

ATTACHMENTS

1. FPOL 1.01 Adoption of Internal Control - Integrated Framework
2. FPOL 1.02 Adoption of Internal Control Oversight Responsibilities
3. FPOL 1.03 Internal Control - Finance Committee Duties and Responsibilities
4. FPOL 1.04 Assignment of Authority and Responsibility for Achieving Operational Report and Compliance Objectives
5. City of Oxnard, California Internal Control - Integrated Framework
6. Resolution establishing an Internal Control - Integrated Framework and Four Implementing Policies.Delegation
7. Internal Control - Integrated Framework Presentation

		City of Oxnard Finance Policy	
TITLE Adoption of Internal Control – Integrated Framework			PAGE 1 of 5
NUMBER FPOL 1.01	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020
PROCEDURE OWNER Christine Williams	TITLE Sr. Mgr, Internal Controls	(Signature)	DATE 7/14/2020

1.0 POLICY STATEMENT

The City Council adopts the Internal Control – Integrated Framework (ICIF) and includes in this policy the 17 internal control principles of the Committee of Sponsoring Organizations (COSO). The use of recognized national and state internal control standards and practices shall be expected of all City officials.

The ICIF shall serve as the underpinning of all the City of Oxnard's internal control policies and implementation guidelines and activities. The City Manager is directed to use the ICIF and 17 COSO principles when creating policies and implementing internal controls whenever it is feasible, effective and efficient.

2.0 SCOPE

The policy covers all of the City of Oxnard's internal control activities as it relates to the development and implementation of internal controls. It applies to all City officials. The principles that follow have been adapted to the City of Oxnard environment.

3.0 BACKGROUND

- 3.1.1. The City of Oxnard needs an overarching and unifying framework for its internal controls. The California State Controller's Office (SCO) issued *Internal Control – Guidelines for Local Government Agencies* in 2015 to improve local governments' ability to reach their goals by maintaining strong internal controls. The Federal Office of Management and Budget (OMB), through its Uniform Guidance (2 CFR 200) required federal grantees to implement effective internal controls in the first fiscal year following the December 2014 effective date of the regulations. For the City of Oxnard this was the fiscal year ending June 30, 2016.

Other recognized sources for developing and maintaining the ICIF include the *Green Book* of United States Government Accountability Office (GAO), the Statements of Auditing Standards (SAS) of the Auditing Standards Board (ASB) of the American Institute of Certified Public Accountants (AICPA), the California Committee on Municipal Accounting (CCMA), the Generally Accepted Government Auditing Standards (GAGAS, *Yellow Book*) of the GAO and best practices suggested by the Government Finance Officers Association (GFOA).

		City of Oxnard Finance Policy	
TITLE Adoption of Internal Control – Integrated Framework			PAGE 2 of 5
NUMBER FPOL 1.01	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

4.0 DEFINITIONS

Term	Definition
Internal Control – Integrated Framework (ICIF)	A system of internal controls designed to address three main categories of internal control objectives which are 1. Operations 2. Reporting and 3. Compliance.
Committee of Sponsoring Organizations (COSO)	A joint initiative of the five private sector organizations (American Accounting Association, American Institute of Certified Public Accountants, Financial Executives International, Institute of Management Accountants, and the Institute of Internal Auditors) and is dedicated to providing thought leadership through the development of frameworks and guidance on enterprise risk management, internal control and fraud deterrence.
California State Controller's Office (SCO)	Accountability and disbursement of the State of California's financial resources.
Federal Office of Management and Budget (OMB)	An agency of the federal government that evaluates, formulates, and coordinates management procedures and program objectives within and among departments and agencies of the Executive Branch.
Uniform Guidance (2 CFR 200)	An authoritative set of rules and requirements for Federal awards.
City Officials	Managers of the organization at all levels.

5.0 INTERNAL CONTROL OBJECTIVES

The ICIF provides for three categories of objectives, allowing City leaders to focus on different aspects of internal control. Objectives within each category are established by the City Manager to achieve City Council goals.

- 5.1.1 **Operations Objectives.** These pertain to effectiveness and efficiency of the City's operations including operational and financial performance goals and safeguarding assets against loss.
- 5.1.2 **Reporting Objectives.** These pertain to internal and external financial and non-financial reporting and may encompass reliability, timeliness, transparency, or other objectives set forth by regulators, recognized standard-setters or City Council policies.
- 5.1.3 **Compliance Objectives.** These pertain to adherence to state and federal laws and regulations and to City Code provisions or City Council policies.

		City of Oxnard Finance Policy	
TITLE Adoption of Internal Control – Integrated Framework			PAGE 3 of 5
NUMBER FPOL 1.01	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

5.2 ICIF Components to Achieve Internal Control Objectives

The ICIF is based on five components that are intended to work together to provide reasonable assurance that the operational, reporting and compliance objectives may be achieved. The five components are:

- 5.2.1.1 Control Environment.** Based on ethical conduct, competence and accountability, this is the foundation for an internal control system. It provides the support and structure to help the City achieve its objectives.
- 5.2.1.2 Risk Assessment.** Identifies and analyzes the risks facing the City as it seeks to achieve its objectives. This assessment provides the basis for prioritizing and developing appropriate internal controls to eliminate or reduce risks.
- 5.2.1.3 Control Activities.** This component represents the actions management establishes through policies and procedures to achieve objectives and respond to risks in the internal control system, which includes the City's information systems.
- 5.2.1.4 Information and Communication.** These are the processes that produce relevant, quality information that managers and staff use to support the internal control system.
- 5.2.1.5 Monitoring.** These are the processes managers establish and operate to assess the execution and quality of internal control activities over time and to promptly resolve the findings of audits and other reviews.

6.0 INTERNAL CONTROL PRINCIPLES

There are 17 principles within the five components of the ICIF. The principles that follow have been adapted to the City of Oxnard environment. The term "City officials" refers to managers of the organization at all levels.

	City of Oxnard Finance Policy		
TITLE Adoption of Internal Control – Integrated Framework			PAGE 4 of 5
NUMBER FPOL 1.01	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

Components of Internal Control Systems	Principle
A. Control Environment	1. City officials demonstrate a commitment to integrity and ethical values.
	2. The City Council demonstrates independence from management and exercises oversight of the development and performance of internal control.
	3. City management establishes, with Council oversight, structures, reporting lines, and appropriate authorities and responsibilities in the pursuit of objectives.
	4. City officials demonstrate a commitment to attract, develop, and retain competent individuals in alignment with objectives.
	5. City officials hold individual(s) accountable for their internal control responsibilities in the pursuit of City of Oxnard objectives.
B. Risk Assessment	6. City officials specify objectives with sufficient clarity to enable the identification and assessment of risks relating to objectives.
	7. City officials identify risks to the achievement of objectives across the entity and analyze risks as a basis for determining how the risks should be managed.
	8. City officials consider the potential for fraud in assessing risks in achieving objectives.
	9. City officials identify and assess changes that could significantly impact the systems of internal control.
C. Control Activities	10. City officials select and develop control activities that contribute to the mitigation of risks in achieving objectives to acceptable levels.
	11. City officials select and develop general control activities over technology to support the achievement of objectives.
	12. City officials deploy control activities through policies that establish what is expected and procedures that put policies in place.
D. Information and Communication	13. City officials obtain or generate and use relevant, quality information to support the functioning of internal control.
	14. City officials internally communicate information, including objectives and responsibilities for internal control, necessary to support the functioning of internal control.
	15. City officials communicate with external parties regarding matters affecting the functioning of internal control.

		City of Oxnard Finance Policy	
TITLE Adoption of Internal Control – Integrated Framework			PAGE 5 of 5
NUMBER FPOL 1.01	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

E. Monitoring Activities	16. City officials select, develop, and perform ongoing and/or separate evaluations to ascertain whether the components of internal control are present and functioning.
	17. City officials evaluate and communicate internal control deficiencies in a timely manner to those parties responsible for taking corrective action, including Senior Manager of Internal Controls, senior management, Finance and Governance Committee, and the City Council, as appropriate.

7.0 ROLES AND RESPONSIBILITIES

Refer to FPOL 1.02 Adoption of Internal Control Oversight Responsibilities

8.0 RELATED CITY OF OXNARD REFERENCES

FPOL 1.02	Adoption of Internal Control Oversight Responsibilities
FPOL 1.03	Internal Control – Finance Committee Duties and Responsibilities
FPOL 1.04	Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives

9.0 DOCUMENT HISTORY

Version	Summary of Changes	Reason for Changes
1.0	New policy	New policy

		City of Oxnard Finance Policy	
TITLE Adoption of Internal Control Oversight Responsibilities			PAGE 1 of 2
NUMBER FPOL 1.02	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020
PROCEDURE OWNER Christine Williams	TITLE Sr. Mgr, Internal Controls	(Signature)	DATE 7/14/2020

1.0 POLICY STATEMENT

The City Council shall identify and accept its oversight responsibilities in the development and performance of internal control. This includes the following:

- Ensuring that City Council appointees have the skills, knowledge, and experience necessary for their job duties and responsibilities;
- Applying objectivity in evaluating information and when making decisions;
- Ensuring the completion of periodic risk assessments; and
- Following up on completion of actions to address audit findings.

2.0 SCOPE

The policy applies to the City of Oxnard organization and benefits the City of Oxnard community by creating a control environment based on ethical practices, competency and compliance with laws, regulations and policies.

3.0 BACKGROUND

- 3.1.1. The City Council performs a critical oversight responsibility on behalf of the Oxnard community to provide a strong internal control framework and accurate financial reporting. The City Council does this by exercising its oversight duties and working with the City Manager, City Attorney and other officials to create a control environment based on ethical practices, competency and compliance with laws, regulations and policies.

4.0 DEFINITIONS

Term	Definition
Oversight	To exercise supervision/management/governance over the development and performance of internal control.
Objectivity	A person (or their judgment) not influenced by personal feelings or opinions in considering and representing facts.
Risk Assessment	A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking at all levels.

	City of Oxnard Finance Policy		
TITLE Adoption of Internal Control Oversight Responsibilities			PAGE 2 of 2
NUMBER FPOL 1.02	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

5.0 ROLES AND RESPONSIBILITIES

Role	Responsibility
City Council	Exercise its oversight duties, working with the City Manager, City Attorney and other officials, to create a control environment based on ethical practices, competency and compliance with laws, regulations and policies.

CITY OF OXNARD REFERENCES

FPOL 1.01 Adoption of Internal Control – Integrated Framework

6.0 DOCUMENT HISTORY

Version	Summary of Changes	Reason for Changes
1.0	New policy	New policy

		City of Oxnard Finance Policy	
TITLE Internal Control – Finance and Governance Committee Duties and Responsibilities			PAGE 1 of 5
NUMBER FPOL 1.03	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020
PROCEDURE OWNER Christine Williams	TITLE Sr. Mgr, Internal Controls	(Signature)	DATE 7/14/2020

1.0 POLICY STATEMENT

- 1.1.1 The City Council shall add audit committee responsibilities to the role of the Finance and Governance Committee (F&GC). *The F&GC was established through City Code Section 2-1.1 and Bylaws (See Resolution No. 15,286 for such delegation).* The City Council establishes the F&GC as a critical element in the City's internal control environment. The responsibilities will be consistent with best practices recommended for an audit committee by the Government Finance Officers Association (GFOA) Best Practice – Audit Committees. It is also consistent with the State Controller's Office's (SCO) recommendations in its publication *Internal Control Guidelines – California Local Agencies*.
- 1.1.2 The City Council will adequately fund the work of the F&GC, including the cost of the financial auditors and internal auditors who report to it and the experts it engages to fulfill its responsibilities, through adoption of appropriations in the budget resolution. The City Manager and City Attorney shall assign staff support to the F&GC.
- 1.1.3 Composition and Meetings. The F&GC shall be composed of three of the seven members from the City Council. GFOA recommends that members of the F&GC have a basic understanding of governmental financial reporting and auditing or be willing to attend training to obtain that understanding.
- 1.1.4 No elected or appointed official who exercises managerial responsibilities that fall within the scope of a financial audit or internal audit should serve as a member of the committee or as an advisor to the F&GC. Members of the F&GC have a duty to exercise an appropriate degree of professional skepticism in their interactions with financial auditors, internal auditors, other elected officials with assigned internal control or managerial responsibility and management.
- 1.1.5 The F&GC shall meet per City Code Section 2-1.1 and Bylaws (See Resolution No. 15,286 for such delegation) but may schedule additional meetings as necessary to fulfill its duties and responsibilities. The F&GC shall, at its discretion, have access to the

	City of Oxnard Finance Policy		
TITLE Internal Control – Finance and Governance Committee Duties and Responsibilities			PAGE 2 of 5
NUMBER FPOL 1.03	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

services of financial experts and appropriate specialists, if required, to assist in fulfilling responsibilities in its role as the audit committee of the City.

The financial expert(s) and appropriate specialists should, through education and experience relevant to the government sector, understand generally accepted accounting principles (GAAP) and financial statements, be experienced in preparing or auditing financial statements of a comparable agency, be experienced with applying such principles in connection with accounting for estimates, accruals and reserves, be experienced with internal controls, and understand audit committee functions.

Responsibilities. The F&GC shall be responsible for all of the following:

- a. Advise the City Council and provide oversight for policies to implement or improve the City's internal controls and financial condition.
- b. Review City Council appointees' performance related to implementing internal control activities.
- c. Review instances where City staff has overridden internal controls in connection with significant or material matters.
- d. Review non-routine, significant or material financial matters so it can advise the City Council on those matters. Non-routine matters include items not managed in the normal course of municipal operations or matters not covered by existing policies. In this policy, "significance" relates to the potential for the matter to threaten achievement of significant operating, reporting or compliance objectives with financial implications. "Materiality" relates to the size of the financial impact of the matter on the City.
- e. Advise the City Council on new and modified financial management policies. Policies would include, but not be limited to, budgeting, capital improvement/construction in progress, revenues, fund balance, reserves, debt, accounting and risk management. It may also review, discuss and recommend changes to policies or City Code sections to modernize the City's administrative and regulatory framework to implement financial audit or internal audit findings or modernize and improve the City's financial condition, internal control framework and business processes.
- f. Provide oversight of management's development of policies relating to maintaining a strong control environment and work with management to plan periodic risk assessments related to

	City of Oxnard Finance Policy		
TITLE Internal Control – Finance and Governance Committee Duties and Responsibilities			PAGE 3 of 5
NUMBER FPOL 1.03	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

achieving the Council's strategic goals and related operational, reporting and compliance objectives.

- g. Review finance related City Council policies at least every five years.
- h. Carry out Audit Committee responsibilities as follows:
 - 1. Recommend to the full City Council the appointment, compensation, retention and oversight of any independent accountants engaged for the purpose of preparing or issuing independent financial audit or internal audit reports or performing other independent financial audit or internal audit review, agreed upon procedures or attest services for the City.
 - 2. Ensure that all financial auditors and internal auditors engaged by the F&GC pursuant to this policy shall report directly to the Committee.
 - 3. Receive a report from the City Manager (or internal auditor or City Manager's designee) about any employee complaints and their resolutions regarding accounting, internal accounting controls or financial auditing matters.
 - 4. Discuss auditor reports and financial statements with the City Manager, Chief Financial Officer and others as the City Manager designates and, at its discretion, meet with the City's financial auditors and experts without management present to discuss reports and financial statements.
 - 5. Have access to all reports from internal and independent or regulatory external auditors.
 - 6. Exercise oversight to assure that financial audit and internal audit findings are promptly addressed by management.
 - 7. Review City Code Section 2-1.1 and Bylaws (See Resolution No. 15,286 for such delegation) establishing the F&GC not less than every five years to assess its continued adequacy.

Nothing in this policy should be interpreted to limit the City Council from exercising its ultimate authority related to the matters described herein.

	City of Oxnard Finance Policy		
TITLE Internal Control – Finance and Governance Committee Duties and Responsibilities			PAGE 4 of 5
NUMBER FPOL 1.03	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

2.0 SCOPE

The policy covers, as it relates to the City of Oxnard's internal control environment, the oversight duties of the F&GC. It applies to the F&GC members as designated.

3.0 BACKGROUND

- 3.1.1. The City's independent financial auditor identified the lack of an audit committee as a material weakness in the Fiscal 2015 Single Audit. The SCO, Committee of Sponsoring Organizations of the Treadway Commission (COSO) and GFOA best practices recommend that a local government establish an audit committee to support the Council in its oversight responsibilities.

4.0 DEFINITIONS

Term	Definition
Internal Control – Integrated Framework	A system of internal controls designed to address three main categories of internal control objectives which are 1. Operations 2. Reporting and 3. Compliance.
California State Controller's Office (SCO)	Accountability and disbursement of the State of California's financial resources.
Government Finance Officers Association (GFOA)	A professional organization that represents public finance officials throughout the United States and Canada. The organization provides best practice guidance, consulting, networking opportunities, publications and periodicals, recognition programs, research, and training opportunities for those in the profession.
Generally Accepted Accounting principles (GAAP)	Common set of accounting principles, standards and procedures utilized by state and local governments.
Significance	The potential for the matter to threaten the achievement of significant operating, reporting or compliance objectives with financial implications.
Oversight	To exercise supervision/management/governance over internal control.
Auditor	Independent financial auditor or internal auditor.

	City of Oxnard Finance Policy		
TITLE Internal Control – Finance and Governance Committee Duties and Responsibilities			PAGE 5 of 5
NUMBER FPOL 1.03	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

5.0 ROLES AND RESPONSIBILITIES

Role	Responsibility
Finance and Governance Committee (F&GC)	Exercises oversight of internal controls and audit committee responsibilities consistent with GFOA best practices and the State Controller's Office recommendations on internal control.

CITY OF OXNARD REFERENCES

FPOL 1.01 Adoption of Internal Control – Integrated Framework
 FPOL 1.02 Adoption of Internal Control Oversight Responsibilities

6.0 DOCUMENT HISTORY

Version	Summary of Changes	Reason for Changes
1.0	New policy	New policy

		City of Oxnard Finance Policy	
TITLE Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives			PAGE 1 of 4
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PROCEDURE OWNER Christine Williams	TITLE Sr. Mgr, Internal Controls	(Signature)	DATE 7/14/2020

1.0 POLICY STATEMENT

The City Council provides the following delegations:

- 1.1.1 City Manager. The City Council delegates to the City Manager responsibility for implementing the following:
 1. Strategic planning process for the City Council to establish its annual and/or multi-year goals.
 2. Budget and service planning processes.
 3. Efficient and effective staffing and organization structure. Organization of staffing assignments and structures designed to achieve objectives and mitigate risks.
 4. Processes and delegations to implement the ICIF and risk mitigations.
 5. Individual accountability for performance related to internal control responsibilities, ethical behavior and achievement of objectives.
- 1.1.2 The City Council further expects that the City Manager will hold department heads and all staff accountable for the following:
 1. Continuously improving systems by implementing best practices;
 2. Communicating expectations regarding implementing and adhering to the ICIF;
 3. Evaluating employees' performance in implementing and adhering to ICIF; and
 4. Providing training to employees.
- 1.1.3 *Elected officials with managerial assignments.* Elected officials who also have managerial assignments are subject to the same standards of ethical behavior and performance as the City Manager and department heads. For statutory responsibilities, limits on elected officials' authority shall be clearly described in City Council policies. Where policies are unclear, the City Manager, elected officials or the City Council shall propose changes that result in improved clarity and performance.

2.0 SCOPE

The policy covers the oversight of the City of Oxnard organization in support of internal controls. It applies to the City Council, elected officials with managerial assignments and the City Manager.

	City of Oxnard Finance Policy		
Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives			PAGE 2 of 4
NUMBER FPOL 1.04	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

3.0 BACKGROUND

3.1.1 Under the council-manager form of government, the City Council sets policy and the City Manager is responsible for carrying out that policy, along with managing the organization and ensuring accountability for performance of all employees under his or her direction. As related to the Internal Control – Integrated Framework (ICIF), the City Council expects the City Manager to provide oversight of the organization in support of internal controls.

Two types of control authorization are described below for this City Council policy.

1. *Risk-based controls.* Controls intended to address risks and objectives that will become a managerial responsibility and related performance measures must be approved by the City Manager or his/her designee.
2. *Compliance and reporting controls.* Controls and objectives that address legal compliance should be reviewed by the City Attorney or his/her designee. Controls or reporting objectives related to financial management should be reviewed by the Chief Financial Officer or his/her designee. Other compliance or reporting related controls and objectives should be reviewed with the City's subject matter expert for non-financial reporting or non-financial compliance.

The ICIF includes an expectation that structures will be in place that will provide reasonable assurance that the City is meeting its operational, reporting and compliance objectives for internal control. The basic structures that should be in place, which rely on the City Manager to organize and manage, follow:

1. *Strategic plan.* A strategic plan or set of clear goals approved by the City Council based on:
 - a. A clear understanding of the City's current financial condition as well as long-range financial and economic forecasts;
 - b. City Council and community priorities;

	City of Oxnard Finance Policy		
Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives			PAGE 3 of 4
NUMBER FPOL 1.04	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

- c. Periodic risk assessments identifying those risks that could prevent City leaders from achieving operating, reporting and compliance objectives or reaching its goals; and
 - d. Consistent application of ethics and values.
2. *Budget and service planning processes.* Budget and service planning processes that provide clear, measurable objectives to achieve the operating, reporting and compliance objectives needed to achieve the City Council's strategic plan goals.
 3. *Staffing and organization structure.* Organization staffing assignments and structures designed to achieve objectives and mitigate risks.
 4. *Implementing internal controls.* Internal controls designed to achieve objectives and mitigate risks.
 5. *Accountability.* Individual accountability for performance related to internal control responsibilities, ethical behavior and achievement of objectives.

4.0 DEFINITIONS

Term	Definition
Internal Control – Integrated Framework (ICIF)	A system of internal controls designed to address three main categories of internal control objectives which are 1. Operations 2. Reporting and 3. Compliance.
Risk Assessment	A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking at all levels.

5.0 ROLES AND RESPONSIBILITIES

Role	Responsibility
City Council	Sets policy
City Manager	Responsible for carrying out policies along with managing the organization and ensuring accountability for performance of all employees under his or her direction

	City of Oxnard Finance Policy		
Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives			PAGE 4 of 4
NUMBER FPOL 1.04	VERSION 1.0	DOCUMENT OWNER Christine Williams	EFFECTIVE DATE 9/1/2020

6.0 CITY OF OXNARD REFERENCES

FPOL 1.01 Adoption of Internal Control – Integrated Framework

FPOL 1.02 Adoption of Internal Control Oversight Responsibilities

FPOL 1.03 Internal Control – Finance and Governance Committee Duties and Responsibilities

7.0 DOCUMENT HISTORY

Version	Summary of Changes	Reason for Changes
1.0	New policy	New policy



City of Oxnard, California

Internal Control – Integrated Framework

September 2020

Table of Contents

Summary.....	1
Organization of this Document.....	3
Internal Control - Integrated Framework (ICIF) Overview	4
ICIF Background	4
Internal Control Objectives.....	5
ICIF Components to Achieve Internal Control Objectives.....	6
Internal Control Principles.....	7
City Council Policies	9
COSO Category A: Control Environment.....	9
<i>Policy 1: Adoption of Internal Control – Integrated Framework.....</i>	<i>9</i>
<i>Policy 2: Adoption of Internal Control Oversight Responsibilities</i>	<i>10</i>
<i>Policy 3: Finance and Governance Committee Duties and Responsibilities.....</i>	<i>11</i>
<i>Policy 4: Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives.....</i>	<i>14</i>
<i>Policy 5: Performance Evaluations of City Manager and City Attorney.....</i>	<i>16</i>
COSO Category B: Risk Assessment	17
<i>Policy 1: City Council’s Risk Assessment Responsibilities</i>	<i>17</i>
COSO Category C: Control Activities	17
<i>Policy 1: Development and Implementation of Internal Controls</i>	<i>17</i>
COSO Category D: Information and Communication.....	18
<i>Policy 1: Commitment to Transparent and Complete Information and Communication</i>	<i>18</i>
COSO Category E: Monitoring Activities	19
<i>Policy 1: Creation of a Monitoring System</i>	<i>19</i>
Administrative Implementation Guidelines	21
COSO Category A: Control Environment.....	21
<i>Guideline 1: Implementation of Internal Control – Integrated Framework by City Manager.....</i>	<i>22</i>
<i>Guideline 2: Management’s Internal Control Oversight Support Responsibilities</i>	<i>24</i>
<i>Guideline 3: ICIF Progress Reporting by Chief Financial Officer.....</i>	<i>26</i>
<i>Guideline 4: Integrity and Ethical Values</i>	<i>28</i>

Table of Contents

City of Oxnard

<i>Guideline 5: Performance Expectations and Appraisal/Evaluation Systems</i>	30
<i>Guideline 6: Financial Management and Operations Training</i>	33
<i>Guideline 7: Succession and Turnover Contingency Planning</i>	36
<i>Guideline 8: Adequate Finance Management and Operations Staffing</i>	38
COSO Category B: Risk Assessment	39
<i>Guideline 1: Risk Assessment Responsibilities</i>	39
COSO Category C: Control Activities	41
<i>Guideline 1: Development of Controls</i>	41
<i>Guideline 2: Future Control Activities</i>	43
<i>Guideline 3: Administration of New and Restricted Funds</i>	47
<i>Guideline 4: Non-Standard Issues Related to Accounting, Compliance and Reporting Requirements</i>	48
COSO Category D: Information and Communication	51
<i>Guideline 1: Developing Effective Information and Communication Activities and Channels</i>	52
<i>Guideline 2: Expected Compliance with Information and Communication Principles and Activities</i>	53
COSO Category E: Monitoring	54
<i>Guideline 1: Monitoring Responsibilities and Actions</i>	54

Tables

Table 1.	COSO's 17 Internal Control Principles for City of Oxnard	7
Table 2.	Policies Associated with the Internal Control—Integrated Framework	9
Table 3.	Administrative Implementation Guidelines	21
Table 4.	Sample Forms and Reports	42

Summary

The audit findings in the Single Audit Report for fiscal year ending 2015, and subsequent reports, highlighted the need for the City of Oxnard (City) to adopt an Internal Control Integrated Framework (ICIF) as a policy document, and to develop the necessary internal controls that will ultimately help the City safeguard its assets and achieve its purpose of serving the Oxnard community. The Committee of Sponsoring Organizations of the Treadway Commission's (COSO) ICIF provides a well-established, best practice framework for the adoption of internal control principles by the City.

The City Council (Council) should review and formally adopt the recommended policies, unless already implemented through another process or control, indicated in the City Council Policies section of this document. Upon adoption of the policies, the City Manager and staff will then have the responsibility for implementing the Council's policies, taking into consideration the Administrative Implementation Guidelines (Guidelines) provided herein.

The Council Policies and Guidelines in this document are a work in progress. Management will continue in developing additional policies and Guidelines as necessary. The Guidelines, which address the nine recommended Council Policies, do not require Council action but rather are provided as background information for the City staff's implementation of Council's ICIF policies.

Because the City will build its internal control system using the integrated framework over a period of years, the work will evolve. In the early stages, the City Manager relied on audit findings and recommendations of auditors and consultants to begin developing controls such as the Corrective Action Plan in which the Finance Department reports out to the F&GC and Council every six months.

Adoption of the Council Policies and utilization of the Guidelines is only the first step. For them to be effective, the City will need to commit time, skills, technology, and accountability. Each is described below.

- **Time** will be needed by the Council to transfer new duties, including audit committee responsibilities, to the F&GC to review audit and other reports and recommendations by staff to strengthen internal control policies and processes. Time will be needed by City staff to develop detailed process workflow changes that will implement the many components of these internal control Guidelines. This includes training all employees who have any role in financial transactions from origination through approval, as well as those with recordkeeping and custodial responsibilities. It also includes having enough staff in administrative positions that can ensure proper oversight of internal controls and implementation of the procedures contained in the Guidelines.
- **Skills** will be needed by members of the F&GC to carry out their roles. Skills will also be needed by City staff to carry out the additional requirements of internal controls. This means that staff must have the technical competence and expertise needed to carry out the procedures. They will also need continuous training on their responsibilities and any updates to City processes or regulatory standards required by rulemaking bodies or other third parties.
- **Technology** will be needed to reduce the manual labor of the City's current financial system and to introduce preventive internal controls that will reduce the potential for errors and fraud.
- **Accountability** for implementation will be required. This should be in the form of performance expectations from the City Manager through executive staff to all managers and all employees.

To provide the time, skills, technology and accountability needed, the City will need to commit appropriate financial resources. The lack of sufficient resources allocated to internal control results in the problems identified by third-party experts and the City's own staff, Councilmembers and residents.

As the City's use of the framework matures, integration and operation of the system improves and becomes more reliable. Adoption of Policies and Guidelines will not be sufficient to change results. Commitment of resources and accountability for implementation will be required.

Additionally, sections of its City Code and Bylaws may need to be amended to implement the ICIF. In some cases, the current City Code

includes control activities that are not tied to specific risks affecting objectives. When control provisions in the City Code do not support current objectives or address specific risks, they weaken the integrated control process.

Staff will now be accountable for developing and/or maintaining the necessary internal controls for the City's most significant business systems and processes. The combination of these factors will allow the City to create a culture that strives to provide the level of services desired by the community while protecting City resources.

Organization of this Document

This document is organized as described below.

- **ICIF Overview.** An overview of the necessity for the organization to adopt an internal control - integrated framework, the objectives of an internal control structure, components to achieve internal control objectives, and internal control principles that are based on COSO's Internal Control - Integrated Framework.
- **Council Policies.** A set of nine policies for Council consideration and adoption, unless already implemented through another process or control, that addresses the five components of the control framework:
 - COSO Component A: Control environment;
 - COSO Component B: Risk assessment;
 - COSO Component C: Control activities;
 - COSO Component D: Information and communication; and
 - COSO Component E: Monitoring activities.
- **Guidelines.** A set of sixteen Guidelines under the authority and responsibility of the City Manager. These Guidelines, which address the nine recommended Council policies, unless already implemented through another process or control, do not require Council action but rather are provided as background information for the City staff's implementation of Council's ICIF policies.

COSO Principle 12 requires that City officials deploy control activities through policies that establish what is expected and procedures that put policies in place.

Internal Control - Integrated Framework (ICIF) Overview

Internal Controls are the mechanisms, rules and procedures implemented by an organization to ensure the integrity of financial and accounting information, promote accountability, and prevent fraud. Internal controls can also help improve operational efficiency by improving the accuracy and timeliness of financial reporting. Internal control is a process, affected by the Council, the City Manager and other City personnel, designed to provide reasonable assurance regarding the achievement of objectives relating to operations, reporting and compliance.

The following concepts are fundamental to the definition of internal control. Internal controls should:

- Help to achieve operating, reporting and compliance objectives;
- Consist of ongoing tasks and activities, a means to an end, not an end in itself;
- Be effected by people and not be merely about policy and procedure manuals;
- Provide reasonable, but not absolute, assurance to the City Manager, the senior leadership team (SLT) and the Council that the operational, reporting and compliance objectives are being achieved; and
- Adapt to the City organization; be flexible in application for the entire City, a department, division, work unit or business process.

ICIF Background

The first ICIF version was released COSO in 1992. In 2013 COSO updated the framework to include non-financial controls and risk considerations. Current COSO members include:

- The American Accounting Association (AAA) - <http://aaahq.org>
- The American Institute of Certified Public Accountants (AICPA) - <http://www.aicpa.org/Pages/Default.aspx>

- Financial Executives International (FEI) - <https://www.financialexecutives.org>
- The Institute of Management Accountants (IMA) - <https://www.imanet.org/?ssopc=1>
- The Institute of Internal Auditors (IIA) - <https://na.theiia.org/Pages/IIAHome.aspx>

Widespread adoption of the COSO standard in the private sector increased interest in applying the framework to local government. In 2014, the Federal Office of Management and Budget (OMB) established Administrative Requirements for federal grant recipients that included implementation of effective internal controls and suggested that controls be based on the COSO model. <https://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/content-detail.html>

In 2014, the Federal Government Accountability Office (GAO) released Standards for Internal Control in the Federal Government (Standards) based on the COSO framework to guide implementation at the federal level. GAO encouraged use of its internal control standards for organizations of all sizes. <https://www.gao.gov/greenbook/overview>

In 2015, the California State Controller's Office (SCO) Internal Control Guidelines – Local Government Agencies (Guidelines) were released recommending the use of the COSO ICIF or GAO Standards for local government agencies. https://www.sco.ca.gov/Files-AUD/2015_internal_control_guidelines.pdf

The COSO ICIF is recommended as a current best practice of the Government Finance Officers Association (GFOA). <http://www.gfoa.org/internal-control-framework>

COSO publications provide updated information on the application of ICIF, and GFOA has committed to providing ongoing guidance for practical application of ICIF for state and local agencies. A copy of the COSO ICIF Executive Summary is attached as an appendix to this guide. <https://www.coso.org/Pages/ic.aspx>

Internal Control Objectives

The ICIF provides for three categories of objectives, allowing City leaders to focus on different aspects of internal control. Objectives within each category are established by the City Manager to achieve Council goals.

1. **Operations Objectives.** These pertain to effectiveness and efficiency of the City's operations including operational and financial performance goals and safeguarding assets against loss.
2. **Reporting Objectives.** These pertain to internal and external financial and non-financial reporting and may encompass reliability, timeliness, transparency, or other terms set forth by regulators, recognized standard-setters or Council policies.
3. **Compliance Objectives.** These pertain to adherence to state and federal laws and regulations and to City Code and bylaws provisions or Council policies.

ICIF Components to Achieve Internal Control Objectives

The ICIF is based on five components that are intended to work together to provide reasonable assurance that the operational, reporting and compliance objectives may be achieved. The five components are:

1. ***Control Environment.*** Based on ethical conduct, competence and accountability, this is the foundation for an internal control system. It provides the support and structure to help the City achieve its objectives.
2. ***Risk Assessment.*** Identifies and analyzes the risks facing the City as it seeks to achieve its objectives. This assessment provides the basis for prioritizing and developing appropriate internal controls to eliminate or reduce risks.
3. ***Control Activities.*** This component represents the actions management establishes through policies and procedures to achieve objectives and respond to risks in the internal control system, which includes the City's information system.
4. ***Information and Communication.*** These are the processes that produce relevant, quality information that managers and staff use to support the internal control system.
5. ***Monitoring.*** These are the processes managers establish and operate to assess the execution and quality of internal control activities over time and to promptly resolve the findings of audits and other reviews.

Internal Control Principles

There are 17 principles within the five components of the ICIF. The principles that follow have been adapted to the City of Oxnard environment. The term “City officials” refers to managers of the organization, at all levels. The original language was developed in 2013 by COSO. <https://www.coso.org/Documents/COSO-ICIF-11x17-Cube-Graphic.pdf>

Table 1. COSO’s 17 Internal Control Principles for City of Oxnard

Components of Internal Control Systems	Principle
A. Control Environment	1. City officials demonstrate a commitment to integrity and ethical values.
	2. The Council demonstrates independence from management and exercises oversight of the development and performance of internal control.
	3. City management establishes, with Council oversight, structures, reporting lines, and appropriate authorities and responsibilities in the pursuit of objectives.
	4. City officials demonstrate a commitment to attract, develop, and retain competent individuals in alignment with objectives.
	5. City officials hold individual(s) accountable for their internal control responsibilities in the pursuit of City of Oxnard objectives.
B. Risk Assessment	6. City officials specify objectives with sufficient clarity to enable the identification and assessment of risks relating to objectives.
	7. City officials identify risks to the achievement of objectives across the entity and analyze risks as a basis for determining how the risks should be managed.
	8. City officials consider the potential for fraud in assessing risks in achieving objectives.
	9. City officials identify and assess changes that could significantly impact the system of internal control.
C. Control Activities	10. City officials select and develop control activities that contribute to the mitigation of risks in achieving objectives to acceptable levels.
	11. City officials select and develop general control activities over technology to support the achievement of objectives.
	12. City officials deploy control activities through policies that establish what is expected and procedures that put policies in place.
D. Information and Communication	13. City officials obtain or generate and use relevant, quality information to support the functioning of internal control.
	14. City officials internally communicate information, including objectives and responsibilities for internal control, necessary to support the functioning of internal control.
	15. City officials communicate with external parties regarding matters affecting the functioning of internal control.
E. Monitoring Activities	16. City officials select, develop, and perform ongoing and/or separate evaluations to ascertain whether the components of internal control are present and functioning.
	17. City officials evaluate and communicate internal control deficiencies in a timely manner to those parties responsible for taking corrective action including Senior Manager of Internal Controls, senior management, Finance and Governance Committee, and the Council, as appropriate.

The ICIF is intended to be sustainable and adaptable to new goals, objectives and risks. Controls are intended to be implemented pursuant to ICIF principle 12 through policies that may change as the City's circumstances change.

Some City Code sections and Bylaws may need to be amended to accomplish this shift in focus. In some cases, the current City Code includes control activities that are not tied to specific risks affecting objectives. When control provisions in the City Code do not support current objectives or address specific risks, they conflict with the risk and objectives-based focus of the integrated control

City Council Policies

This section recommends the consideration and adoption of nine proposed Council policies associated with the ICIF. Each of the nine policies will be created and presented separately to the Council for adoption, unless already implemented through another process or control. Each policy is associated with one of the five COSO components described in the previous section of this report. Each of the components is associated with ICIF principles as shown in table 1. The nine proposed policies are shown in Table 2 below.

Table 2. Policies Associated with the Internal Control—Integrated Framework

COSO Category	City Council Policies
A. Control Environment	1. Adoption of Internal Control – Integrated Framework 2. Adoption of Internal Control Oversight Responsibilities 3. Finance and Governance Committee Duties and Responsibilities 4. Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives 5. Performance Evaluations of City Manager and City Attorney
B. Risk Assessment	6. Council's Risk Assessment Responsibilities
C. Control Activities	7. Development and Implementation of Internal Controls
D. Information and Communication	8. Commitment to Transparent and Complete Information and Communication
E. Monitoring Activities	9. Creation of a Monitoring System

COSO Category A: Control Environment

Policy 1: Adoption of Internal Control – Integrated Framework

Background

The City of Oxnard needs an overarching and unifying framework for its internal controls. The California State Controller's Office (SCO) issued *Internal Control – Guidelines for Local Government Agencies* in 2015 to improve local governments' ability to reach their goals by maintaining strong internal controls. The Federal Office of Management and Budget (OMB), through its Uniform Guidance (2 CFR 200) required federal grantees to implement effective internal controls in the first fiscal year following the December 2014 effective date of the regulations. For the City of Oxnard this was the fiscal year ending June 30, 2016.

Other recognized sources for developing and maintaining the ICIF include the *Green Book* of United States Government Accountability Office (GAO), the Statements of Auditing Standards (SAS) of the Auditing Standards Board (ASB) of the American Institute of Certified Public Accountants (AICPA), the California Committee on Municipal Accounting (CCMA), the Generally Accepted Government Auditing Standards (GAGAS, *Yellow Book*) of the GOA and best practices suggested GFOA.

Policy Statement

The Council adopts the ICIF and includes in this policy the 17 internal control principles of COSO. The use of recognized national and state internal control standards and practices shall be expected of all City officials.

The ICIF shall serve as the underpinning of all the City of Oxnard's internal control policies and implementation Guidelines and activities. The City Manager is directed to use the ICIF and 17 COSO principles when creating policies and implementing internal controls whenever it is feasible, effective and efficient.

Policy 2: Adoption of Internal Control Oversight Responsibilities***Background***

The City Council performs a critical oversight responsibility on behalf of the Oxnard community to provide a strong internal control framework and accurate financial reporting. The City Council does this by exercising its oversight duties and working with the City Manager, City Attorney and other officials to create a control environment based on ethical practices, competency and compliance with laws, regulations and policies.

Policy Statement

The Council shall identify and accept its oversight responsibilities in the development and performance of internal control. This includes the following:

- a. Ensuring that Council appointees have the skills, knowledge, and experience necessary for their job duties and responsibilities;
- b. Applying objectivity in evaluating information and when making decisions;
- c. Ensuring the completion of periodic risk assessments; and

- d. Following up on completion of actions to address audit findings.

Policy 3: Finance and Governance Committee Duties and Responsibilities

Background

The City's independent financial auditor identified the lack of an audit committee as a material weakness in the Fiscal 2015 Single Audit. The SCO, COSO and GFOA best practices recommend that a local government establish an audit committee to support the Council in its oversight responsibilities.

Policy Statement

The Council shall add audit committee responsibilities to the role of the F&GC. The F&GC was established through City Code Section 2-1.1 and Bylaws (See Resolution No. 15,286 for such delegation). The City Council establishes F&GC as a critical element in the City's internal control environment. The responsibilities will be consistent with best practices recommended for an audit committee by GFOA Best Practice – Audit Committees. It is also consistent with SCO recommendations in its publication *Internal Control Guidelines - California Local Agencies*.

The Council will adequately fund the work of the F&GC, including the cost of the financial auditors and internal auditors who report to it and the experts it engages to fulfill its responsibilities, through adoption of appropriations in the budget resolution. The City Manager and City Attorney shall assign staff support to the F&GC.

Composition and Meetings. The F&GC shall be composed of three of the seven members from the City Council. GFOA recommends that members of the F&GC have a basic understanding of governmental financial reporting and auditing or be willing to attend training to obtain that understanding.

No elected or appointed official who exercises managerial responsibilities that fall within the scope of a financial audit or internal audit should serve as a member of the committee or as an advisor to the F&GC. Members of the Committee have a duty to exercise an appropriate degree of professional skepticism in their interactions with financial auditors, internal auditors, other elected officials with assigned internal control or managerial responsibility and management.

The F&GC shall meet per City Code Section 2-1.1 and Bylaws (See Resolution No. 15,286 for such delegation) but may schedule additional meetings as necessary to fulfill its duties and responsibilities. The F&GC shall, at its discretion, have access to the services of financial experts and

appropriate specialists, if required, to assist in fulfilling responsibilities in its role as the audit committee of the City.

The financial expert(s) and appropriate specialists should, through education and experience relevant to the government sector, understand generally accepted accounting principles (GAAP) and financial statements, be experienced in preparing or auditing financial statements of a comparable agency, be experienced with applying such principles in connection with accounting for estimates, accruals and reserves, be experienced with internal controls, and understand audit committee functions.

Responsibilities. The F&GC shall be responsible for all of the following:

- a. Advise the Council and provide oversight for policies to implement or improve the City's internal controls and financial condition.
- b. Review Council appointees' performance related to implementing internal control activities.
- c. Review instances where City staff has overridden internal controls in connection with significant or material matters.
- d. Review non-routine, significant or material financial matters so it can advise the Council on those matters. Non-routine matters include items not managed in the normal course of municipal operations or matters not covered by existing policies. In this policy, "significance" relates to the potential for the matter to threaten achievement of significant operating, reporting or compliance objectives with financial implications. "Materiality" relates to the size of the financial impact of the matter on the City.
- e. Advise the Council on new and modified financial management policies. Policies would include, but not be limited to, budgeting, capital improvement/construction in progress, revenues, fund balance, reserves, debt, accounting and risk management. It may also review, discuss and recommend changes to policies or City Code sections and Bylaws to modernize the City's administrative and regulatory framework to implement financial audit or internal audit findings or modernize and improve the City's financial condition, internal control framework and business processes.
- f. Provide oversight of management's development of policies relating to maintaining a strong control environment and work with management to plan periodic risk assessments relating to

achieving the Council's strategic goals and related operational, reporting and compliance objectives.

- g. Review finance related Council policies at least every five years.
- h. Carry out Audit Committee responsibilities as follows:
 - 1. Recommend to the full Council the appointment, compensation, retention and oversight of any independent accountants engaged for the purpose of preparing or issuing independent financial audit or internal audit reports or performing other independent audit review, agreed upon procedures or attest services for the City.
 - 2. Ensure that all financial auditors and internal auditors engaged by the F&GC pursuant to this policy shall report directly to the Committee.
 - 3. Receive a report from the City Manager (or Internal Auditor or City Manager's designee) about any employee complaints and their resolutions regarding accounting, internal accounting controls or financial auditing matters.
 - 4. Discuss audit reports and financial statements with the City Manager, Chief Financial Officer and others as the City Manager designates and at its discretion, meet with the City's financial auditors and experts without management present to discuss reports and financial statements.
 - 5. Have access to all reports from internal and independent or regulatory external auditors.
 - 6. Exercise oversight to assure that financial audit and internal audit findings are promptly addressed by management.
 - 7. Review City Code Section 2-1.1 and Bylaws (See Resolution No. 15,286 for such delegation) establishing the F&GC not less than every five years to assess its continued adequacy.

Nothing in this policy should be interpreted to limit the Council from exercising its ultimate authority related to the matters described herein.

Policy 4: Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives

Background

Under the council-manager form of government, the Council sets policy and the City Manager is responsible for carrying out that policy, along with managing the organization and ensuring accountability for performance of all employees under his or her direction. As related to the ICIF, the Council expects the City Manager to provide oversight of the organization in support of internal controls.

Two types of control authorization are described below for this Council policy.

1. *Risk-based controls.* Controls intended to address risks and objectives that will become a managerial responsibility and related performance measures must be approved by the City Manager or his/her designee.
2. *Compliance and reporting controls.* Controls or objectives that address legal compliance should be reviewed by the City Attorney or his/her designee. Controls or reporting objectives related to financial management should be reviewed by the Chief Financial Officer or their designee. Other compliance or reporting related controls and objectives should be reviewed with the City's subject matter expert for non-financial reporting or non-financial compliance.

The ICIF includes an expectation that structures will be in place that will provide reasonable assurance that the City is meeting its operational, reporting and compliance objectives for internal control. The basic structures that should be in place, which rely on the City Manager to organize and manage, follow:

1. *Strategic plan.* A strategic plan or set of clear goals approved by the City Council based on:
 - a. A clear understanding of the City's current financial condition as well as long-range financial and economic forecasts;
 - b. City Council and community priorities;
 - c. Periodic risk assessments identifying those risks that could prevent City leaders from achieving operating, reporting and compliance objectives or reaching its goals; and

- d. Consistent application of ethics and values.
2. *Budget and service planning processes.* Budget and service planning processes that provide clear, measurable objectives to achieve the operating, reporting and compliance objectives needed to achieve the Council's strategic plan goals.
3. *Staffing and organization structure.* Organization staffing assignments and structures designed to achieve objectives and mitigate risks.
4. *Implementing internal controls.* Internal controls designed to achieve objectives and mitigate risks.
5. *Accountability.* Individual accountability for performance related to internal control responsibilities, ethical behavior and achievement of objectives.

Policy Statement

The Council provides the following delegations:

- *City Manager.* The Council delegates to the City Manager responsibility for implementing the following:
 - a. Strategic planning process for the Council to establish its annual and/or multi-year goals.
 - b. Budget and service planning processes.
 - c. Efficient and effective staffing and organization structure. Organization staffing assignments and structures designed to achieve objectives and mitigate risks.
 - d. Processes and delegations to implement the ICIF and risk mitigations.
 - e. Individual accountability for performance related to internal control responsibilities, ethical behavior and achievement of objectives.

The Council further expects that the City Manager will hold department heads and all staff accountable for the following:

- Continuously improving systems by implementing best practices;

- Communicating expectations regarding implementing and adhering to the ICIF;
 - Evaluating employees' performance in implementing and adhering to ICIF; and
 - Providing training to employees.
- *Elected officials with managerial assignments.* Elected officials who also have managerial assignments are subject to the same standards of ethical behavior and performance as the City Manager and department heads. For statutory responsibilities, limits on elected officials' authority shall be clearly described in City Council policies. Where policies are unclear, the City Manager, elected officials or the Council shall propose changes that result in improved clarity and performance.

Policy 5: Performance Evaluations of City Manager and City Attorney

Background

The council-manager form of government relies on a City Manager carrying out the policies of the Council and implementing an efficient and effective organization. Internal controls, to be effective, require the City Manager and City Attorney to be responsible for overseeing the system, providing resources, tools, assignments and systems needed for staff to implement the components of the ICIF.

The Council wants reasonable assurance that the system of internal control will eliminate or mitigate risks that threaten the municipal corporation and service delivery objectives. Performance evaluations are an essential tool in creating this assurance. The Council has responsibility to evaluate the performance of its appointees in fulfilling assigned internal control responsibilities. The City Manager and City Attorney have responsibility to evaluate staff under their authority.

Policy Statement

The Council shall conduct a performance evaluation of the City Manager and City Attorney related to internal control responsibilities annually and may do so more often if desired. The evaluation shall include a review of the effectiveness of internal controls and implementation of the ICIF. The Council's discretion in establishing criteria and evaluating performance of its appointees outside the scope of internal control oversight is not limited by this policy.

COSO Category B: Risk Assessment

Policy 1: City Council's Risk Assessment Responsibilities

Background

The Council understands the importance of ensuring that risk assessments are performed to serve as a basis for adapting the internal control framework to changing conditions. The Council policies define its control responsibilities, approved appointment of new independent certified public accountants as its independent auditors, and made improvements in the internal support and governance functions a strategic objective.

Policy Statement

The Council shall:

- a. Review the City's risk tolerance and philosophy on a regular basis,
- b. Ensure that the City's strategic goals and decisions are in alignment with the organization's risk tolerance and philosophy,
- c. Stay apprised of the most significant risks and ascertain whether management is responding appropriately,
- d. Review the organization's risk exposures and define the Council's tolerance for risk by considering the cumulative impact of identified risks in relation to the organization's risk tolerance, and
- e. Assign the F&GC to work with the Internal Auditor to identify and evaluate risk factors for fraud and oversee the City Manager's response to such issues.

COSO Category C: Control Activities

Policy 1: Development and Implementation of Internal Controls

Background

To comply with standards for ICIF principles and components, the Council recognizes the need to eliminate or reduce risk based on reasonable standards and level of effort. Proper internal controls must be developed and implemented to safeguard assets and ensure the City

achieves its operational objectives. The responsibility to develop those controls must be established and evaluated on an ongoing basis.

Policy Statement

1. The Council directs the City Manager to develop internal controls that are tailored to the City's specific structure, risk exposure and resource levels. To the extent resource levels are not adequate to reduce risk in some areas; the Council will reassess its risk tolerance philosophy and provide specific direction to the City Manager.
2. City practices shall comply with ICIF principles and components related to control.
3. Controls shall be developed that respond to and assure compliance with findings from external and/or internal audits and that consider the outcomes of risk assessments performed under the policies related to COSO Category B – Risk Assessment.

COSO Category D: Information and Communication

Policy 1: Commitment to Transparent and Complete Information and Communication

Background

The Council recognizes the importance of effective, accurate and comprehensive financial information for informed decision making. The community and the City organization expect the Council to provide policy leadership supportive of ongoing communication regarding the City's financial health and long-term sustainability. Failure to identify and address financial reporting and compliance issues can result in significant financial losses, create potential liabilities, or force unplanned use of resources.

Information and communication is critical to implement the ICIF and to achieve the City's strategic goals and financial sustainability. Regular, timely and accurate information is critical regarding the City's ability to adapt to changes in law, implementation of the ICIF, and compliance with governmental accounting standards. This requires leadership and a culture that encourages trust, and values open and courteous communication. Effective communication based on courtesy and respect is expected of all elected officials, employees and managers.

Policy Statement

1. The Council is committed to providing full and transparent financial information to the public, aimed at long-term financial sustainability.
2. The Council expects management to implement an information and communications framework that supports operational, reporting and compliance objectives. The products of the City's information and communication systems are expected to be of sufficient quality and usefulness to enable the successful implementation of the ICIF and provide reasonable assurance to the Council that its goals and the City's operating, reporting and compliance objectives will be achieved.
3. The City Council directs the City Manager to implement the necessary communications protocols and information sharing processes within the organization and to elected officials and the public.
4. The City's business communications shall conform to the standards established by the Council through the policies documented in the Personnel Rules and Regulations.
5. Elected and appointed officials and all employees shall demonstrate ethical behavior, competence, courtesy and respect in their daily actions.

COSO Category E: Monitoring Activities**Policy 1: Creation of a Monitoring System*****Background***

The Council recognizes that the ICIF and the City's internal controls systems and processes must be monitored regularly and effectively. This requires that components of the internal control system not only exist but are also functioning properly, and that any deficiencies are reported to the Council and senior management, and that corrective action is taken in a timely manner.

Policy Statement

1. The Council directs that the City Manager implement a monitoring system for internal control processes. The monitoring system shall be one that gives the community, City Council, employees and other stakeholder's reasonable assurance that the City is adhering

to ICIF principles and is achieving operating, reporting and compliance objectives.

2. The City Manager shall report to the City Council the results of any evaluations conducted by staff, consultants or auditors about whether the internal control components are present and functioning properly no less than annually.
3. The City Manager shall evaluate and report to the Council any internal control deficiencies identified as part of the City's monitoring activities and identify the corrective actions taken for curing the deficiencies.

Administrative Implementation Guidelines

This section contains sixteen Guidelines associated with the ICIF, as shown in Table 3. Each Guideline is associated with one of the five COSO categories shown in the previous section of this report.

As defined previously, the term “Guideline” is intended to incorporate the meaning of Committee of Sponsoring Organizations of the Treadway Commission (COSO) Principle 12 which requires that City officials deploy control activities through policies that establish what is expected and procedures that put policies in place.

Table 3. Administrative Implementation Guidelines

COSO Component	Administrative Implementation Guidelines
A. Control Environment	1. Implementation of Internal Control – Integrated Framework by City Manager 2. Management’s Internal Control Oversight Support Responsibilities 3. ICIF Progress Reporting by Chief Financial Officer 4. Integrity and Ethical Values 5. Performance Expectations and Appraisal/Evaluation Systems 6. Financial Management and Operations Training 7. Succession and Turnover Contingency Planning 8. Adequate Finance Management and Operations Staffing
B. Risk Assessment	1. Risk Assessment Responsibilities
C. Control Activities	1. Development of Controls 2. Future Control Activities 3. Administration of New and Restricted Funds 4. Non-Standard Issues Related to Accounting, Compliance and Reporting Requirements
D. Information and Communication	1. Developing Effective Information and Communication Activities and Channels 2. Expected Compliance with Information and Communication Principles and Activities
E. Monitoring Activities	1. Monitoring Responsibilities and Actions

COSO Category A: Control Environment

The City Manager and City Attorney, as the Council’s appointees, are responsible for ensuring the internal control environment is adequate. The

implementation authority may be delegated by the City Manager to the Chief Financial Officer. The senior leadership team and all employees are expected to support the ICIF and carry out practices to ensure the integrity of the City's finances, manage risks, achieve City objectives, and fulfill obligations of public service.

Best practice resources are available in carrying out these responsibilities. Resources include: "*A Performance Management Framework for Local Government*" published by the National Performance Management Advisory Committee (NPMAC); GFOA and its criteria for the achievement award for budget documents. Best practices expect that managers assign internal control responsibilities to employees reporting to them and incorporate the employees' performance of assigned responsibilities into the performance review process pursuant to policies established by the City Manager.

Guideline 1: Implementation of Internal Control – Integrated Framework by City Manager

Background

The independent auditors' Single Audit Report for Fiscal Year ending 2015, and subsequent reports, found that the City did not have a system of internal control that was documented and monitored effectively. Some controls existed in practice but were not integrated with other controls.

The SCO and OMB recommend COSO's Internal Control Integrated Framework for use by local governments. The framework is also recommended by the GAO that has based federal internal control standards on it. GFOA considers the framework a best practice in state and local government financial management.

OMB requires implementation of an internal control system equivalent to the ICIF for federal grant recipients. OMB required use of the framework or an equivalent system of internal control by fiscal years beginning after December 2014 for entities receiving federal awards. OMB's *Yellow Book* required Single Audit disclosures of material and significant weaknesses in controls affecting financial reporting.

Administrative Guideline

The City Manager shall:

1. Ensure that City management and staff implement the ICIF consistent with national standards and best practices, and as recommended or required by the SCO and OMB. The ICIF will

- incorporate recognized standards whenever feasible, effective and efficient.
2. Direct the CFO to be responsible for implementing control activities and measures required to build and maintain an internal control system.
 3. Convey that all City employees are expected to support the CFO in managing and maintaining the internal control system overseen by the City Manager and Council.
 4. Conduct periodic risk assessments to help the Council and managers have reasonable assurance that operational, reporting and compliance objectives essential to achieving the Council's goals are in place.
 5. Conduct periodic Council study sessions to discuss the status and effectiveness of controls implemented to eliminate or mitigate risks identified in the risk assessment.
 6. Direct the CFO, with the support of the senior management team, to implement the ICIF. Priority attention should be directed to risks that could result in inaccurate financial reporting and risks that could pose opportunities for fraud.
 7. Assure that training is provided to City employees to implement the ICIF and that accountability for implementation is included in all performance evaluations.
 8. Assure that publications and regular updates will be available to staff to support ongoing maintenance and improvement of the internal control system.
 9. Recruit, train and retain employees with knowledge and experience in effective internal control systems.
 10. Establish the expectation that the CFO and staff will continuously improve systems to streamline practices while ensuring proper internal controls and management of risks. Where there are time-consuming practices that have little impact on risks, the CFO and others are encouraged to identify methods of streamlining to achieve efficiencies.
 11. For control activities related to systems and processes that depend on the participation of multiple departments to function effectively, it is expected that the CFO establish and communicate

control responsibilities for employees in other departments consistent with the direction of the City Manager and in consultation with the responsible department head.

Guideline 2: Management’s Internal Control Oversight Support Responsibilities

Background

The Council assigns specific responsibilities to the City Manager relating to internal control standards and practices and for supporting the Council in the performance of their oversight responsibilities. An effective system of internal control is required by grantors and provides reasonable assurance that the City can reach operating, reporting and compliance objectives essential to assuring the Council’s goals will be achieved.

The Council expects the City Manager and management staff to create an organizational control environment based on ethical practices, competency and compliance with Federal, State and local law, regulations and policies. The Council, the City Manager and management staff oversee the City’s system of internal controls. Proper oversight requires employees charged with internal control oversight and support responsibilities to monitor and report on the operation of the system of internal controls.

This guideline has several purposes:

- To establish the City Manager’s policies for implementing support for the internal control oversight policies of the Council and management.
- To assign responsibility for oversight of the system of internal control to specific management team members.
- To establish processes that assess risks to provide the Council and management reasonable assurance that operating, reporting and compliance objectives essential to reach Council goals are achieved.
- To establish processes that monitor and report on the status of the City’s ICIF as required by Council policy.

Administrative Guideline

The City Manager maintains overall authority and responsibility for the effective implementation of the ICIF. Activities and actions shall include the following:

1. Regular discussions about the operation and effectiveness of internal controls by the senior leadership team to make recommendations to the City Manager for improvements in effectiveness and efficiency.
2. Regular reviews by the senior leadership team with their management team regarding assigned control responsibilities and their effectiveness.
3. Regular reporting to the F&GC by the CFO regarding the results of periodic internal control reviews.
4. Annual reviews of the effectiveness of the City's ICIF with the Council and a complete review of all ICIF policies at least every four years.
5. Annual review of the direct internal control responsibilities of senior managers with the Council.
6. Regular reporting to the F&GC regarding significant internal control decisions and new or changed control activities pertaining to significant or material risks affecting operating, reporting and compliance objectives.
7. Periodic updates to the F&GC and, if required, regulators regarding the status of new policies and control activities that address problems identified by internal and external auditors and consultants.
8. Annual reporting by the CFO to the Council from the F&GC regarding the Committee's activities and accomplishments in fulfilling its responsibilities.
9. Preparation of reports and presentations regarding significant internal control and financial management policies and issues based on consultation with the Mayor and the Chair of the F&GC.
10. Conducting periodic risk assessment processes by the City Manager, City Attorney and Chief Financial Officer to identify those that may impact operating, reporting and compliance objectives essential to reaching the Council's goals. Such risk assessments shall incorporate the results of focused risk assessments or analyses completed by departments, internal and external auditors and consultants. The results shall be reported to the Council's F&GC.

Guideline 3: ICIF Progress Reporting by Chief Financial Officer

Background

The Council has directed the City Manager to make periodic reports on the progress made on implementing the ICIF. The City is going through implementation of the integrated framework, implementation of a new financial management system and projects to correct issues identified by the City's auditors and consultants. No standards for the content of the periodic reports have yet been established.

The purpose of this guideline is to describe the expected basic standard for the periodic internal control progress report presented to the Council. These Guidelines should and will be refined over time by City management.

Administrative Guideline

The CFO will create an effective report format to convey information to the F&GC, the Council and others. The following describes the types of content to be provided in the report, including resources and objectives of each major section.

1. *Transmittal Letter.* This letter should be signed by the City Manager, whose focus will be the impact of the ICIF on operating objectives; the City Attorney, whose focus will be on compliance objectives; and the CFO, whose focus will be on reporting objectives. The letter should cite the policies that led to the creation of the report and describe highlights of progress on the ICIF as it relates to objectives and the Council's goals.
2. *Executive Summary.* The summary should focus on the current status of the ICIF and progress made on improving the framework since the last periodic report. Progress information should include information about:
 - New policies adopted to implement internal controls,
 - Results of monitoring of control operation and effectiveness,
 - Status of significant auditor and consultant recommendations relating to the control framework,
 - Major issues revealed by the most recent risk assessment,
 - Significant instances where management overrode internal controls, and
 - Challenges affecting ICIF implementation efforts.

3. *Progress reports by category.* Reports of progress on each ICIF component describing implementation status of policies relating to that component, as follows:
 - a. Control environment,
 - b. Risk assessment,
 - c. Control activities,
 - d. Information and communication, and
 - e. Monitoring activities.
4. *Finance and Governance Committee Reports.* Status of the following:
 - a. Audit committee annual report,
 - b. Copy of most recent Comprehensive Annual Financial Report and all accompanying reports on the evaluation of internal controls,
 - c. Most recent Single Audit Corrective Action Plan, and
 - d. Copy of most recent Single Audit Report.
5. *Exhibits.* Recommended exhibits to the periodic report, as appropriate for any particular period report, include:
 - a. COSO Internal Control – Integrated Framework Executive Summary,
 - b. SCO Guidelines for Internal Control – Local Government Agencies,
 - c. Glossary of abbreviations,
 - d. Internet links for major resources and references,
 - e. Risk assessment,
 - f. Sources of deficiency findings and recommendations for improvement. These may be full reports or sections of reports with findings and recommendations, such as:
 - i. Management Partners’ Report on Oxnard Strategic Plan: Phase 1 – Corporate Support, Accountability and Value Systems.
 - ii. The independent auditor’s internal Control section of the most recent Single Audit report and other audits described in the audit committee report.
 - iii. Relevant sections of reports on maintenance districts, development related capital fees, etc.
 - iv. Relevant sections of reports from the City’s internal auditors.

Recommended schedule

The following schedule is intended to minimize conflicts between ICIF work and the annual audit and budget efforts.

- *January and February:* Prepare and present a periodic report to the Council. This timing will allow incorporation of the most recent independent audit findings and the Audit Committee report from the F&GC.
- *November and January:* Prepare and present risk assessment and related reports. This schedule provides for regular incorporation of this effort in the City's budget and service planning process so that risks can be identified and related control measures can be funded.
- *June through September:* Prepare detailed component status report to document internal control system activities and update the Corrective Action Plan for the independent auditors.

Guideline 4: Integrity and Ethical Values***Background***

Effective internal controls depend on a competent and ethical organization. Competence incorporates creation of an atmosphere of courtesy and respect in the workplace to assure that integrated cooperative efforts can be sustained. To document its commitment to ethical practices, the Council approved the Ethics Advisory Subcommittee Report relating to standards of conduct for the Council and appointees to City boards and commissions.

Management should maintain and document its commitment to ethical standards through policies, codes of conduct and performance evaluation to make expectations of ethical conduct clear.

The purpose of this guideline is to:

- Establish and communicate expectations for ethical conduct by City employees;
- Prioritize training in ethical behavior and legal compliance for City staff with priority focus on employees signed to internal control responsibilities;
- Support the City's policy of including discussion of ethical and compliance issues in employee performance evaluations; and

- Provide sustainable processes to evaluate and improve ethical conduct.

Administrative Guideline

1. The City Manager, with the assistance of the City Attorney, will report to the Council on the effectiveness of the Code of Conduct in creating a culture of courtesy and respect and improving ethical behavior in the City. This report will be presented in connection with the periodic Council internal control review.
2. The senior leadership team shall review and update the Code of Conduct as it applies to City employees at least every five years to determine whether changes are needed to fully implement the internal control integrated framework. The Code of Conduct should:
 - a. Be consistent with the values expressed in the ethical conduct principles adopted by the Council.
 - b. Reinforce organizational values and clearly state expectations regarding compliance with applicable laws, regulations and policies.
3. The Human Resources Director and City Attorney shall coordinate Code of Conduct training for employees throughout the year in accordance with the following:
 - a. Code of Conduct training for all new employees (full- and part-time) shall occur within 30 days after being hired.
 - b. Employees will receive training in the current version of the Code of Conduct no less than every three years.
 - c. Each employee will be required to execute a statement acknowledging receipt of a copy of the Code of Conduct and their understanding of their obligation to model expected behaviors in their work and professional relationships.
 - d. Designated employees will receive additional training by the City Attorney's Office in state laws regarding ethics, including but not limited to AB 1234, FPPC Form 700, and the Brown Act.
4. The senior leadership team shall discuss issues of concern regarding compliance with the Code of Conduct in connection

with periodic internal control reviews and make recommendations for improvement.

5. The City's performance evaluation process for employees shall include a discussion of ethical values and behaviors required by the Code of Conduct.
6. The City Manager, City Attorney and CFO shall review workforce knowledge and experience regarding managing legal compliance in administrative functions to develop a program that continuously improves organizational capacity and competency relating to compliance objectives.

Guideline 5: Performance Expectations and Appraisal/Evaluation Systems

Background

Ongoing employee performance evaluations will support the Council's goal of creating a strong control environment by assuring that the City of Oxnard is served by an ethical, competent and accountable workforce. The SCO's Internal Control Guidelines for Local Government Agencies recommend implementation of a performance evaluation system that includes elements related to assigned internal control responsibilities. The OMB's Uniform Guidance for Federal Award Recipients also emphasizes performance management and performance reporting for grant-funded activities. The GFOA considers performance evaluation a best practice.

The City implemented a new employee performance evaluation system in FY 2017-18. The Council has directed the City Manager to implement an ICIF consistent with COSO standards as recommended by the SCO and OMB.

The Council establishes strategic goals for the City and wants reasonable assurance that the system of internal control will eliminate or mitigate risks that threaten achievement of those goals. Performance evaluations are an essential tool in creating this assurance.

The purpose of this guideline is to:

- Establish the elements of the City's employee performance evaluation system that will apply to persons with financial management and operations internal control responsibilities as recommended by the SCO. Elements may also be adapted from GFOA's best practices.

- Implement internal control-related elements in the City's employee performance evaluation program.
- Encourage recruitment and retention of competent, ethical employees.
- Encourage regular discussions of ethical standards of conduct, internal control responsibilities and performance related to operating, reporting and compliance objectives to assure that the people operating the system of internal control can identify and manage threats by adapting the control system to current and expected conditions.
- Create a fair and supportive system focused on accountability for assigned responsibilities.

Administrative Guideline

The City Manager shall ensure that a meaningful performance evaluation system is in place generally, and specifically as related to implementing the ICIF. This includes the formal annual review process and regular, ongoing performance discussions. Review of problems or issues should not be delayed until the annual review but should be discussed as they arise.

1. City employees will be required to possess and maintain a level of competence that allows them to accomplish their assigned responsibilities, as well as understand the importance of effective internal control. Management shall establish and communicate expectations of competence for key roles, and other roles at management's discretion, to help the City achieve its objectives. Managers will assess the related competence levels of staff and, to the extent necessary, provide training, mentoring, and coaching opportunities to reduce the competency gap.
2. Managers will hold all City employees accountable for performing their assigned internal control responsibilities by incorporating those responsibilities into the performance expectations for each affected position and discussing them during the periodic performance evaluations for each position.
3. Employees with internal control responsibilities shall be evaluated annually. All managers and supervisors shall evaluate those employees who report to them directly.

4. Performance evaluations shall include discussions about operations, reporting and compliance objectives that support the Council's goals consistent with the City's internal control policies. Such discussions will include ethical conduct and internal control roles and responsibilities. Internal control performance evaluations will be based on specific control assignments for systems, processes and control activities.
5. Performance evaluation forms shall be updated to incorporate performance assessments related to compliance with internal control related operational, reporting and compliance objectives.
6. Performance that falls below City standards will be addressed by providing recommendations for improving performance. Performance that is deemed egregious or creates significant deficiencies in internal control operations may become subject to progressive disciplinary procedures detailed in the City's Personnel Rules and/or the memorandum of understanding for the affected employee. This may result in a performance improvement plan or other disciplinary actions up to and including termination from employment.
7. The Finance Department shall provide regular feedback to City employees and managers regarding actions, policies and procedures that strengthen or weaken the system of internal control.

Department heads and designees have the responsibility to provide direct and constructive feedback to employees regularly and not wait until a problem arises, and take action as needed to correct performance problems related to internal control. The following tasks are expected to be carried out by department heads and their designees.

1. Establish measurable objectives for each employee based on internal control responsibilities.
2. Conduct performance evaluations with each direct report at least annually and within a period not greater than 60 days after the end of the period to which the evaluation applies. Evaluations may be more frequent in periods of significant change or when performance issues require more frequent discussion.
3. Identify risks, including fraud, that could affect objectives and controls needed to provide assurance that goals can be completed.

4. Identify training and development opportunities that would improve effective performance of responsibilities and prepare employees for future career opportunities.
5. When appropriate, discuss succession, turnover, and contingency planning to reduce the risk that lapses resulting from turnover would create in internal control.

Guideline 6: Financial Management and Operations Training

Background

The ICIF standards required for implementation of a Control Environment need to be based on ethical behavior, competency and individual accountability. Individual accountability cannot be effective unless internal control responsibilities are performed by employees who are experienced and knowledgeable about their assignments. Persons involved in financial management and services in the Finance and operating departments have responsibility for critical control activities that require technical knowledge and training.

This guideline is to ensure that persons charged with responsibility for financial management and financial services receive training so they may perform, build and maintain assignments competently.

Administrative Guideline

1. Financial managers in all departments, including elected officials with managerial responsibilities, shall be required to competently administer and implement the City's internal control system. Knowledge and skills should include, but not be limited to the following areas:
 - a. Financial and regulatory reporting,
 - b. Budget and financial analysis,
 - c. Major transaction processing systems,
 - d. Cash and investments,
 - e. Issuance and management of long term debt,
 - f. Continuing disclosure to capital market participants,
 - g. Grant management,
 - h. Utility financial management and reporting,

- i. Development related systems including special districts and impact fees,
 - j. Personnel related expenditures, and
 - k. Non-personnel related expenditures.
2. Managers and supervisors shall meet with each employee performing finance related work to develop an individual training plan to improve or maintain competence in operational and strategic priority areas related to their assignments for the next year. Copies of those plans shall be forwarded to the Finance Department prior to the beginning of the annual budget process based on instructions issued by the Budget Division.
3. Finance Department managers will meet other department directors annually to identify training requirements for employees outside the department who have internal control responsibilities to develop a plan to meet finance-related training needs.
4. Annual budgets shall provide adequate funding to provide in-house and external training required to maintain competency in financial functions. Training recommendations shall be based on internal and external resources, which may include:
 - a. California Statement Municipal Finance Officers association (CSMFO) - webinars, chapter meetings, conference and group training;
 - b. California Debt and Investment Advisory Commission (CDIAC) – group training;
 - c. Government Finance Officers’ Association (GFOA) – publications, online training, webinars, Certified Public Financial Officer (CPFO) certification, group training and conference;
 - d. League of California Cities – Conferences;
 - e. American Institute of Certified Public Accountants (AICPA) or California Society of Certified Public Accountants (CSCPA) – Conferences and online training;
 - f. Municipal Securities Rulemaking Board (MSRB) – Online and webinar training;
 - g. California Municipal Treasurers’ Association (CMTA) – Conference and group training;

- h. Association of California Water Agencies (ACWA) – Conference;
 - i. California Public Employees Retirement System (CalPERS) – Contract Agency Conference;
 - j. Public Retirement Journal – Annual seminars;
 - k. American Payroll Association – conferences, group training, online training, webinars;
 - l. California Association of Public Procurement Officials (CAPPO) – Conference, certification;
 - m. California Municipal Revenue & Tax Association (CMRTA) – Conference.
- 5. In-house training will be presented by City subject matter experts to ensure employees can fulfill specific financial internal control responsibilities that may be unique to Oxnard.
- 6. Training plans and schedules should specifically incorporate the following elements:
 - a. Specific external training where dates are known, e.g. conferences, GFOA training.
 - b. Planned training hours and specified subject areas in employee training plans. Employees and supervisors should regularly review online, webinar and group training offerings from trusted providers to meet plan objectives.
 - c. Sessions on fraud prevention and detection for employees working with transaction systems and vulnerable assets.
 - d. Documentation, tracking and reporting of courses taken and completed by each employee.
- 7. Employees participating in any training sessions should:
 - a. Prepare a brief memo or email for their supervisor discussing the highlights of the training and describing what action they will take to apply the training at work.
 - b. Share information with associates at regularly scheduled staff meetings following the training.
 - c. Identify important issues in the training and make presentations in department meetings or present internal classes to improve knowledge and understanding.

8. Finance managers should meet annually to review and discuss training needs, develop objectives for the next fiscal year, review results of the prior year's training activities and propose changes required to meet objectives. The results of this assessment should be incorporated in the budget request and shared with the City Manager and the senior leadership team.

Guideline 7: Succession and Turnover Contingency Planning

Background

Implementing operating, reporting and compliance objectives are dependent on an adequate internal control system. Without adequate planning, employee turnover can cause disruption in the operation of internal control systems. The Finance Department has a critical role in the ICIF with responsibilities in all components of the framework. The SCO specifically recommends succession and temporary staffing contingency plans to mitigate or eliminate the risk that turnover will disrupt the internal control systems.

This guideline defines the scope and frequency of succession and turnover contingency planning to create a sustainable system that ensures plans are created and regularly updated.

Administrative Guideline

1. The CFO and Human Resources Director shall identify financial management positions in the City and develop specific succession plans for all positions. Positions shall be reviewed annually to address turnover risk, and plans shall be updated at least every three years. City experience in recruiting and hiring individuals qualified to fill critical positions shall be considered in developing succession plans.
2. The CFO and finance managers will identify those positions within and outside of the Finance Department considered critical to prevent disruptions in internal control systems and financial services. This should include identifying priorities for documenting important historical knowledge.
3. The HR Director and CFO should review the existing characteristics of the employees of the department and other City employees with critical financial control responsibilities using the following criteria:
 - a. Eligibility for retirement within five years,

- b. Employees in a performance improvement program or subject to discipline,
 - c. High-performing employees,
 - d. Gaps identified in employee training plans,
 - e. Employees seeking promotion or applying to other agencies,
 - f. Possible successors to employees in critical positions,
 - g. Years of experience, and
 - h. Knowledge not shared by others in the organization.
4. The CFO shall prioritize critical positions and develop specific succession and turnover contingency plans for critical positions. Plans should be prepared or reviewed for all critical positions on a three-year cycle with at least one-third of such position plans updated each year. A succession and turnover contingency plan should include several components as described below.
- a. A position profile that includes, at a minimum, the following information:
 - The approved position description;
 - Required training;
 - Documented and undocumented historical knowledge;
 - Contacts in and out of the department necessary to perform the job;
 - Critical competencies, knowledge, skills and traits needed to succeed; and
 - Assigned internal control responsibilities.
 - b. A description of the planned approach to develop knowledge, skills and abilities needed to prepare possible successors for assignment to the critical position. These can include, among other things:
 - Mentoring and coaching,
 - Job shadowing,
 - Cross training,
 - Job sharing, and
 - Continuing education in relevant topics coordinated with employee training plans.

- c. A plan for reassigning responsibilities and, if needed, acquiring part-time or consulting assistance, in the event of unexpected turnover in the critical position.

Guideline 8: Adequate Finance Management and Operations Staffing

Background

ICIF standards indicate that excessive workload and inadequate staffing can compromise internal control activities. In prior years, the City has been significantly impacted by inadequate staffing and training and high turnover in administrative support functions with significant internal control responsibilities. Issues and findings identified by consultants and auditors left the City with major challenges to remedy past problems, develop the knowledge and skills of existing staff and build new systems and processes. Recruiting municipal financial professionals across the State is also challenging due to generational changes and the lack of professional development resulting from budget constraints.

The combined challenges of supporting ongoing operations, fixing legacy problems in existing software systems, upgrading financial management systems, and training inexperienced staff significantly increase the risk that internal controls will be disrupted. These Guidelines are to develop a sustainable process to ensure necessary financial staff across the City is in place to mitigate and eliminate operational, reporting and compliance risk.

Administrative Guideline

1. The City Manager shall explicitly address resource needs in the annual budget for financial management services based on his/her independent evaluation of risks and priorities.
2. The City Manager will report to the F&GC each year by December 31 regarding the level of staffing and resources of the Finance Department and other financial management functions with respect to the following:
 - a. Support for normal financial management operations with existing employees and expertise consistent with objectives assigned by the City Manager;
 - b. Actions to address audit findings and implement auditor recommendations that have been reviewed and approved by the Council or F&GC;

- c. Implementation and maintenance of the City's ICIF;
 - d. A plan for the implementation of new technology; and,
 - e. The recruitment of qualified employees, employee development, succession and turnover contingency plans.
3. The CFO shall recommend staffing levels and changes in the mix of skills needed to address issues.

COSO Category B: Risk Assessment

The Council and City Manager initiated an organization assessment in 2014 to identify operational risks in the City Manager's Office, Finance Department, Human Resource Department and Information Technology Department. The assessment identified management control deficiencies resulting in past operational ineffectiveness, reporting inaccuracies and weak compliance with laws and policies. The Council also provided funding in FY 2015-16 for additional studies of areas identified by consultants and auditors resulting in more detailed information about control deficiencies.

Guideline 1: Risk Assessment Responsibilities

Background

The City Manager is responsible for providing direction to City staff regarding the development of internal control policies and procedures required to achieve City objectives and strategic goals and to appropriately allocate resources. Assessing risks that threaten operating, reporting and compliance goals is an essential component of the integrated framework and critical to supporting the Council's strategic goals. Periodic risk assessments are important tools for adapting objectives, goals and internal controls to current conditions.

The risk assessment process should be separate from the periodic internal control system review. Because the City will build its internal control system using the integrated framework over a period of years, the work will evolve. In the early stages, the City Manager relied on audit findings and recommendations of auditors and consultants to begin developing controls.

Administrative Guideline

The City Manager shall:

1. Ensure a risk assessment is regularly performed by City personnel, focused on Council and management goals and objectives, and guided by lawful and up-to-date internal controls, an effective organization structure, competency and ethical behaviors.
2. Schedule periodic risk assessments that address each of the following factors:
 - a. The ICIF policy, its implementation, effectiveness and need for change or modification.
 - b. Citywide strategic goals with respect to operating, reporting, risk tolerance and compliance objectives.
 - c. Planned responses and risk tolerance levels for risks that may impact City goals and objectives based on event identification that include:
 - The condition of the national, state and local economy;
 - Long-range financial forecasts based on existing service levels;
 - Infrastructure and capital asset condition assessments;
 - Projected growth in revenues, expenditures and staffing;
 - Analysis and planned responses to adapt the City's use of technology to manage current and future risks; and
 - Effectiveness of defined controls in managing risks associated with major goals and objectives.
3. Assign primary responsibility for facilitating and conducting the risk assessment to the Chief Financial Officer.

The Chief Financial Officer shall:

1. Develop policies and procedures that:
 - a. Enable the Council to exercise its authority and responsibility to make informed decisions involving strategic direction, resource allocation, goals and objectives.
 - b. Ensure that objectives are met, determine that resources are used effectively, and risks are managed appropriately.

- c. Implement control systems to eliminate or reduce risks when implementing City goals and objectives.
2. Monitor and report on the effectiveness of defined controls in managing risks associated with goals and objectives.
3. Establish systems to report and analyze errors in major transaction systems and business processes to identify controls to improve the operation of systems. Examples of monitoring data include corrections to or reissuing payroll checks, utility billing adjustments, employee, customer and vendor complaints regarding payment timing or accuracy and construction contract disputes or audit adjustments.

COSO Category C: Control Activities

Control activities are the actions taken to control risks that threaten the City's ability to achieve its operating, reporting and compliance objectives created by management to reach the Council's strategic goals. Efficient prioritization, design, implementation and maintenance of internal control require new policies and processes for control activities that reduce or eliminate risks that threaten the ability of the City to achieve its objectives and further Council goals. The City's Corrective Action Plan, required by the OMB to address Single Audit control weaknesses, also provides a focus for control development.

After completion of the City risk assessment, the external findings-based control activities will be supplemented with controls that focus on a broader range of risks. A standard approach for developing control activities should be based on policy that complies with ICIF principles and components and eliminates and reduces risk based on reasonable standards and level of effort.

Guideline 1: Development of Controls

Background

Internal controls should be thoughtfully deployed to ensure they are effective and sustainable. Development of controls should be tailored to the City's specific risks, organizational capacity, and available resources. A process should be established that documents reports, systems and procedures and identifies the individuals who operate, monitor or depend on control activities.

Administrative Guideline

1. The primary focus of initial controls development should be implementation of the Administrative Requirements of 2 CFR 200 (2 CFR Chapter I, Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule; Federal Register/ Vol. 78, No. 248/Thursday, December 26, 2013/Rules and Regulations, also referred to as “Uniform Guidance or UG”). These grant controls receive priority because many audit findings relate to grant administration and because the Administrative Requirements with the exception of requirements related to procurement, were required by OMB for the City of Oxnard by July 1, 2015, following the effective date of the Uniform Guidance on December 26, 2014. (The deadline for Implementation of procurement requirements was deferred to July 1, 2018).
2. Generally, systems are the highest level of internal control. Financial systems often focus on transaction processing, reporting, managing assets and liabilities and compliance. Because the ICIF is based on integration of controls, a control activity can relate to more than one system, risk, report or process.
3. A map of the Finance Department’s major activities should be created by associating business processes and forms/reports with systems. Examples are provided in Table 4 below.

Table 4. Sample Forms and Reports

Business System	Business Process	Forms/Reports
Personnel-related expenditures	Pay type and benefit setup	• Listing of pay type and benefits codes
	Creating employee master files	• Personnel action form • Employment application • Employee setup form (e.g., W-4, health insurance election, deferred compensation, direct deposit)
	Time entry	• Time sheets • Leave requests (e.g., vacation, sick, jury duty)
Accounts payable	Receipt of goods	• Purchase order • Packing slip
	Invoice processing	• Vendor invoice including account coding • Listing of vendor invoices approved for payment
	Vendor payment	• Check/warrant • Warrant register

Business System	Business Process	Forms/Reports
Financial reporting	General ledger accounting	• Chart of accounts • Adjusting journal entries listing • Recurring journal entries listing • Accrual and reversal entries listing • Supporting documentation for journal entries
	Comprehensive Annual Financial Report (CAFR) preparation	• Trial balance reports • Balance sheet • Cash and investments • Capital asset listings • Long-term liabilities schedules • Fund balance reconciliation • Revenue and expenditure budget vs. actual reports • Account year-to-date detail reports
	Compliance with legal requirements	• Schedule of federal awards • State Controllers Office reports (e.g., financial transactions, streets and roads, employee compensation) • CDIAC accountability reports
	Compliance with contractual obligations	• Debt offering statements • Continuing disclosure reports for debt issues

4. Establish internal controls that are documented where transactions change form (e.g., invoice is listed on an accounts payable register for payment) or where approval is obtained (e.g., time sheet is approved by a supervisor).
5. Design internal controls to segregate duties to ensure that custodial (asset custody), recordkeeping (recording), and authorization (approval) functions are performed by different people for each
6. Development priority should be given to business systems or processes where significant deficiencies or material weaknesses currently exist based on Single Audit and other external consultant audits.

Guideline 2: Future Control Activities

Background

Not all control activities recommended by auditors or consultants are addressed in the ICIF implementing policies or in the 2 CFR 200 Administrative Requirements implementing policies. The City's independent auditors have characterized reported weaknesses affecting

financial reporting as material, significant, non-compliance and best practices. Policies implementing control activities to address recommendations in the findings rely on the auditor's expert analysis for information about the reasons for controls and the purpose of implementing the controls.

Administrative Guideline

1. All persons designing control activities should consider the following factors related to the ICIF to ensure the reasons and purpose associated with implementing the control activity are considered:
 - a. Risks addressed by the external finding recommendation or staff proposed control;
 - b. Reporting, compliance or operating objectives threatened by the risk;
 - c. Materiality – dollar impact of the risk;
 - d. Significance – impact on achieving objectives or reaching goals (Different from the Single Audit definition of “significant” that refers to weaknesses not likely to result in material misstatement of financial information but that should be brought to the attention of management);
 - e. Likelihood of risk: high, medium, low;
 - f. Expected impact of control implementation on risk – elimination, significant reduction, moderate reduction;
 - g. Elements from the Control Activity Standards Policy to be used in the proposed control;
 - h. COSO ICIF principles to incorporate in the control activity based on the ICIF components to which they relate;
 - i. Related control activities that support or are supported by the proposed control;
 - j. Reports created or affected by the control;
 - k. Compliance or reporting standards related to the control activity;
 - l. Complexity, time and cost to implement;
 - m. Existing or planned information systems support required to implement; and

- n. City positions with responsibility to implement and operate the control activity.
2. Activities designed to address high-priority risks should include more detail about the factors considered in the design. Lower risk activities may use more limited documentation because the detail complicates communication of relatively simple concepts. The reasoning for documentation levels and design choices should be documented. Recommended documentation standard examples include:
 - a. *High risk/mission critical* – policy, control design documents, detailed procedures, IT integration, monitoring, large and small group formal training in Finance and other departments, regular meetings;
 - b. *Moderate risk* – desk manuals, FAQs and handouts, periodic meetings and small group formal training; monitoring through analytical review and sampling; and
 - c. *Low or sensitive* – FAQs and handouts, staff meetings, informal training with monitoring through analytical review or notification of sensitive issues.
3. Recommended monitoring standards include:
 - d. *High risk/mission critical* – frequent, (e.g., every time control is applied, multiple reviews required, daily reconciliations, physical inventory, surprise cash audits, analytical review);
 - e. *Moderate risk* – Periodic review, exception filters, nonstandard entry classification; and,
 - f. *Low or sensitive* – Periodic review, sampling, staff meeting topic, on job training.
4. COSO's ICIF and the GAO's standards require all controls to be implemented through policies. Control activity design precedes preparation of the implementing policy. A control policy may stand alone, may specify other policies that will be designed and implemented, or may implement a more general policy as it applies to a specific business process or report.

Because policies integrate, they are not necessarily organized in a strict hierarchical fashion. This integration accounts for the ICIF emphasis on people constantly adapting to changing conditions

and new threats by relying on a framework of system components and design principles.

5. Because of the adaptive nature of the system, control activities should be as lean as possible and focused on specific threats. Analysis, planning and communication are essential. Policies should be sufficient to address risks and help employees fulfill their control responsibilities but should not be so complex, individually, to discourage adaptive change.
6. The proposed control activity policy should be developed with a good understanding of the risk associated with the recommended or proposed control. State the important reasons for creating the control and the expected result of implementing the control. That will create the foundation for the control activity design.
7. A control activity proposal should contain the following information in addition to the reasons and purpose:
 - a. What activities are required by the policy? (e.g., reconciliation, authority, segregation of duties). (Refer to the Policy on Control Activity Standards for typical building blocks of internal control).
 - b. What quality information must be available to complete the activity? Who prepares it?
 - c. Who will adopt the policy implementing the control and when?
 - d. Who will implement the control and when?
 - e. Who will operate the control within and outside of the Finance Department in terms of processing, decision making or report preparation?
 - f. How will the control documentation be communicated and to whom?
 - g. Who will monitor the control and how?
8. Prepare a draft control activity to correct the deficiency or control the risk with appropriate information identified in the policy. Review the proposed control activity policy with employees who will be responsible for operating it and others affected by the activity; then incorporate appropriate changes.

9. Review the revised control activity policy proposal with the CFO's designee and the manager(s) responsible for supervising persons responsible for operating the control activity and incorporate appropriate changes. Document the review and approval process for the person(s) who will adopt the control activity.

Guideline 3: Administration of New and Restricted Funds

Background

In 2015, the City's internal auditor concluded the City did not have adequate staffing or expertise to ensure that its accounting and reporting systems produce accurate financial reports. The City's consultants and auditors identified material and significant problems in the creation of restricted governmental funds and business-type funds. A major priority of the City Manager and the CFO is to ensure restricted funds are administered in compliance with legal and policy requirements. This will also ensure that funds collected are only expended for the specified purposes for which they were collected (e.g., gas tax revenues only being spent on eligible road infrastructure maintenance and improvements).

Administrative Guideline

1. Responsibility for managing the creation and ongoing operation and maintenance of restricted funds is delegated to the Assistant Chief Financial Officer (ACFO). The Controller and designated staff members shall assist in fulfilling these responsibilities for funds assigned to them by the CFO.
2. Business processes, control activities, reporting responsibilities and compliance standards will be developed for each new fund through work assigned to a Compliance Team formed for that purpose. For existing restricted funds, the CFO and ACFO shall prioritize funds based on the materiality and significance of deficiencies in those funds and shall assign a Compliance Team (e.g., representatives from departments who collect and/or expend the restricted resources) to redesign processes, activities, reporting and compliance to eliminate or mitigate the risks associated with deficiencies. Compliance Teams assigned to this responsibility should be supported by expert advice, if required.
3. The CFO may consider establishing a separate team of employees to correct legacy deficiencies and assist staff assigned to management and maintenance of restricted funds with implementing changes. For larger restricted funds the City

Manager or CFO will consider assignment of permanent administrative staff to assure that operating, reporting and compliance objectives are achieved.

4. Compliance Teams and individuals assigned responsibility for creation or changes for restricted funds shall:
 - a. Seek training, conduct research and review relevant agreements, laws and regulations to develop competent knowledge of risks and objectives.
 - b. Request assistance with issues that require additional legal advice or information from a subject-matter expert.
5. The team or staff member assigned to create or revise restricted fund processes should:
 - a. Consult relevant stakeholders,
 - b. Assess organizational capacity to implement and maintain the changes,
 - c. Conduct a focused risk assessment,
 - d. Design new or revised control activities with basic documentation including references to controlling legal and contractual provisions and fraud exposure,
 - e. Develop and communicate a proposed implementation plan and timeline to stakeholders, and
 - f. Establish monitoring criteria.
6. New fund and existing fund plans should comply with the ICIF concepts and incorporate the relevant principles to the extent feasible.

Guideline 4: Non-Standard Issues Related to Accounting, Compliance and Reporting Requirements

Background

In the Single Audit report for fiscal year ending 2015, and subsequent reports, the independent auditors noted that the City did not have qualified staff, or a process to secure needed expertise to analyze non-standard items in terms of accounting, compliance and reporting requirements. The American Institute of Certified Public Accountants (AICPA) indicates that non-standard items are the source of a large share of the causes of material misstatements of financial statements. Further,

the AICPA recognizes that non-standard journal entries are a significant method for concealing instances of fraud and abuse. Non-standard entries dealing with unusual or highly technical matters also can become the source of errors that threaten the Finance Department's reporting objective of providing timely, accurate and useful information.

When employees do not have adequate training, competence or oversight their accounting decisions can lead to inaccurate financial reporting or non-compliance with legal requirements. Many new Finance Department employees have joined the City and do not yet have extensive experience or training in municipal accounting, regulations, financial policy and operation.

Administrative Guideline:

1. Compliance Teams will be convened to perform rapid evaluation of material or significant non-standard items, including proposed journal entries for new, infrequent and unusual transactions, proposed management overrides of internal control, and identified risks and standards requiring adaptation of financial reporting or the ICIF. Material refers to the dollar amount of the financial transaction or system and significance refers to the potential impact of the matter on the City's ability to reach its reporting or compliance goals. Projects can include new or rare transactions, systems to manage transactions and reports and projects to improve or correct existing practices that do not help achieve financial reporting or compliance objectives.
2. Compliance Team members will be responsible for specific issues and will be appointed by the CFO based on knowledge and experience. Staff from outside the Finance Department may participate as team members. It is expected that at least three team members will convene to deal with issues referred to a Compliance Team.

The CFO may appoint a Finance Department Compliance Team coordinator to make assignments, monitor progress and provide continuing education for employees assigned to teams. Specific items will be assigned to teams of at least three members selected based on the knowledge and skills required to address the item. Team assignments should be relatively short, lasting the duration of the project to analyze, recommend, and implement improvements.

3. Items requiring Compliance Team analysis and recommendation may be referred to the CFO or ACFO by the City Manager or City Attorney, employees within or outside of the Finance Department, and by auditors or consultants. Some matters relating to operational objectives will be referred to the City Manager's Office or City Attorney for evaluation or action.
4. The team may request advice from the City Attorney's Office in its evaluation of reporting and control issues related to non-standard items. Items that are recurring, immaterial, insignificant or unrelated to financial reporting or controls should be handled in the normal course of business.
5. Team analyses may be referred to the internal auditor for prioritization in their audit program. Teams may be formed to deal with material or significant items reported on the hotline at the request of the internal auditor.
6. For items that require involvement of several individuals, the CFO will appoint a team coordinator who will schedule team meetings. Meetings should focus on sharing information and developing standards and procedures for team operation. As the program develops, team assignments will support the succession and staffing contingency policy by providing broad exposure and experience for employees.
7. Employees who participate as team members will receive training and briefings to keep them abreast of developments in financial accounting standards and to build skills in research, analysis and option development. Other topics will relate to significant legal changes and the ongoing implementation of the ICIF.
8. When addressing non-standard items, team members will have the following responsibilities:
 - a. Determine and describe the risk, materiality or significance of the item.
 - b. Conduct research to understand the financial reporting, internal control and legal compliance issues associated with the item.
 - c. Analyze the fraud risks presented by the item.
 - d. Document research, analysis and materiality and significance findings in a brief memo.

- e. Protect confidential information.
- f. Design and document controls for future management of the risks associated with the item, if appropriate.
- g. Recommend appropriate actions related to the item. Actions can include rejection, revision, or approval by a person authorized to take action.
- h. Document the reasons for management override of internal controls and the measures taken to minimize the risk of fraud or abuse associated with the override.
- i. Prepare a summary of team activities for periodic internal control system reviews with the City Manager and Senior Leadership Team.

COSO Category D: Information and Communication

In 2015, the City's independent auditors identified material and significant weaknesses in the internal controls, including lack of documentation, communication and training. Information and ongoing, effective communication across the City organization is critical to be able to adapt to changes in law, implement the ICIF and appropriate internal controls, allocate financial resources, and make decisions about the City's long-term financial sustainability. The Council policies establish expectations regarding implementation of the ICIF and timely and accurate financial management information from City management.

An information system is the set of activities involving people, processes, data and/or technology that enable the City to obtain, generate, use and communicate transactions and information to maintain accountability and measure and review performance or progress toward the achievement of objectives.

A communication system consists of methods and records established to identify, capture and exchange useful information. Information is useful when it is timely, sufficiently detailed, and appropriate to the user.

Communication is not an isolated, internal control component. It affects every aspect of an organization's operations and helps support the system of internal control. The feedback from a communication network can help managers evaluate how well the various components of internal control are working.

Guideline 1: Developing Effective Information and Communication Activities and Channels

Background

Communication and understanding within and outside the Finance Department was weak in prior years, resulting in misunderstandings and distrust that reduced the effectiveness of internal controls. The Council policies establish expectations about communication and management information for implementation of the ICIF which must rely on open, honest and effective information and communication activities.

Administrative Guideline

1. Initial implementation of information and communication systems should include the following items:
 - a. Reporting and compliance objectives related to financial reporting;
 - b. Financial systems;
 - c. Business processes;
 - d. Financial reports;
 - e. Financial and non-financial compliance reports;
 - f. Rosters of employees with full or partial responsibility for operation and control of systems, processes or reports within and outside the Finance Department; and
 - g. Rosters of employees who depend on financial systems and processes to manage operations.
2. Management information is expected to be timely, accurate and useful. It should be consistent with the resources allocated by the Council. Management should establish information and communication channels that:
 - a. Provide timely, accurate and useful information,
 - b. Are tailored to individual needs,
 - c. Inform employees of their duties and responsibilities and enable them to carry them out effectively,
 - d. Enable the reporting of sensitive matters,
 - e. Enable employees to provide suggestions for improvement,

- f. Convey the importance of internal control responsibilities, and
- g. Enable communication with external parties.

Guideline 2: Expected Compliance with Information and Communication Principles and Activities

Background

The Council policies establish standards and expectations for the information and communication component of the ICIF that emphasize competence, ethics, and accountability that require courtesy and respect consistent with the City's Personnel Rules and Regulations. Open, clear and direct communication within the organization will encourage the identification and resolution of problems and facilitate discussions of accountability and performance.

The City Manager expects all managers and employees to take internal control responsibilities seriously and work collaboratively to build a strong system of internal control that is appropriate for the risks affecting the City and the resources available. This includes complying with the expectations to share necessary and appropriate information within the department, the organization, with elected officials (through appropriate channels), and with the public.

Administrative Guideline

1. All managers shall provide relevant, quality information and communication that enable employees to understand and effectively execute their internal control responsibilities.
2. Investment in information and communication should be prioritized based on risk materiality and significance and communication products and processes should be designed to be adjusted and improved with reasonable effort. In some cases, detailed procedures are warranted; in others, FAQs, desk manuals, information shared in meetings or training will assure controls are consistently applied in practice.
3. All managers are expected to support the CFO in developing and analyzing information and in reviewing and documenting instances where decisions were made to override internal controls. Support of the CFO for promptly addressing findings of internal and external auditors is also expected.

4. Senior managers are expected to be familiar with policies adopted by the Council, City Manager and Chief Financial Officer to implement the ICIF and participate in periodic discussions or evaluations related to internal control.
5. All managers shall take responsibility to understand the controls and the risks being managed, to improve control integration and operation of controls, and to assure their consistent application.

COSO Category E: Monitoring

In 2015, the City's independent auditors and consultants identified many weaknesses in internal control that can prevent: 1) production of relevant, quality financial information; 2) compliance with laws, regulations and policies; and, 3) effective operations. A fundamental component of the ICIF is effective monitoring of the internal control process and taking actions to correct deficiencies and increase effectiveness of control activities.

Guideline 1: Monitoring Responsibilities and Actions

Background

Monitoring controls are used by management to assess the effectiveness of internal controls over time. The SCO's Guidelines for Internal Control – Local Government Agencies identifies several actions that provide effective monitoring of controls. Other implementing policies of the City contain monitoring activities consistent with SCO recommendations that integrate with this policy. Specific monitoring actions need to be enacted to ensure that internal controls remain effective and adapt to changes affecting the City.

Administrative Guideline

1. Internal control monitoring is the responsibility of all City employees. Managers and employees are expected to support and cooperate with the CFO and their staff who have leadership responsibility for maintaining the ICIF.
2. Controls associated with significant and material threats or risks should be monitored at the transaction level so actions that depend on approvals are within the scope of duties of trained and knowledgeable staff, that segregation of duties eliminates or minimizes conflicts of interest, and that actions comply with relevant legal requirements, contract provisions or policies.

3. Monitoring activities for systems where individual transactions are not generally material should concentrate on analytical reviews like comparing budget to actual for revenues and expenses, identifying residual balances in clearing accounts, or reviewing fund deficit cash balances and reserves. In addition, review of the timely completion of reconciliations and postings that can have a material effect on financial reporting should be routine and ongoing. Barriers to timely completion of control processes for payroll, utility billing, cash and investments, accounts payable, budget administration, debt, and capital assets should be addressed promptly.
4. Staff with internal control responsibilities shall meet regularly to discuss proper execution of controls and problems encountered with compliance or management override of controls. In recognition of the fact that major systems are managed in administrative and operating departments, meetings should include representatives of all departments that have internal control responsibilities for systems or processes.
5. For major transaction systems, monitoring activities should take advantage of information provided by those most affected by the operation of the system. Feedback about paychecks, utility bills, vendor payments, development fees and assessments or special taxes should be collected and analyzed to identify opportunities to improve controls.
6. When outside vendors process material transactions or hold City funds in trust (e.g., maintenance contractors, employee benefit providers, third-party claims administrators), responsible managers should have a high level of interaction with vendor personnel. The fiduciary responsibilities of the City and the vendor should be clearly understood by both parties. In some instances, vendors should provide audit reports or other documentation relating to the adequacy of internal controls over transactions.
7. Priority for investment in the processes, activities and changes relating to monitoring the City's internal control should be based on the following criteria:
 - a. Materiality,
 - b. Impact on accomplishing objectives,
 - c. Likelihood an event will occur,
 - d. Assurance of legal compliance,

- e. Building and maintaining confidence in integrity and reliability, and
 - f. Prevention or detection of fraud.
8. For high priority items, highly trained staff analysis on a periodic basis with documented communication is appropriate. Lower priority issues can be monitored through regular meetings and less formal documentation. Other monitoring investments should be focused on continuous improvement and training. Routine items with low risk can be managed through the day-to-day interaction among supervisors and employees and between employees. Discussions of fraud risk and regular training are important. Most fraud detection results from observations by the perpetrator's co-workers.

CITY COUNCIL OF THE CITY OF OXNARD**RESOLUTION NO. _____****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ESTABLISHING AN INTERNAL CONTROL – INTEGRATED FRAMEWORK, ADOPTING
FOUR IMPLEMENTING POLICIES, AND DELEGATING TO THE FINANCE AND
GOVERNANCE COMMITTEE INTERNAL CONTROL DUTIES AND RESPONSIBILITIES**

WHEREAS, the City Council wishes to establish an Internal Control – Integrated Framework (ICIF) and adoption of four implementing Finance Policies (FPOLs):

- 1) FPOL 1.01 Adoption of Internal Control – Integrated Framework
- 2) FPOL 1.02 Adoption of Internal Control Oversight Responsibilities
- 3) FPOL 1.03 Internal Control – Finance and Governance Committee Duties and Responsibilities
- 4) FPOL 1.04 Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives;
- 5) City of Oxnard, California Internal Control – Integrated Framework;

WHEREAS, the ICIF includes the 17 internal control principles of the Committee of Sponsoring Organizations of the Treadway Commission (COSO). This ICIF shall serve as the underpinning of all the City of Oxnard's internal control policies and implementation guidelines and activities;

WHEREAS, the City Council shall identify and accept its oversight responsibilities in the development and performance of internal control and wishes to delegate internal control duties and responsibilities to the Finance and Governance Committee; and

WHEREAS, the City Council wishes to delegate authority to the City Manager to use the ICIF and 17 COSO principles when creating policies and implementing internal controls whenever it is feasible, effective and efficient.

NOW, THEREFORE, the City Council of the City of Oxnard hereby authorizes by this resolution the adoption of the following four implementing policies and approval of the ICIF:

- 1) FPOL 1.01 Adoption of Internal Control – Integrated Framework
- 2) FPOL 1.02 Adoption of Internal Control Oversight Responsibilities
- 3) FPOL 1.03 Internal Control – Finance and Governance Committee Duties and Responsibilities
- 4) FPOL 1.04 Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives
- 5) City of Oxnard, California Internal Control – Integrated Framework.

BE IT FURTHER RESOLVED that Article II.A of Exhibit A to Resolution No. 15, 286 (Council Committee Bylaws) is hereby amended to add the following sentence: “The Finance and Governance Committee is also delegated authority regarding internal control duties and responsibilities as set forth in FPOL 1.03.”

PASSED AND ADOPTED on this 1st day of September, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY OF OXNARD INTERNAL CONTROL – INTEGRATED FRAMEWORK

Presentation to City Council

Christine Williams, Senior Manager, Internal Controls

September 1, 2020



RECOMMENDATION

That the City Council:

1. Receive a presentation on the Internal Control – Integrated Framework (ICIF).
2. Adopt a resolution adopting four framework implementing policies, approving the ICIF, and amending Council Committee Bylaws to delegate internal control duties and responsibilities to the Finance and Governance Committee.

- What is Internal Control?
- Committee of Sponsoring Organizations (COSO)
- Framework Components
- City of Oxnard Internal Control – Integrated Framework (ICIF)
- City Council Policies and Management Guidelines
- Next Steps
- Questions

WHAT IS INTERNAL CONTROL?

Internal controls are mechanisms, rules and procedures implemented by an organization to ensure the integrity of financial and accounting information, promote accountability, and prevent fraud. Internal controls can also help improve operational efficiency by improving the accuracy and timeliness of financial reporting.

Committee of Sponsoring Organizations of the Treadway Commission (COSO)

American
Accounting
Association (AAA)
American Institute
of Certified Public
Accountants
(AICPA)
Financial
Executives
International (FEI)
Institute of
Management
Accountants (IMA)
Institute of Internal
Auditors (IIA)

5

GOVERNMENTAL CHALLENGES

Environmental changes...

...have driven Framework updates

Expectations for governance oversight

Globalization of markets and operations

Changes and greater complexity in
business

Demands and complexities in laws, rules,
regulations, and standards

Expectations for competencies and
accountabilities

Use of, and reliance on, evolving
technologies

Expectations relating to preventing and
detecting fraud



6

FIVE FRAMEWORK COMPONENTS

- **Control Environment**
- **Risk Assessment**
- **Control Activities**
- **Information and Communication**
- **Monitoring**

7

FRAMEWORK COMPONENTS AND GUIDELINES



8

A. Control Environment

1. Adoption of Internal Control – Integrated Framework
2. Adoption of Internal Control Oversight Responsibilities
3. Finance and Governance Committee Duties and Responsibilities
4. Assignment of Authority and Responsibility for Achieving Operational, Reporting and Compliance Objectives
5. Performance Evaluations of City Manager and City Attorney (already in place)

NINE ICIF RECOMMENDED POLICIES

B. Risk Assessment

6. City Council's Risk Assessment Responsibilities

C. Control Activities

7. Development and Implementation of Internal Controls

D. Information and Communication

8. Commitment to Transparent and Complete Information and Communication

E. Monitoring

9. Creation of a Monitoring System

A. Control Environment:

1. Implementation
2. City Council and ICIF Oversight
3. Progress Reporting
4. Integrity and Ethics
5. Performance Expectations and Appraisal
6. Training
7. Succession and Turnover Planning
8. Adequate Staffing

11

SIXTEEN ICIF MANAGEMENT GUIDELINES (CONT'D)

B. Risk Assessment:

1. Risk Assessment Responsibilities
 - Identify risks
 - Risk tolerance and appetite

C. Control Activities:

1. Development of Controls
2. Future Control Activities
3. Administration of New and Restricted Funds
4. Non-Standard Issues Related to Accounting, Compliance and Reporting requirements

12

D. Information and Communication:

1. Developing Effective Information and Communication Activities and Channels
2. Expected Compliance with Information and Communication Principles and Activities

E. Monitoring:

1. Responsibilities and Actions
 - ICIF Review
 - Audit Committee
 - Auditors and consultants
 - Hotline

ICIF NEXT STEPS

Time Line	Task
December 8, 2020 Finance and Governance Committee	Risk Assessment Component: City Council Policy
January 5, 2021 City Council Meeting	Risk Assessment Component: City Council Policy

That the City Council:

1. Receive a presentation on the Internal Control – Integrated Framework (ICIF).
2. Adopt a resolution adopting four framework implementing policies, approving the ICIF, and amending Council Committee Bylaws to delegate internal control duties and responsibilities to the Finance and Governance Committee.

Questions





CITY COUNCIL AGENDA REPORT
REPORT OF CITY MANAGER/EXECUTIVE
DIRECTOR/SECRETARY
AGENDA ITEM NO. E.1

DATE: September 1, 2020

TO: City Council

FROM: Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

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

RECOMMENDATION

That the City Council:

1. Receive an update from the Director of Emergency Services;
2. Adopt a resolution ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

BACKGROUND

On March 4, 2020, the State of California declared a state of emergency in response to concerns over COVID-19. On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. On March 12, 2020, the Ventura County Health Officer declared a Local Health Emergency in response to the COVID-19 pandemic. On March 13, 2020, in response to this rapidly evolving public health crisis, the City Manager, in his role as the Director of the Emergency Services (the "Director") as delegated in Chapter 6 of the City Code, proclaimed the existence of a local emergency, which the City Council ratified and proclaimed on March 17, 2020 (the "Local Emergency").

Pursuant to Government Code Section 8634, the Director "may promulgate orders and regulations necessary to provide for the protection of life and property." City Code section 6-3(C)(1) requires the Director, "at the earliest practicable time, request the city council to ratify such orders and regulations."

In order to assist City businesses struggling with the economic impacts of the COVID-19 pandemic, the Director issued Director Order No. 20-13 on August 3, 2020 to suspend fees and penalties for late payment of Certified Unified Program Agency (CUPA) permit fees. This relief does not suspend CUPA operations regarding hazardous waste and materials management regulatory enforcement and, therefore, is not detrimental to public health and safety.

The attached resolution for Council's consideration ratifies the Director Order described above, and will be amended to include any additional Orders issued by the Director following the publication of the agenda for this meeting up to the time of the meeting.

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 from adopting the ratification resolution.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Alexander Nguyen, City Manager

ATTACHMENTS

1. Resolution ratifying Director Orders.COVID-19.CC090120
2. Exhibit A - Director Order 20-13, 8/3/20

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
RATIFYING ORDERS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Government Code section 8630 and Chapter 6 of the Oxnard City Code empower the City Manager of the City of Oxnard (“City”), acting in the capacity of the Director of Emergency Services (the “Director”), to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on March 13, 2020, in response to the rapidly evolving public health crisis resulting from the COVID-19 pandemic, the Director proclaimed the existence of a local emergency (the “Local Emergency”); and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 15,304, proclaiming the Local Emergency and ratifying the Director’s March 13, 2020 proclamation; and

WHEREAS, pursuant to Government Code section 8634, Resolution No. 15,304 and Chapter 6 of the City Code, the Director may promulgate orders and regulations necessary to provide for the protection of life and property and shall request the City Council to ratify such orders and regulations; and

WHEREAS, the Director has issued Order No. 20-13, attached as an exhibit hereto in response to the Local Emergency.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Order No. 20-13 issued by the Director and attached as Exhibit A hereto is hereby ratified.

PASSED AND ADOPTED THIS 1st day of September, 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 OF OXNARD**DIRECTOR ORDER NO. 20-13****ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
OXNARD SUSPENDING FEES AND PENALTIES FOR LATE PAYMENT OF
CERTIFIED UNIFIED PROGRAM AGENCY FEES**

WHEREAS, Government Code section 8630 and Chapter 6 of the Oxnard City Code empower the City Manager of the City of Oxnard ("City"), acting in the capacity of the Director of Emergency Services (the "Director"), to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on March 13, 2020, in response to the rapidly evolving public health crisis resulting from the COVID-19 pandemic, the Director proclaimed the existence of a local emergency (the "Local Emergency"); and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 15,304, proclaiming the Local Emergency and ratifying the Director's March 13, 2020 proclamation; and

WHEREAS, pursuant to Resolution No. 15,304 and Chapter 6 of the City Code, the Director may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, the Certified Unified Program Agency ("CUPA") has the responsibility and authority to implement and enforce the requirements of Chapters 6.5, 6.7, 6.67, and 6.95 of Division 20 of the California Health and Safety Code; and

WHEREAS, by the adoption of Resolution No. 11,694, the City Council established a schedule of administrative fees and penalties for late payment of CUPA fees; and

WHEREAS, in the interest of public health and safety, as affected by the Local Emergency, and to protect life, property and civil order, it is necessary to issue and implement this Order to suspend certain City practices, requirements and regulations, including administrative practices and those set forth by City resolution or ordinance, applicable to City operations and to residents and businesses in the City as set forth herein; and

WHEREAS, temporary suspension of late fees and penalties will not impact CUPA enforcement processes and therefore would not be detrimental to public health and safety.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF OXNARD DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Fees and penalties for late payment of CUPA permit fees are hereby suspended.

*DES Order No. 20-13
08/03/2020*

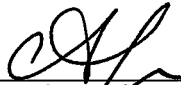
SECTION 2. This Order may be modified or rescinded by further Order by the Director or by the City Council.

SECTION 3. This Order shall remain in effect during the period this Local Emergency exists and shall terminate upon City Council's determination that the Local Emergency no longer exists.

SECTION 4. This Order shall become effectively immediately.

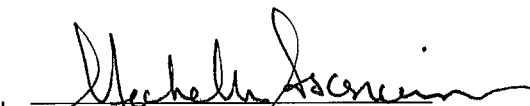
SECTION 5. This order shall be given publicity and notice as required by Government Code section 8634.

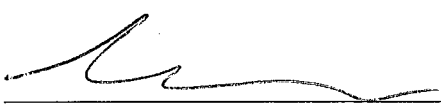
SECTION 6. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

Dated: 8/03/2020 By: 
Alexander Nguyen
City Manager/Director of Emergency
Services
City of Oxnard

ATTEST:

APPROVED AS TO FORM:


Michelle Ascencion, City Clerk

 8/3/2020
Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT
REPORT OF CITY MANAGER/EXECUTIVE
DIRECTOR/SECRETARY
AGENDA ITEM NO. E.2

DATE: September 1, 2020

TO: City Council

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

SUBJECT: Cultural and Community Services Update on Department Response to COVID-19. (10/5/5)

RECOMMENDATION

That the City Council receive an update on the Cultural and Community Services Department's response efforts related to COVID-19.

BACKGROUND

The Cultural and Committee Service Department (CCS) provided an overview of their COVID-19 related responses at Council's May 19, 2020 meeting. At that meeting CCS provided an overview of the Library Division providing virtual services and the Recreation Division staff providing parks monitoring, food distribution, senior nutrition, and virtual programs for youth, seniors, and special populations.

COVID-19 required CCS to research, adjust and emerge with programming to help our community be more resilient, engaged and inspired. Our top priority remains to respond to the needs of our community while also taking the proper steps to maintain the health and safety of both the community and staff.

The Oxnard Public Library, in response to the extended facility closures, began offering curbside pick-up. Now the community can access both the digital library and the physical collection. The curbside pick-up was initially offered only at the Main Branch, but was recently expanded to the South Oxnard Branch. The Colonial Branch offers curbside via special requests as the Curbside pilot at this location did not have consistent activity. The community can place items on hold through the online catalog by visiting oxnard.org/library or call our Circulation Desk at (805) 385-7507. Library staff will contact you when items are ready to pick up. All three locations have drop-off services.

Although the Recreation Division continues to prioritize food distribution support and support to the school districts via the After school Education and Safety Grant (ASES), the Recreation Division has also expanded services to the community. Perhaps the most exciting service is at the College Park soccer fields where staff started live, in-person exercise classes. The idea has been so popular, staff is expanding to three additional parks sites spread across our city. This has all been made possible with the GPS Robot "Joey". Joey was originally purchased as a cost savings measure for the lining of play fields, however, the machine is also able to create additional markings which has been vital to providing outdoor recreation programs.

By remaining responsive to change, we can offer opportunities that energize, sustain, and support our community, now and in the future.

STRATEGIC PRIORITIES

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

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

Objective 1b. Explore alternatives for youth through recreation programs and intervention services.

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.

Objective 3c. Improve our methods of communicating with residents, businesses and neighborhoods (e.g. leverage social media and tools like Nextdoor).

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Julie Estrada, Recreation Coordinator

ATTACHMENTS

1. CCS Covid-19 Update 9.1.20

Cultural & Community Services Update on COVID-19 Response

Community Services Committee

By: Terrel Harrison, Cultural & Community Services Director
September 1, 2020



History

Council Update given May 19, 2020

- ☒ Library Division response to COVID-19
 - ☒ Virtual Storytime
 - ☒ Young Adult Services
 - ☒ Virtual Book Talk
 - ☒ Digital Library Access



History

Council Update given May 19, 2020

- ☒ Recreation Division Response to COVID-19
 - ☒ Parks Team
 - ☒ Food Distribution
 - ☒ Senior Nutrition
 - ☒ Oxnard Special Populations Virtual Programs
 - ☒ Virtual Recreation Centers
 - ☒ Oxnard PAL Virtual Mentoring



City Council September 1, 2020

3

New Library Programs

Oxnard Public Library

Curbside Pick-up

Reserve your books online or over the phone
oxnard.org/library or 805-385-7532

Pick up your reserved books at the

Main Library Branch 251 South A Street	South Oxnard Library Branch 4300 Saviers Road
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24-hour Drop Box Returns

Main Library 251 South A Street	Colonia Library 1500 Camino del Sol #26	South Oxnard Library 4300 Saviers Road
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City Council September 1, 2020

4

New Recreation Programs

Rec Outdoors

- ☒ Zumba
- ☒ Yoga
- ☒ Oxnard PAL Hip Hop Dance Program
- ☒ Senior Services Tai Chi

Locations:

- ☒ College Park
- ☒ Riverpark
- ☒ Del Sol Park
- ☒ Oxnard Beach Park



City Council September 1, 2020

5

Video

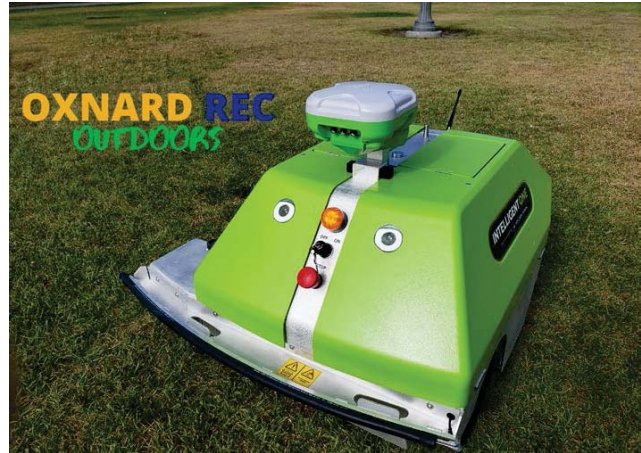
City Council September 1, 2020

6

Making Outdoor Rec Possible

“Joey” the GPS Robot

- ☒ Designed to accurately mark play fields using GPS configurations
- ☒ Primary Purpose
 - ☒ Soccer Fields
 - ☒ Football fields
- ☒ To be used for:
 - ☒ Recreation Youth Sports Leagues
 - ☒ Field Rentals: local soccer leagues



City Council September 1, 2020

7

“Old” System

- Painting of 10 sports fields at 4 locations
- Team consisted of
 - ☒ one permanent and
 - ☒ four extra help employees
- Manual sprayers, rope and screw drivers
- Annual cost for Extra Help staff and field marking supplies
 - ☒ \$65,284.74



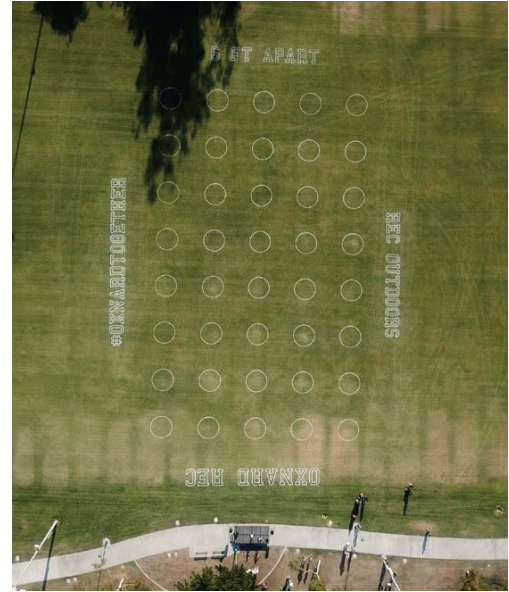
City Council September 1, 2020

8

COVID-19 Response

With the help of "Joey"

- Programmed a Social Distancing "Field"
- Allowed for outdoor community programs during COVID-19
- Rec Outdoors Programs include:
 - ☒ Zumba
 - ☒ Yoga
 - ☒ Oxnard PAL Hip Hop Dance
 - ☒ Senior Services Tai Chi



Initial Purchase

Total initial purchase cost \$52,796.42

- \$40,000 Robot & GPS System
 - ☒ Implementation & training
- \$4,999 Customer Care Plan – PRO
 - ☒ Full hardware warranty
 - ☒ GPS service & software updates & 24/7 support
 - ☒ Paint (approx. 100 fields)
- \$4,000 additional paint
- \$3,797.42 tax and shipping

Recurring Costs

Recurring cost starting year 2

- \$4,999 Customer Care Plan - PRO
 - ☒ Full hardware warranty
 - ☒ GPS service & software updates & 24/7 support
 - ☒ Paint (approx. 100 fields)
- \$4,000 additional paint

Year One Savings

	Paint & Materials	Extra Help Staff	Total
Manual Painting (FY 18-19)	\$ 9,732.74	\$ 55,532.00	\$ 65,284.74

	Machine, Implementation, Tax, Shipping	Paint, Warranty, & Subscriptions	Extra Help Staff	Total
GPS Robot Year One	\$ 43,797.42	\$ 8,999	\$ 0.00	\$ 52,796.42

	Manual Costs	GPS Costs	Savings
Totals	\$ 65,284.74	\$ 52,796.42	\$ 12,488.32

** FY:18-19 was the last full year of field crew costs*

10-year Savings

	Manual Painting*	GPS Painting	Savings
GPS Robot (Initial Cost)		\$52,796.42	
Paint, Warranty & Subscriptions	\$ 97,327.40	\$ 80,991.00 (Years 2-10)	
Extra Help Staff	\$555,520.00	\$ 0.00	
Total	\$652,847.40	\$ 133,787.42	\$519,059.98

* Manual painting costs based on FY:18-19, the last full year of field crew costs

City Council September 1, 2020

13



Sign-up for our
Newsletter at
OxnardRec.org





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

DATE: September 1, 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 July 17, 2020 special meeting; July 21, 2020 regular meeting; July 29, 2020 regular meeting; and August 5, 2020 special 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 07.17.2020 CC special meeting
2. Minutes 07.21.2020 CC,HA regular meeting
3. Minutes 07.29.2020 CC regular meeting
4. Minutes 08.05.2020 CC special meeting

MINUTES
 OXNARD CITY COUNCIL
 Special Meeting
 July 17, 2020

A. ROLL CALL, POSTING OF AGENDA

At 1:02 p.m., Mayor Flynn called to order the special 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 videoconference.

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

B. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

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

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

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)(1), to confer with its attorneys. The matter being discussed is City of Oxnard v. Aaron Starr.”

At 1:06 p.m., the City Council recessed to a closed session. At 1:35 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.

E. REPORTS

City Attorney Department

1. SUBJECT: Placing Three Initiative Measures on the November 3, 2020 Ballot.
RECOMMENDATION: That the City Council adopt **Resolution Nos. 15,366, 15,367, and 15,368** 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;" [Resolution No. 15,366]
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 [Resolution No. 15,368]
3. "New Requirements Regarding The Way In Which City Council Meetings, Council Committees And Other City Legislative Bodies Are Run." [Resolution No. 15,367]

The Chief Assistant City Attorney gave a report, noting a revision to the language on the "Early Termination of Measure O" ballot question. Public comments were received from Gabriel Teran, Angel Garcia, George Miller, Alicia Percell, Phillip Molina, Pat Brown, Larry Barbarine, and Lawrence Paul Stein. Written comments were received from Debbie Mitchell and Carol Taylor. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the recommended action, including the revised ballot question as read into the record by the Chief Assistant City Attorney. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

F. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 2:15 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

MINUTES
 OXNARD CITY COUNCIL
 Regular Meeting
 July 21, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:32 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Housing Authority) 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, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via videoconference; Councilmember Bert E. Perello arrived at 4:37 p.m. Housing Commissioner Jose Andrade arrived at 6:00 p.m. via videoconference; Commissioner Francisco Vega was absent.

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Rene G. Aiu. Written comments were received from Judy Dugan and Wendy Lee.

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
 Name of case: California Coastal Commission Local Coastal Program Amendment No. LCP-4-OXN-20-0007-1 (City of Oxnard LCP Amendment Override)
 Legislative Body: City Council
2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
 Name of case: Martin Garcia v. City of Oxnard Workers' Compensation Case Nos. ADJ10718746; ADJ11972923; ADJ11972893
 Legislative Body: City Council
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4))
 Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.
 Legislative Body: City Council

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)(1), to confer with its attorneys. The matters being discussed are: 1. City of Oxnard LCP Amendment Override before the California Coastal Commission; and 2. Martin Garcia v. City of

Oxnard. The City Council will also recess to a closed session pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.”

At 4:36 p.m., the City Council recessed to a closed session. At 6:06 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: “On item C-1 of the closed session agenda, the Council by unanimous vote has authorized the City Attorney’s office to seek judicial review, should the Coastal Commission, in its review of the Oxnard LCP amendment override matter pending before it, filed by the Ventura County Harbor Department, decide against the City. We sought that authorization tonight because the City Council may not meet for several weeks after the Coastal Commission decides the matter. On item C-3, the Council also by unanimous vote has directed the City Attorney’s office to initiate an action. The action, the defendants, and the other particulars shall, once unsealed, be disclosed to any person upon inquiry, unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize the City’s ability to conclude existing settlement negotiations to its advantage.”

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Assistant City Manager; Emilio Ramirez, Housing Director; Rosemarie Gaglione, Public Works Director; Jeffrey Lambert, Community Development Director; Scott Kolwitz, Planning Division Manager; and Kathleen Mallory, Planning and Sustainability Manager.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Pat Brown (suggested mixed-use development for former used-car lot properties on Oxnard Boulevard), Walter Hagedohm (Oxnard Shores wastewater services, recent Coastal Commission approval of short-term rentals ordinance), Lucy Cartagena (responses made to her public comments), Irene Pinkard (questioned the process for renaming city facilities after residents), and Greg Runyon (the importance of civility and kindness).

F. REPORT OF CITY MANAGER

City Manager Department

1. SUBJECT: List of City Manager Approved Contracts - Informational Only.
RECOMMENDATION: That the City Council receive and file the list of City Manager approved contracts for the period November 30, 2019 through June 30, 2020.

The City Manager gave a brief report. No formal action was required.

2. 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 ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

The City Manager gave a report and announced that the planned resolution ratifying Director Order 20-12, the restoration of street sweeping and citations, is withdrawn due to the ongoing COVID-19 emergency. Brief discussion ensued. No formal action was required.

G. CITY COUNCIL REPORTS

Councilmember Lopez encouraged people to participate in the upcoming citywide neighborhood cleanup event.

Councilmember Perello commented on employee givebacks to help reduce the budget deficit and the importance of employing competent people to run the city.

Councilman MacDonald commented on the upcoming citywide neighborhood cleanup event.

Mayor Pro Tem Ramirez commented on restoring trust in society and working together towards positive solutions. She urged people to wear masks and avoid gatherings to slow the spread of COVID-19. She acknowledged healthcare workers and first responders, and commemorated San Joaquin Councilmember Jose Ornelas, who recently died of COVID-19.

Councilwoman Basua acknowledged parents' anxiety and frustration over the continuation of remote learning with the start of the new school year.

Councilmember Madrigal commented on the demolition of the former Las Cortes housing projects in the La Colonia neighborhood and announced he is now a member of the California Lutheran University Dean's Advisory Council.

Mayor Flynn commented on the upcoming citywide neighborhood cleanup event and the importance of volunteerism in the community.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-4, J-5, and J-7 were discussed among the Council and staff. The Public Works Director announced a revision to item J-7, to add approval of a budget adjustment to the recommendation.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown.

J. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the June 30, 2020 regular meeting; July 1, 2020 special meeting; and July 7, 2020 regular meeting as presented.

Community Development Department

2. SUBJECT: Sakioka Farms Business Park Final Tract Map - Notice of Pending Approval - Planning and Zoning No. 20-300-01 (Final Map for Tract No. 5996) to subdivide a 430 acre site located south of the 101 Freeway between Rice Avenue and the City's eastern boundary, and north of Latigo Avenue. Filed by Scott Uhles with Delane Engineering.
RECOMMENDATION: That the City Council receive and file this Notice of Pending Approval for Planning and Zoning No. 20-300-01 (Final Map for Tract No. 5996).

Housing Department

3. SUBJECT: Annual Approval of the Housing Authority Investment Policy.
RECOMMENDATION: That the Board of Commissioners of the Oxnard Housing Authority ("Authority") adopt **Resolution No. 1321** adopting an investment policy for the Oxnard Housing Authority for FY 2020-2021.
4. SUBJECT: Agreement with Major Event Trailers for Rental of Mobile Restrooms, Showers, and Laundry Facilities for the K Street Temporary Emergency Shelter.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement with Major Event Trailers (A-8227) in the amount of \$285,000 to provide the rental of mobile restrooms, showers and laundry facilities for the Temporary Emergency Shelter at 351 South K Street through December 31, 2021.

Public Works Department

5. SUBJECT: Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program Emergency Backup Generators Budget Appropriation.
RECOMMENDATION: That the City Council authorize:
1. The recognition and appropriation of FEMA Hazard Mitigation Grant Program funding for the Oxnard Shores Emergency Backup Generator Project #PJ0460 in the amount of \$79,833 with a grant award of \$59,875 and a City match of \$19,959 to Wastewater Emergency Backup Generator Project No. 206604;
 2. The recognition and appropriation of FEMA Hazard Mitigation Grant Program funding for the Main Police Station Emergency Backup Generator Project #DR-4353-0195 in the amount of \$400,160 with a grant award of \$300,120 and a City match of \$100,040 to the Police Emergency Backup Generator Project No. 662164.
6. SUBJECT: Award Trade Services Agreement A-8208 to Natural Green Landscape, Inc., for Landscape Maintenance Services at Various City Facilities.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Trade Services Agreement No. A-8208 with Natural Green Landscape, Inc., for a total agreement value of \$356,112 for a term of three (3) years to provide landscape maintenance services at various City facilities. (Public Works and Transportation Committee approved 3-0)
7. SUBJECT: Award Agreement A-8220 to Toro Enterprises, Inc. for Arterial Street Resurfacing Project at Various Locations PW 20-28.
RECOMMENDATION: That the City Council approve and authorize:

1. The Mayor to award and execute Agreement A-8220 with Toro Enterprises, Inc. for \$2,847,918.65 for the Arterial Street Resurfacing Project at Various Locations;
2. A Project contingency amount of \$284,791 for the Arterial Street Resurfacing Project at Various Locations Project No. 183113, 203006, 203007, 206901; and
3. A Project allocation of \$284,791 for engineering, inspection, survey and project management for the Arterial Street Resurfacing Project at Various Locations Project No. 183113, 203006, 203007, 206901.

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the Information/Consent items as presented (with the stated amendment to item J-7). VOTE: Andrade, Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor. The motion carried 8-0 on item J-3 (Housing Authority item), and 7-0 on the remaining items (City Council items).

K. PUBLIC HEARINGS

Housing Department

1. SUBJECT: Permanent Local Housing Allocation Program Grant Application.
RECOMMENDATION: That the City Council:
 1. Conduct a public hearing to receive comments from the public relating to a draft Permanent Local Housing Allocation program application;
 2. Adopt **Resolution No. 15,369** authorizing the City Manager to submit an application for an amount not to exceed \$6,950,574 in Permanent Local Housing Allocation formula grant funds, with no local match required, to be issued over the next five program years to create affordable housing opportunities, as well as execute a Standard Agreement, amendments, and modifications with the California Department of Housing and Community Development, upon award, and for the City Manager or designee to submit any related documents necessary to participate in the Permanent Local Housing Allocation program; and
 3. Authorize an administrative budget adjustment by the Chief Financial Officer upon award of the grant.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Housing Director gave a report on the proposed five-year Permanent Local Housing Allocation Plan.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Pat Brown. With no further requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to approve the recommended action as presented [including the five-year Permanent Local Housing Allocation Plan]. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

Community Development Department

2. SUBJECT: Updates to Oxnard City Code Chapters 11 and 16: to Create Consistency with Accessory Dwelling Units State Law; Incorporate Certain Cannabis Activities into the Zone Use Tables and Correct Typographical Errors (Chapter 16 Divisions 10 and 11); and Related to Cannabis Uses (Chapter 11).

RECOMMENDATION: That the City Council:

1. Conduct a public hearing;
2. Determine the zoning text amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and exempt under Public Resources Code Section 21080.17; and
3. Introduce Ordinances (by title only, waiving further reading) approving the following Ordinance Amendments to Oxnard City Code (OCC) Chapter 11 (Permits) and Chapter 16 (Zoning Code): (a) Chapter 16 to create consistency with State Accessory Dwelling Unit (ADU) legislation (Planning and Zoning Permit No. 20-580-03: Accessory Dwelling Units); and (b) Chapter 11 related to Cannabis uses and Chapter 16 use tables and various typographical corrections (Planning and Zoning Permit Nos. 20-580-01: Industrial Code; 20-580-04: Cannabis). (Planning Commission Approved 5-0)

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Community Development Director introduced the Planning Division Manager and the Planning and Sustainability Manager, who gave reports.

Mayor Flynn opened the public testimony portion of the public hearing. With no requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; Flynn voted against. The motion carried 6-1.

L. REPORTS

City Attorney Department

1. SUBJECT: Authorization for one member of the City Council to sign the ballot argument for the City measure entitled the “City of Oxnard 911 Safety, Medical Response, Financial Recovery and Accountability Measure,” and determination of whether the City Council or authorized member(s) of the City Council will sign ballot argument(s) against one or more measures that will be on the November 3, 2020 ballot.

RECOMMENDATION: That the City Council:

1. Authorize one member of the City Council to sign the ballot argument for the City measure entitled “City of Oxnard 911 Safety, Medical Response, Financial Recovery and Accountability Measure;”
2. Determine if the Council wishes for all of the members of the City Council to sign the argument against the ballot measure and/or the rebuttal argument or if the City Council

wishes to authorize one or more members of the City Council to file a written argument against the ballot measure entitled, "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;" and

3. If one or more of the four ballot measures currently the subject of litigation in the Ventura County Superior Court are ordered to be placed on the November 3, 2020 ballot, determine if it wishes to authorize the City Council as a whole or one or more authorized members of the City Council to file a written argument against the ballot measure(s), if any, that are ordered to be placed on the ballot.

The Chief Assistant City Attorney gave a report. Public comments were received from Pat Brown, Lucy Cartagena, and George Miller. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to authorize Councilmember Perello as the signer for the 1½-cent sales tax measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilman MacDonald, seconded by Councilmember Lopez, to authorize Councilmember Lopez as the signer for the expedited permits measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, to authorize Mayor Pro Tem Ramirez as the signer for the city treasurer measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to authorize Councilwoman Basua as the signer for the streets measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilman MacDonald, seconded by Councilwoman Basua, to authorize Councilman MacDonald as the signer for the meetings measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 8:45 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 29, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:33 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 videoconference.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from James Aragon and Lawrence Stein. Written comments were received from Debbie Mitchell.

C. CLOSED SESSION

1. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION (Government Code section 54957) Title: City Manager
This item is to be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).
Legislative Body: City Council
2. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION (Government Code section 54957) Title: City Attorney
This item is to be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).
Legislative Body: City Council

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session, pursuant to Government Code section 54957, for annual evaluation of public employees, City Manager and City Attorney.”

At 4:39 p.m., the City Council recessed to a closed session. At 6:04 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.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Darwin Base, Fire Chief; Scott Whitney, Police Chief; Jeffrey Lambert, Community Development Director; Jeri Cooper, Special Districts Project Manager; Rosemarie Gaglione, Public Works Director; Jose Coyotl, Associate Planner; Paul McClaren, Associate Planner; Kenneth Rozell, Chief Assistant City Attorney; Omar Castro, Water Division Manager; and Phillip Molina, City Treasurer.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 15,370** to Fire Chief Darwin Base for Thirty-Two Years of Outstanding Service to the City of Oxnard.

The Fire Chief made some remarks and Mayor Flynn read the resolution.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from James Aragon (acknowledged Chief Base, against increasing the city sales tax), Tamara Moore (weeds in medians and sidewalks), Nicholas Focil (upcoming clinical trials for COVID-19 treatments), Lucy Cartagena (homeless issues), Paul Whaley (allegations of police harassment), Francisco Romero (dismissal of civil gang injunctions), Burt Handy (treatment of effluent from Ventura water utility), Pat Brown (parking issues and accessory dwelling units), Rev. Gregory Runyon (allowing churches to meet during social-distancing restrictions), Larry Barbarine (civil rights, war veterans, Chief Base's retirement), and Armando Vazquez (dismissal of civil gang injunction). Written comments were received from Tamara Moore (lack of landscape maintenance in roadways) and Armando Vazquez (Green New Deal proposal).

G. REPORT OF CITY MANAGER

The City Manager commented on use of emergency reimbursement funds for homeless issues, discussions with the City of Ventura to partner on water/sewer treatment services, COVID-19 regulations for business reopening, employee labor group givebacks to help reduce the budget deficit, business support during the COVID-19 crisis, and an upcoming citywide neighborhood cleanup event.

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. 15,371** ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

The City Attorney gave a report. Discussion ensued among the Council and staff.

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

H. CITY COUNCIL REPORTS

Councilmember Madrigal emphasized the importance of social distancing.

Councilwoman Basua wished everyone a good summer during the Council's August recess.

Mayor Pro Tem Ramirez requested an update on the state of homelessness during the COVID-19 crisis, urged people to stay home as much as possible to slow the spread, discussed Federal business assistance programs, encouraged participation in the US Census, commented city financial restrictions, and expressed support for Medicare for all.

Councilman MacDonald reminded the public that the Council will still be available during the August recess.

Councilmember Perello commented on the upcoming city-wide neighborhood cleanup event.

Councilmember Lopez commented on the upcoming city-wide neighborhood cleanup event and staying busy during the upcoming August recess.

Mayor Flynn commented on the upcoming city-wide neighborhood cleanup event and commended the organizers and volunteers, and commented on the dismissal of the civil gang injunction and the importance of finding other resources to address the gang issue.

The City Manager announced there will be a short City Council special meeting sometime in August.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Item K-4 was discussed among the Council and staff. Information Technology staff submitted a memo with a minor revision to item K-7.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from James Aragon and Pat Brown.

K. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Annual Delegation of Investment Authority and Investment Policy.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,372:**
 1. Delegating investment authority to the City Treasurer; and
 2. Adopting the FY 2020-21 investment policy for the City.
(Finance and Governance Committee approved 3-0)

Community Development Department

2. SUBJECT: Fifth Amendment to Agreement No. 7748-17-FN with HdL Companies for Cannabis Management Services.

RECOMMENDATION: That the City Council:

1. Approve and authorize the Mayor to execute the Fifth Amendment to Agreement No. 7748-17-FN with Hinderliter, de Llamas and Associates (“HdL”) to extend the term and increase the amount of the Agreement from \$666,350 to \$791,593 which includes Sales Tax and Economic Analysis, Allocation Audit and Recovery, and Cannabis Fiscal Analysis and Taxation Strategies consulting services; and

2. Approve the budget appropriation of \$125,243 for the Fifth Amendment to Agreement No. 7748-17-FN with Hinderliter, de Llamas and Associates, which is recoverable through the Cannabis Business Permit Fee and does not impact fund balance.

(Housing and Economic Development Committee approved 2-0 with Councilmember Basua absent)

3. SUBJECT: Vacation of a City Access Easement for Slope Maintenance associated with the Final Map of Tract 6004 (PZ No. 17-300-08) for “The Landing” at RiverPark located on the Southside of Town Center Drive Between Oxnard Boulevard and North Ventura Road within the RiverPark Specific Plan Area. Filed by Ann Walsh of Shea Properties.

RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,373** to vacate an existing City Access Easement for Slope Maintenance;

2. Authorize the Mayor to sign the Quitclaim Deed releasing City authority and/or rights to the Access Easement for Slope Maintenance back to Sunflower, LP for parcels 132-0-470-125 and 132-0-470-155; and

3. Authorize the Mayor to sign the Quitclaim Deed releasing City authority and/or rights to the Access Easement for Slope Maintenance back to Riverpark Landing, LLC for parcels 132-0-470-115 and 132-0-470-145.

4. SUBJECT: Planning and Zoning Permit No. 20-300-03 (Final Subdivision Map for Tract 5745-2) Associated with Planning & Zoning Permit No. 11-300-07 for Wagon Wheel “The Village” Specific Plan. Filed by Corey Harpole for CRFL Partners, LLC, 64 Maxwell, Irvine, CA. 92618, the owner.

RECOMMENDATION: That the City Council:

1. Accept Final Map 5745-2 associated with PZ No. 11-300-07 Tentative Subdivision Map 5745 for The Village Specific Plan;

2. Adopt **Resolution No. 15,374** to authorize the Mayor to sign the owner statement on the title page of Final Map 5747-2 related to infrastructure easements;

3. Authorize the City Clerk to sign the “Abandonment Certificate” for the vacation of certain infrastructure easements; and

4. Receive and file a “Notice of Pending Approval” for Final Map of Tract 5745-2 by the Community Development Director including signature of “City Council’s Certificate” on the title sheet.

Fire Department

5. SUBJECT: Coronavirus Relief Funds.

RECOMMENDATION: That City Council adopt **Resolution No. 15,375** ratifying the signature and submission by the City Manager of a certification titled "Certification for Receipt of Funds Pursuant to Paragraphs (2) or (3) of Subdivision of Control Section 11.90 of the Budget Act of 2020," signed and submitted by the City Manager on July 2, 2020.

6. SUBJECT: FEMA Grant Application for Prevention Training.

RECOMMENDATION: That City Council adopt **Resolution No. 15,376** authorizing:

1. The City Manager to submit a grant application to the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) program in the amount of \$142,513;
2. The City Manager or designee to execute the grant agreement if funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2020-21 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

Information Technology Department

7. SUBJECT: Response to Grand Jury Report titled "Cybersecurity Strategies for Cities in Ventura County."

RECOMMENDATION: That the City Council authorizes the Mayor, the City Manager, and the Chief Information Officer to respond on behalf of the City Council, to the Grand Jury Report titled "Cybersecurity Strategies for Cities in Ventura County" dated May 21, 2020, in the form included as the attachment titled "Response To Grand Jury Report Form." (Finance and Governance Committee approved 3-0)

Police Department

8. SUBJECT: City of Oxnard Response to the Ventura County Grand Jury's Report on Detention Facilities.

RECOMMENDATION: That the City Council authorize the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury's "Annual Detention Report" dated April 8, 2020. (Public Safety Committee approved 2-0)

9. SUBJECT: City of Oxnard Response to Grand Jury Report Titled "Human Trafficking in Ventura County."

RECOMMENDATION: That the City Council authorize the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury Report titled "Human Trafficking in Ventura County" dated April 8, 2020, in the attached response form. (Public Safety Committee approved 2-0)

Public Works Department

10. SUBJECT: Purchase Order to Fastenal Company for Personal Protective Equipment for the Environmental Resources (ER) Division.

RECOMMENDATION: That the City Council authorize the City Manager to execute Purchase Order No. 7740 (PO) with Fastenal Company (Fastenal) for an amount not to exceed \$200,000 for a three (3) year term for personal protective equipment. (Public Works and Transportation Committee approved 3-0)

11. SUBJECT: Second Amendment to Agreement A-7974 with the County of Ventura for a Work Release Program.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Second Amendment to Agreement A-7974 with the County of Ventura in the amount of \$235,000 for a new not to exceed contract amount of \$925,000, and to extend the contract term from July 18, 2020, to July 18, 2021. (Public Works and Transportation Committee approved 3-0)

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

L. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Appeal of the Planning Commission's Decision to Deny Planning and Zoning Permit No. 18-500-12 (Special Use Permit) Regarding Property at 2900 Saviers Road - 7-Eleven (APN 219-018-035), Subject to Certain Findings and Conditions.
RECOMMENDATION: That the City Council:
1. Conduct a public hearing;
 2. Find the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which Are Disapproved); and
 3. Adopt **Resolution No. 15,377** denying the appeal and upholding the Planning Commission's denial of Planning and Zoning Permit No. 18-500-12 (Special Use Permit) because the record does not contain the evidence necessary to make all of the Findings required by Oxnard City Code Section 16-531 and City Council Resolution No. 11,896 in order to grant a Special Use Permit.

The City Clerk announced the affidavit of publication and stated that approximately 50 written communications had been received.

The Community Development Director introduced Associate Planner Coyotl, who gave a report. Michael Gonzales of Gonzales Law Group gave a report on behalf of the appellant.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from James Aragon, Chris Hernandez, Shaheen, Gloria, Shirley Godwin, Pat Brown, Daniel Chavez Jr., Max Ghenis, Lucy Cartagena, Leopoldo Rojas, Sonia Salcedo, Amber Thomas, Peggy Rivera, Monica Zamora, Mayra Plascencia, Jon Huycke, Jackie, Manuel Macias, and Yaderi Salazar. Written comments were received from David and Rosalie Lopez, Shaheen, Stephen Schafer, Katherine Nishimori, Baljit Kaur, Louise Ivers, Sue Parsons, John Huycke, Param Singh, Celeste Ornelas, Jaswant Tiwana, Lauraine Effress, Max Ghenis, Sukhjit Singh, Daniel Coreas, Alexis Majeno, Craig Walker, Deja Barboza, Destiny Martinez, Genesis Zavala, Hanuman Ramsita, Jagjit Manan, Linda Calderon, Mandeep Sudwal, Marrisa Wright, Samantha Tamayo, Sidney and Nancy Pedersen, Agustin Morales, Alena Zuniga, Donald Nielsen, Gerardo Perez, Gloria, Jackson Piper, Jaqueline Gonzalez, Mayra Plascencia, Michael Petris, Nathaly Galvan, and Michael Gonzales.

With no further requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Mr. Gonzales made some rebuttal remarks. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, 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.

(As it was approaching 10:00 p.m., the City Council voted unanimously for the remaining agenda items to be heard.)

2. SUBJECT: Implementation of Monitoring Contract for Short-Term Rentals and Resolution Establishing Fees.
RECOMMENDATION: That the City Council:
 1. Authorize the City Manager to enter into a contract with Host Compliance (Agreement No. A-8232) to assist in the implementation of, and ensure compliance with, Short-Term Rental (STR) regulations;
 2. Hold a public hearing on proposed new STR fees recommended by staff for services related to the issuance of STR Permits and Business Licenses and adopt **Resolution No. 15,378** establishing the new STR fees; and
 3. Approve the budget appropriation of \$30,367 in FY 20-21 for the agreement with Host Compliance, which will recognize and appropriate STR Permit fee revenue and does not impact fund balance.

The City Clerk announced the affidavit of publication and stated that three written communications had been received. Associate Planner McClaren gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from James Aragon, Rita Weiss, Pat Brown, and Gary Trender. Written comments were received from Bob Launius and Gary Trender.

With no further requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council, staff, and Kyle Solanga of Host Compliance.

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

M. REPORTS

Community Development Department

1. SUBJECT: Microenterprise Home Kitchen Operations.
RECOMMENDATION: That the City Council receive a report on Microenterprise Home Kitchen Operations (MEHKO) and provide direction to City Manager to prepare a letter for the Mayor's signature recommending that the Ventura County Board of Supervisors

“opt out” of the MEHKO program. (Housing and Economic Development Committee approved 2-1)

The Community Development Director and Charles Genkel of Ventura County Public Health gave reports. Public comments were received from James Aragon, Pat Brown, Lucy Cartagena, and Peggy Rivera. Written comments were received from Nikki Chen. Discussion ensued among the Council and staff.

It was moved by Councilmember Lopez, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented, with direction to staff to explore other ways to support small businesses. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted against. The motion carried 6-1.

Public Works Department

2. SUBJECT: Purchase Order with Famcon Pipe & Supply for Essential and Critical Spare Parts and Supplies for the Water Division.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Purchase Order No. 7732 with Famcon Pipe & Supply (Famcon) for \$367,282.19 for essential and critical water distribution and treatment spare parts and supplies for the Water Division during COVID-19 pandemic period.

The Water Division Manager gave a report. Public comments were received from James Aragon. Discussion ensued among the Council and staff.

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

City Treasurer Department

3. SUBJECT: Monthly Investment Report for the period ending June 30, 2020.
RECOMMENDATION: That the City Council receive and file the report.

The City Treasurer gave a report. Discussion ensued among the Council and City Treasurer. No formal action was required.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:39 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

MINUTES
 OXNARD CITY COUNCIL
 Special Meeting
 August 5, 2020

A. ROLL CALL, POSTING OF AGENDA

At 5:02 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 Vianey Lopez, Bryan A. MacDonald, Oscar Madrigal, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via videoconference; Councilwoman Gabriela Basua arrived at 5:05 p.m.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; 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 — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
 Name of case: *Elo v. Union Pacific Railroad; et al.*
 Ventura County Superior Court Case No. 56-2019-00535643-CU-PA-VTA
 Legislative Body: City Council
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4))
 Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.
 Legislative Body: City Council

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)(1), to confer with its attorneys. The title of the litigation being discussed is *Elo v. Union Pacific Railroad; et al.* The City Council will also recess to a closed session pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.”

At 5:05 p.m., the City Council recessed to a closed session. At 5:50 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: “The City Council by a unanimous vote has directed the City Attorney to initiate an action. The action, the defendants, and the other particulars shall, once unsealed, be disclosed to any person upon inquiry, unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.”

D. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 5:50 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.2

DATE: September 1, 2020

TO: City Council

FROM: Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

SUBJECT: League of California Cities Annual Conference Voting Delegate/Alternate 2020.

RECOMMENDATION

That the City Council designate Mayor Flynn as the voting delegate and Mayor Pro Tem Ramirez as the voting alternate as Oxnard's representatives to the 2020 League Annual Business Meeting at the League of California Cities Annual Conference.

BACKGROUND

This year's League of California Annual Conference is scheduled for Wednesday, October 7 through Friday, October 9, 2020. On July 15, 2020, due to the ongoing COVID-19 conditions, the League changed the in-person conference to a virtual event. An important part of the conference is the Annual Business Meeting. The League's annual business meeting will be held at 12:00 noon on Friday, October 9th. At this meeting, the League membership considers and takes action on resolutions that establish League policy. At the request of the League, and in order to expedite the conduct of business at this policy-making meeting, a City Councilmember from each City is designated as the voting delegate. Only those individuals who are voting delegates (or alternate) may sign petitions to initiate a resolution pertaining to League policy.

Each City Council is asked to designate a voting delegate and a voting alternate who will participate at the annual business meeting. This year, Mayor Flynn will participate in the virtual conference. League bylaws provide that each city is entitled to one vote in matters affecting municipal or League policy. It has been past practice for City Council to designate the Mayor as voting delegate and the Mayor Pro Tem as voting alternate; however, City Council may choose to designate the voting delegate and alternate differently.

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. This action alone does not require funding.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Luly Lopez, Executive Assistant I

ATTACHMENTS

1. Annual Conference Voting Procedures
2. 2020 Annual Conference Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.


CITY: OXNARD

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

ATTACHMENT B

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email: _____

Mayor or City Clerk _____
(circle one) (signature)

Date: _____ Phone: _____

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.3

DATE: September 1, 2020

TO: City Council

FROM: Jeff Pengilley, Interim Community Development Director, (805) 385-8208, jeff.pengilley@oxnard.org

SUBJECT: Second Reading and Adoption of Ordinance No. 2984 and No. 2985 - Updates to Oxnard City Code Chapters 11 and 16: to Create Consistency with Accessory Dwelling Units State Law; Incorporate Certain Cannabis Activities into the Zone Use Tables and Correct Typographical Errors (Chapter 16 Divisions 10 and 11); and Related to Cannabis Uses (Chapter 11).

RECOMMENDATION

That the City Council approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2984 and No. 2985 regarding updates to Oxnard City Code Chapters 11 and 16: to create consistency with Accessory Dwelling Units state law; incorporate certain cannabis activities into the zone use tables and correct typographical errors (Chapter 16 Divisions 10 and 11); and related to cannabis uses (Chapter 11).

BACKGROUND

Ordinance No. 2984 and No. 2985 was introduced to the City Council at its July 21, 2020 meeting. Following a public hearing, the Council approved the first reading of the ordinances for future adoption. If adopted by Council on September 1, 2020 the ordinances will take effect in thirty days, on October 1, 2020.

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.

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.

Objective 1a. Focus available resources on a comprehensive effort to promote economic activity in Oxnard, including a marketing program that communicates the City's available resources and assets.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

Objective 2b. Improve relationships and communication between the City and the business community.

Goal 3. Enhance business retention and attraction.

Objective 4a. Streamline internal process to ensure government efficiencies.

Goal 5. Revitalize Oxnard's downtown and pursue economic development opportunities.

Objective 5a. Develop a vision and plan (with timelines) for downtown revitalization to create a vibrant center for our community, emphasizing cultural arts, diversity and historic assets.

FINANCIAL IMPACT

Staff and related expenses to research and update the ADU Code in Chapter 16 will be reimbursed from a State grant (SB2 "Code Update") intended to assist jurisdictions to comply with State legislation and enable and encourage production of affordable housing. The Cannabis ordinance modifications were minor. Planning's general fund budget covered the costs, however, cannabis permit fees, which are deposited in the general fund, help to offset these costs. Industrial Code corrections expenses were minor and covered by the Community Development budget. As ADU's are developed, the cumulative effect may increase demand for municipal utilities and police and fire calls. Development of an ADU is reported to the County Assessor and property valuation is adjusted, resulting in an incremental increase in General Fund revenue.

COMMITTEE OUTCOME

As this item was heard by the Planning Commission which held a public hearing; therefore, this item did not originate in Committee.

Prepared by: Jeff Pengilley, Interim Community Development Director

ATTACHMENTS

1. Ordinance No. 2984 "ADU" Ordinance (PZ No. 20-580-03) (including Exhibit "A" - Part 4 Downtown Code Use Table)
2. Ordinance No. 2985 "Cannabis and Related Updates" Ordinance (PZ Nos. 20-580-01 and 20-580-04) (including Exhibit "A" - Part 4 Downtown Code Use Table)

ORDINANCE NO. 2984

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING OXNARD CITY CODE CHAPTER 16, ARTICLES II AND V, RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS. FILED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, in 2019, the California State Legislature passed legislation that modified Accessory Dwelling Unit law, which became effective January 1, 2020; and

WHEREAS, on January 20, 2020, the Department of Housing and Community Development issued an ADU memorandum with direction to local jurisdictions on how to apply the several statutes that overlapped several topics; and

WHEREAS, the Community Development Director seeks to correctly incorporate City Council adopted regulations, update the Oxnard City Code to be consistent with State legislation, and to correct typographical errors; and

WHEREAS, the Community Development Director filed Planning and Zoning (PZ) Permit No. 20-580-03 to amend OCC Chapter 16, Article II, Section 16-10 to update the “Accessory Dwelling Unit” definition and add “Junior Accessory Dwelling Unit” and “Primary Dwelling Unit” definitions, and delete and replace Article V, Division 13, Sections 16-465 through 16-469.6 with an updated Accessory Dwelling Unit section reflecting recent State legislation; and

WHEREAS, on June 18, 2020, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 20-580-03 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code, and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and verbal testimony from the public, the Planning Commission adopted a Resolution recommending that the City Council of the City of Oxnard (the “City Council”) adopt the PZ No. 20-580-03, Zone Text Amendment; and

WHEREAS, on July 21, 2020, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Applicant’s request to approve PZ No. 20-580-03 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code, and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and verbal testimony from the public; and

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 2 of 15

WHEREAS, there are no changes recommended under the proposed Zoning Text Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment would create consistency with State legislation and be consistent with the land uses and development anticipated by the 2030 General Plan; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public; and

WHEREAS, the proposed Accessory Dwelling Unit Zone Text Amendment is exempt from environmental review in accordance with PRC Sec. 21080.17 as the proposed amendments are regulatory and format related and the amendments would not permit new activities or development intensity over what is allowed by current regulations and/or are proposed to create consistency with State statutes. A Notice of Exemption is prepared and will be filed in accordance to the CEQA guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 16-10(2) of the Oxnard City Code is amended to read as follows:

“(2) ACCESSORY DWELLING UNIT (ADU) - An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence or multifamily structure. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit as defined by HSC Section 17958.1 or a manufactured home as defined by HSC Section 18007. See Junior ADU definition.”

Section 2. Section 16-10 of the Oxnard City Code is amended to read as follows and subsequent definitions within Section 16-10 to be consecutively renumbered:

“(xx) JUNIOR ACCESSORY DWELLING UNIT - A dwelling unit that is no more than 500 square feet in size and is contained entirely within a single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. See related definition of Accessory Dwelling Unit.”

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 3 of 15

Section 3. Section 16-10(110) of the Oxnard City Code is amended to read as follows:

“(110) PRIMARY DWELLING UNIT - The main residential structure containing one dwelling unit located on one legal lot.”

Section 4. Division 13 of Chapter 16 of the Oxnard City Code is amended to read as follows:

“DIVISION 13. ACCESSORY DWELLING UNITS

SEC. 16-465. PURPOSE AND FINDINGS.

(A) Accessory Dwelling Units (also known as “second units,” “granny flats,” “in-law suites,” “tiny homes” and / or “cottages.”) are small residential units on a permanent foundation located within, attached to, or detached and adjacent to the primary single-family unit or multifamily structure, and can provide an important source of affordable housing.

(B) Accessory Dwelling Units, when appropriately sized and located, have little impact on neighborhood quality of life.

(C) Establishing reasonable regulations of Accessory Dwelling Units is an appropriate mechanism to properly balance the need for additional affordable housing with the need to maintain existing community character and neighborhood quality of life.

(D) Accessory Dwelling Units may be referred to as efficiency, studio, or single, and be of any room count and configuration allowed by applicable development standards and building codes. A Junior Accessory Dwelling Unit is established by Government Code Section 65852.22 and is considered a separate use under the provisions of section 16-467.2.

(E) For purposes of these regulations, references to “Director” shall mean the Community Development Director.

SEC. 16-465.1 TYPES OF ACCESSORY DWELLING UNITS.

An Accessory Dwelling Unit is classified as one of the following nine Types:

(A) Type 1: New Detached Accessory Dwelling Unit-Only Structure With or Without Garage.

- (1) Purpose and Intent: Development of an Accessory Dwelling Unit in a new structure fully separate from the existing or proposed Primary Dwelling Unit involving no conversion of existing structures or attachments to the existing structures. All construction is to occur on the same legal parcel as the existing or proposed Primary Dwelling Unit.

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 4 of 15

(B) Type 2A: Conversion of an Existing Detached Legal Accessory Structure to an Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of an existing detached garage or accessory structure to an Accessory Dwelling Unit with no changes to or attachment to the Primary Dwelling Unit. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(C) Type 2B: Conversion of a Primary Dwelling Unit's Attached Garage to an Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of only the Primary Dwelling Unit's attached garage to an Accessory Dwelling Unit with no conversion of the Primary Dwelling Unit area or attachment to the Primary Dwelling Unit. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(D) Type 2C: Conversion of Existing Non-residential Structure to a Primary Dwelling Unit with an Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of an existing non-residential structure to a Primary Dwelling Unit with an internal or detached Accessory Dwelling Unit. The project could include an addition. All construction is to occur on the same legal parcel as the existing structure.

(E) Type 3: Accessory Dwelling Unit Attached to an Existing Primary Dwelling Unit.

- (1) Purpose and Intent: New construction of an Accessory Dwelling Unit attached to the existing Primary Dwelling Unit with no conversion of the Primary Dwelling Unit interior living area. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(F) Type 4: Accessory Dwelling Unit Fully Within an Existing Primary Dwelling Unit.

- (1) Purpose and Intent: Conversion of only the existing Primary Dwelling Unit habitable areas to create an Accessory Dwelling Unit involving no attachment or conversion of attached or detached garage(s). All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(G) Type 5: Junior Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of existing Primary Dwelling Unit habitable area (i.e. bedroom) to a small Junior Accessory Dwelling Unit. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(H) Type 6: Conversion of Multi-Family Non-Habitable Areas.

- (1) Purpose and Intent: Conversion only of existing multi-family structure non-habitable areas (i.e. passageways, attics, and / or garages) to one or more

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 5 of 15

Accessory Dwelling Units, and allows not more than two detached Accessory Dwelling Units, with the total Accessory Dwelling Units not to exceed 25% of the existing number of multi-family units in the structure within the same project area. Junior Accessory Dwelling Units are not allowed in multi-family structures.

(I) Type 7: Mixed Accessory Dwelling Unit Types 1 to 4.

(1) Purpose and Intent: Development of an Accessory Dwelling Unit that is a mix of Types 1, 2A, 2B, 2C, 3, and/or 4 with an existing or proposed Primary Dwelling Unit on one legal parcel. A Junior Accessory Dwelling Unit is allowed as a separate Type 5 application.

SEC. 16-466. MINISTERIAL CONSIDERATIONS.

(A) Types 1, 2A, 2B, 3, 4, 5, 6 and 7 - If the Director receives an application to construct an Accessory Dwelling Unit or Junior Accessory Dwelling Unit and the proposal meets all of the requirements of the City Code, then within 60 days of the Director receiving an application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the Director shall ministerially approve the application without a hearing.

(B) Type 2C and 7 - If the Director receives an application to convert an existing non-residential structure to a residential use that includes a Type 2C Accessory Dwelling Unit, the application shall follow applicable permitting for the conversion of an existing non-residential structure to a residential use, and the application can include an Accessory Dwelling Unit as an allowed use, but the 60-day permit approval period does not commence until the date on which the converted structure has received permit approval by the Community Development Department.

(C) The 60-day statutory permit approval period commences when the Accessory Dwelling Unit or Junior Accessory Dwelling Unit application and plans are in the City's possession and deemed complete.

(D) An Accessory Dwelling Unit or Junior Accessory Dwelling Unit permit application may be denied ministerially under any one of the following situations:

(1) Plan check corrections remain unaddressed at day 60 and/or plans and/or responses to corrections remain in non-compliance with applicable codes.

(2) Development of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit would create a life-safety hazard.

(3) The location of the proposed Accessory Dwelling Unit is within a district designated by the City Council as an area where development of Accessory Dwelling Units are not allowed based on adequacy of water and sewer services and the impact of Accessory Dwelling Units on traffic flow and public safety.

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 6 of 15

(E) Historic District or Historic Landmark Designation - Applications for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit within a designated Historic District or on a parcel with a historic Landmark designation by the City of Oxnard, County of Ventura, State of California, and/or U.S. Department of the Interior, or on a property that is within the 2005 Downtown Oxnard Historic Resources Survey area, the application will default to applicable cultural heritage permitting procedures for development in that location, except that the Accessory Dwelling Unit or Junior Accessory Dwelling Unit application and use is allowed pursuant to Cal. Gov't Code Section 65852.2. If a Junior Accessory Dwelling Unit application indicates no changes to the exterior of a dwelling unit, the cultural heritage permitting procedures may be waived by the Director.

(F) An Accessory Dwelling Unit may be proposed and constructed concurrently with construction of an addition to the Primary Dwelling Unit that, by and of itself, meets applicable zoning district development standards for the Primary Dwelling Unit. The minimum and maximum allowed Accessory Dwelling Unit floor areas shall be based on the total size of the Primary Dwelling Unit plus any additions integrated within only the Primary Dwelling Unit habitable area.

(G) An application for an Accessory Dwelling Unit that does not comply with applicable standards (sec. 16-467) applicable Type standards (sec. 16-467.1, 16-467.2, or 16-467.3), and the proposed project does not otherwise meet criteria for a standards Variance per Chapter 16, Article Division 5, Sections 16-565 to 16-16-590, inclusive, may request that an Accessory Dwelling Unit application be removed from the statutory-by-right 60-day Building Permit process and submit an application for a Development Design Review Planning permit pursuant to section 16-525 under which the Accessory Dwelling Unit application is not considered ministerial and the 60-day statutory permitting period does not apply.

(H) A nonrefundable fee in the amount set by City Council Resolution shall be paid upon the filing of an application for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit. Applications may incur additional fees imposed pursuant to this code or other applicable regulations.

SEC. 16-467. GENERAL STANDARDS FOR ALL ACCESSORY DWELLING UNITS

Except as provided in section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units") or as stipulated in Section 16-467.1, 16-467.2, or 16-467.3, Accessory Dwelling Units shall meet or exceed all of the following standards.

(A) Functional areas - The Accessory Dwelling Unit shall comply with all applicable habitability standards. The Accessory Dwelling Unit shall contain an independent kitchen facility that shall include the following features: (i) sink; (ii) refrigerator of more than five-cubic feet capacity; and (iii) range or cooktop. The Accessory Dwelling Unit shall include a separate

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 7 of 15

bathroom with sink, toilet, and bathing facility; and separate or combined living and sleeping areas.

(B) Foundation - The Accessory Dwelling Unit shall be constructed on a permanent foundation, complying to the California Building Standards Code.

(C) Architecture - An attached or detached Accessory Dwelling Unit shall comply with the architectural standards of Section 16-23 and shall be of materials, colors and in a style which are each compatible with the primary residence, or as reasonable as determined by the Director.

(D) Public utility connection fees, meters, and capacity upgrades - The Accessory Dwelling Unit shall be served by adequate public utility facilities including, but not limited to, electric, sewer, water and streets, as certified by the Public Works Director.

(1) Accessory Dwelling Units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(2) New utility connection or payment of impact fees shall not be required for an Accessory Dwelling Unit of less than 750 gross square feet.

(3) New utility connection or payment of impact fees shall be required for an Accessory Dwelling Unit of 750 gross square feet or larger based on the following formula:

(a) Calculate full impact and/or connection fees based on the total Accessory Dwelling Unit size,

(b) Divide Accessory Dwelling Unit size remainder greater than 750 square feet in to the total size in (a),

(c) Multiply (a) times (b).

(4) A new utility service meter shall only be required for a Type 1 Accessory Dwelling Unit, Type 2A if the detached garage is not already connected to the primary residence utility service, or Type 2C if a structure is not already connected.

(5) Existing water and wastewater service laterals and/or lines and/or meters may be required to upgrade to a capacity that includes the Accessory Dwelling Unit.

(E) Separate entrances - The Accessory Dwelling Unit shall have one entrance separate from the entrance to the Primary Dwelling Unit. Only one of the entrances may be visible from the front yard of the Primary Dwelling Unit unless the Primary Dwelling Unit and Accessory Dwelling Unit entrances are designed in a manner that maintains the appearance of a single-family dwelling. An entrance leading to a foyer with entrances leading from the foyer to the Primary Dwelling Unit and the Accessory Dwelling Unit is allowed. An Accessory Dwelling Unit shall have one primary entrance similar in design to that of the Primary Dwelling Unit. Secondary exterior access including sliding doors, french doors, and the like, may be provided in accordance with applicable development standards.

(F) Occupancy by owner - For Accessory Dwelling Units permitted between January 1, 2020 and December 31, 2024, the primary residence or the Accessory Dwelling Unit is not required to be occupied by the property owner.

(G) Recorded agreement - Beginning on January 1, 2025, unless otherwise changed by State law, before a Certificate of Occupancy is issued for the Accessory Dwelling Unit, an agreement affecting real property shall be recorded against the property that imposes specific restrictions on the property including occupancy by owner of the property. The language of the agreement affecting real property shall be approved by the City of Oxnard prior to its recordation.

(H) Not for sale - The Accessory Dwelling Unit shall not be sold or offered for sale separately from the Primary Dwelling Unit, unless specifically allowed by State law.

(I) Rentals - The Accessory Dwelling Unit and/or the Primary Dwelling Unit may be rented. Rental terms shall be 30 days or longer.

(J) Only one Accessory Dwelling Unit - Not more than one Accessory Dwelling Unit may be constructed on any legally existing lot or combinations of lots that are developed as one residential use. A Junior Accessory Dwelling Unit may also be allowed pursuant to Section 16-467.2.

(K) Sprinklers - Fire sprinklers are required for any Accessory Dwelling Unit if they are required for the Primary Dwelling Unit.

(L) Building Code - All building standards code requirements that apply to detached dwellings apply to Accessory Dwelling Units.

(M) Maximum Height – Maximum height of the Accessory Dwelling Unit is the greater of the underlying zone designation, the existing height of an existing accessory structure being converted to an Accessory Dwelling Unit, or the height allowed by a permit approving the conversion of a non-residential structure to a residential use and an Accessory Dwelling Unit.

(N) Minimum Size – The minimum size of an Accessory Dwelling Unit shall be the same as an Efficiency Unit consistent with the meaning of Health & Safety Code Section 17958.1.

(O) Side, Rear, and Front Yard Setbacks - All otherwise applicable setback requirements shall apply except:

(1) The minimum required side and rear yard setback for an existing legal structure that encroaches into a required side or rear setback that is to be converted into an Accessory Dwelling Unit shall be equivalent to the existing legal structure's exterior walls that come nearest the property line and coterminous with the length of the encroachment.

(2) The minimum required side and rear yard setback for new development is four feet for an Accessory Dwelling Unit unless a larger setback is required for safety access purposes per Section 16-467.

(3) The front yard setback remains that of the underlying zoning on the applicant property.

(P) Development standards that do not apply – The following development standards do not apply to accessory dwelling units and are not to be considered in the application review:

- (1) Minimum lot size,
- (2) Minimum open space requirement,
- (3) Minimum patio/balcony dimensions,
- (4) Density and/or floor area ratio, and
- (5) Interior yard space standards.

SEC. 16-467.1 TYPES 1, 2A, 2B, 2C, 3 and 4 STANDARDS.

Except as provided in Section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units"), Types 1, 2A, 2B, 2C, 3 and 4 Accessory Dwelling Units shall meet or exceed all of the following standards:

(A) Zoning compliance - Except as otherwise provided herein, the Primary Dwelling Units and the Accessory Dwelling Unit shall meet current applicable requirements for the zone in which the Primary Dwelling Unit and the Accessory Dwelling Unit are located. The Accessory Dwelling Unit shall not be considered when calculating the maximum number of dwelling units permitted by the underlying zone designation.

(B) Residentially zoned - Accessory Dwelling Units are allowed in the following zones: R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("single-family"); R-2, R-2-PD ("multiple-family"); R-3, R-3-PD ("Medium Density Residential"); and R-4 ("Medium-High Residential Density").

(C) Commercial and Mixed-Use zoned - Accessory Dwelling Units are allowed in the following zones if the lot is developed with only one legal Primary Dwelling Unit: C-1 ("Neighborhood Shopping Center"); C-2 ("General Commercial"); and DT-E ("Downtown Edge").

(D) Single-family Dwelling - There must be an existing legal or proposed single-family dwelling on the lot.

(E) Passageways and Patio Covers - No passageway, breezeway, or other type of covered passageway that is not fully enclosed and/or conditioned space shall be allowed to connect the Primary Dwelling Unit to a detached Accessory Dwelling Unit. A patio cover attached to an Accessory Dwelling Unit may be approved that complies with the applicable Accessory Dwelling Unit setbacks and required separation from other structures. The patio cover area shall not be counted as part of the Accessory Dwelling Unit floor area.

(F) An ingress/egress addition not to exceed 150 square feet may be attached to a Type 2A, 2B, or 4 Accessory Dwelling Unit. The ingress/egress addition must comply with a minimum four-foot side and rear yard setback.

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 10 of 15

(G) Maximum gross floor area -

(1) Type 1: New Detached Accessory Dwelling Unit-only Structure With or Without Garage - The permissible floor area shall not be more than 1,200 gross square feet.

(2) Type 2A: Conversion of an Existing Detached Legal Accessory Structure to an Accessory Dwelling Unit - maximum permissible floor area shall not be more than 1,200 gross square feet.

(3) Type 2B: Conversion of a Primary Dwelling Unit's Attached Garage to an Accessory Dwelling Unit - maximum permissible floor area shall not be more than the size of the existing garage.

(4) Type 2C: Conversion of an Existing Non-residential Structure to a Primary Dwelling Unit with an Accessory Dwelling Unit - For a detached Accessory Dwelling Unit the maximum size shall not be more than 1,200 gross square feet. An Accessory Dwelling Unit that is attached to the Primary Dwelling Unit shall not exceed 50% of the size of the Primary Dwelling Unit; except that the maximum size shall not be less than 850 square feet for a one-bedroom or 1,000 square feet for two or more bedroom Accessory Dwelling Unit.

(5) Type 3: Accessory Dwelling Unit Attached to an Existing Primary Dwelling Unit – maximum permissible size shall not exceed 50% of the size of the primary unit; except that the maximum size shall not be less than 850 square feet for a one-bedroom or 1,000 square feet for two or more bedroom Accessory Dwelling Unit.

(6) Type 4: Accessory Dwelling Unit Fully Within an Existing Primary Dwelling Unit - no maximum size except that the Accessory Dwelling Unit shall be the smaller of the two dwelling units and the minimum floor area of both the primary and Accessory Dwelling Units shall be no less than that of an Efficiency Unit consistent with the meaning of Health & Safety Code (HSC) 17958.1.

SEC. 16-467.2 TYPE 5 JUNIOR ACCESSORY DWELLING UNIT STANDARDS.

Except as provided in Section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units"), a Type 5 Junior Accessory Dwelling Units shall meet or exceed all of the following standards:

(A) Zoning compliance - Except as otherwise provided herein, the Primary Dwelling Unit and the Junior Accessory Dwelling Unit shall meet current applicable requirements for the zone in which the Primary Dwelling Unit and the Junior Accessory Dwelling Unit are located. The Junior Accessory Dwelling Unit shall not be considered when calculating the maximum number of dwelling units permitted by the underlying zone designation.

(B) Residentially zoned - Junior Accessory Dwelling Units are allowed in the following zones: R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("single-family"); R-2, R-2-PD ("multiple-family"); R-3, R-3-PD ("Medium Density Residential"); and R-4 ("Medium-High Residential Density").

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 11 of 15

(C) Commercial and Mixed Use zoned - Accessory Dwelling Units are allowed in the following zones if the lot is developed with only one legal Primary Dwelling Unit C-1 (“Neighborhood Shopping Center”), C-2 (“General Commercial”); or DT-E (“Downtown Edge”).

(D) Single-family dwelling - There must be an existing legal or proposed primary single-family dwelling on the lot.

(E) Minimum gross floor area – 70 square feet for one person, 220 square feet for two persons consistent with Health & Safety Code Section 17958.1.

(F) Maximum gross floor area - permissible floor area shall not be more than 500 gross square feet.

(G) Conversion of habitable space and/or converted attached garage – the Junior Accessory Dwelling Unit shall consist only of Primary Dwelling Unit habitable area, such as a bedroom, and/or conversion of all or a portion of an attached garage so that the Junior Accessory Dwelling Unit is fully within the existing footprint of the Primary Dwelling Unit and its attached garage, except that an ingress/egress addition not to exceed 150 square feet may be attached to the Type 5 Junior Accessory Dwelling Unit. The ingress/egress addition must comply with a minimum four-foot side and rear yard setback.

(H) Kitchenette – minimum requirements are a hot and cold water sink, 4.5-cubic-foot refrigerator, two ground fault circuit interrupter outlets, 8 square feet of counter space, and 5 linear feet of cabinet space.

(I) Bathroom or Bathroom Access - Full bathroom or continuous access to a full bathroom via a common door to the primary unit that includes sink, toilet, and bathing facility. Bathroom access that requires crossing through an outdoor area is not allowed. A bathroom with a shower-only facility instead of a bathtub complies. Before a Certificate of Occupancy is issued for the Junior Accessory Dwelling Unit, an agreement affecting real property shall be recorded against the property that imposes specific restrictions on the property including bathroom access for the benefit of the Junior Accessory Dwelling Unit. The language of the agreement affecting real property shall be approved by the City of Oxnard prior to its recordation.

(J) Outside entrance - The Junior Accessory Dwelling Unit shall have one entrance separate from the entrance to the Primary Dwelling Unit. The outside entrance to the Junior Accessory Dwelling Unit shall not be visible from the front yard of the Primary Dwelling Unit unless the Primary Dwelling Unit and Junior Accessory Dwelling Unit entrances are designed in a manner that maintains the appearance of a single-family dwelling. An entrance leading to a foyer with entrances leading from the foyer to the Primary Dwelling Unit and the Junior Accessory Dwelling unit is allowed. A Junior Accessory Dwelling Unit shall have one primary entrance similar in design to that of the Primary Dwelling Unit. Secondary exterior access including sliding doors, french doors, and the like, may be provided in accordance with applicable development standards.

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 12 of 15

SEC. 16-467.3 TYPE 6 MULTIFAMILY STRUCTURE STANDARDS.

Except as provided in Section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units"), Type 6 multi-family accessory dwelling units shall meet or exceed all of the following standards:

(A) Conversion of Multi-Family Non-Habitable Areas – existing non-habitable spaces within a multifamily residential structure such as storage, passageway, attics, or garages may be converted to one or more Accessory Dwelling Units.

(B) Detached – no more than two detached Accessory Dwelling Units are allowed in a legal multi-family structure within the same project area and lot that are either converted existing non-habitable space and/or new construction.

(C) Maximum Allowed – the sum of Accessory Dwelling Units that are conversions of non-habitable area (A) and/or detached structures (B) shall not exceed 25 percent of the pre-existing total legal multifamily dwelling units within the same project area and on the lot.

(D) Junior Accessory Dwelling Units are not allowed in multi-family structures.

(E) Residentially zoned - Accessory Dwelling Units are allowed in legal multifamily structures in the following zones: R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("single-family"); R-2, R-2-PD ("multiple-family"); R-3, R-3-PD ("Medium Density Residential"); and R-4 ("Medium-High Residential Density").

(F) Commercial and Mixed Use zoned - Accessory Dwelling units are allowed in the following zones if the lot is developed with one legal multi-family structure: C-1 ("Neighborhood Shopping Center"), C-2 ("General Commercial"); DT-E ("Downtown Edge"), DT-C ("Downtown Core"), and DT-G ("Downtown General").

(G) Minimum gross floor area – 220 square feet for two persons consistent with Health & Safety Code Section 17958.1.

(H) Maximum gross floor area - permissible floor area shall not exceed 1,200 gross square feet.

(I) Entrance Location and Lighting – An Accessory Dwelling Unit entrance shall not open into a drive aisle or parking space or otherwise place the resident in a vehicular path of travel, and shall have outdoor lighting and a safe and clear pedestrian path to the primary unit's public street frontage to the satisfaction of the Director.

SEC. 16-467.4 TYPE 7 APPLICATIONS THAT ARE A MIX OF ADU TYPES.

When a proposed Accessory Dwelling Unit is a combination two or more of Accessory Dwelling Unit Types 1, 2A, 2B, 2C, 3, or 4 and 5, the following procedure shall apply to identify the applicable development standards and permitting process:

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 13 of 15

(A) The applicant shall identify the two or more Accessory Dwelling Unit Types being utilized consistent with section 16-465.1.

(B) The applicant shall include calculations of the floor area for each Type as components of the project.

(C) The Director shall utilize the development standards of the Accessory Dwelling Unit Type component that has the largest floor area.

(D) A Type 5 Junior Accessory Dwelling Unit application is a separate application that may be submitted concurrently with a Type 7 application.

SEC. 16-468. OFF-STREET PARKING.

(A) Parking requirements - The requirements of City Code section 16-622(F) (entitled "Schedule of Vehicle-Off-Street Parking Requirements") apply, where not specified in this section.

(B) Off-street parking requirements for Accessory Dwelling Units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking. The Accessory Dwelling Unit parking space(s) may not be located in the required front yard setback.

(C) Off-street parking is not required in any of the following instances when the applicant demonstrates that:

(1) The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit stations and bus stations;

(2) The Accessory Dwelling Unit is located within an architecturally and historically significant historic district;

(3) The Accessory Dwelling Unit is a Type 2A, 2B, or Type 4, constructed entirely within the proposed or existing primary dwelling unit or an attached or detached accessory structure and/or garage;

(4) When on-street parking permits are required by the city but not offered to the occupant of the Accessory Dwelling Unit; or

(5) When there is a car share vehicle use located within one block of the Accessory Dwelling Unit.

(D) Demolished or converted required parking spaces - When a required garage, carport, or covered parking structure for the Primary Dwelling Unit is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, required parking for the Primary Dwelling Unit shall be provided on the property, outside of the front yard setback, and on a city approved pad or structure.

SEC. 16-469. FIRE SAFETY EXCEPTION TO SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS.

City Council Ordinance No. 2984

PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)

September 1, 2020

Page 14 of 15

Notwithstanding any other provision of this code to the contrary, the Director shall not ministerially approve an application for a permit to create an Accessory Dwelling Unit if the Accessory Dwelling Unit side and/or rear setbacks are insufficient for fire safety as determined by the Fire Marshal.

SEC. 16-469.5. ACCESSORY DWELLING UNIT IN SPECIFIC PLAN ZONES

Accessory Dwelling Units are allowed in Specific Plan use designation zones on legal lots that are developed in a manner equivalent to a zone designation listed within Sections 16-467.1, 16-467.2, and 16-467.3 as determined by the Director.

SEC. 16-469.6. EXCEPTIONS FOR LARGE LOTS WITH A PROPOSAL FOR NEW PRIMARY DWELLING UNIT.

Notwithstanding any other provision of this code to the contrary, the Director shall consider a request for a Development Design Review (DDR) permit to develop a new Primary Dwelling Unit and designate an existing housing unit as the Accessory Dwelling Unit if all of the following apply:

- (A) The qualifying legal lot is at least 9,000 square feet;
- (B) Contiguous lots must be under the same ownership and shall be required to complete a lot merger;
- (C) The existing legal single-family housing unit is not greater than 1,200 square feet in size, not counting an attached or detached garage, or as determined by the Director;
- (D) The lot complies with zoning designations listed in Section 16-467(B);
- (E) The proposed new housing unit is situated on the lot in compliance with applicable zoning setbacks and uniformly applied development and parking standards;
- (F) The proposed new housing unit shall be at minimum of 150% the size of the existing dwelling unit now designated as the accessory dwelling unit, not counting an attached or detached garage; and
- (G) That approved plans, certificate of occupancy, and related documents shall reflect that the existing housing unit is classified as the Accessory Dwelling Unit and subject to sections 16-467(F), (I), (J), (L), (M), (O), and (P), and the newly constructed housing unit is classified as the primary unit and subject to sections 16-467(K), (M), and (P).
- (H) Nothing in this Section shall prevent approval of an application consistent with Sections 16-465.1 to 16-467.2 herein.”

Section 5. Oxnard City Code Section 16-148, Allowed Uses Table within the Division 10 Downtown Code is amended as shown in Exhibit“A” incorporated herein by this reference.

City Council Ordinance No. 2984
PZ 20-580-03 (Accessory Dwelling Unit Ordinance Amendment)
September 1, 2020
Page 15 of 15

Section 6. If any section, subsection, phrase, or clause of this 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 this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid.

Section 7. City Council approves reading of title only and waives reading of the ordinance at the second reading.

Section 8. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 9. 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 36933. Ordinance No. 2984 was first read on July 21, 2020, finally adopted on September 1, 2020, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 1st day of September, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

16-148 Allowed Uses

16-148.1 Applicability.

This section identifies the allowed uses and corresponding permit requirements within each zone, subject to the applicable development standards, development standards, and all other applicable requirements. Definitions of the uses are in Part 3. If a word or phrase used in the Downtown Code is not defined in Part 3, the definition in Section 16-10 of the City Code shall be used. If a word or phrase used in the Downtown Code is not defined in Section 16-10 of the City Code, the Director shall determine the correct definition, giving deference to common usage. Uses that are not listed are not allowed unless the Director makes a similar use determination.

A. Standards.

Allowed Uses
Table 16-148

Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
Assisted Living, Residential Care Facility	---	C	C	C
Accessory Dwelling Unit (ADU)	P	P	P ⁸	P ⁸
Dwelling, multifamily	P	P	P ⁷	P ⁷
Dwelling, single-family attached	P	P	---	---
Dwelling, single-family detached	P	P	---	---
Home-based business ⁴	P	P	P	P
Work/live, Live-Work	---	P	P	P ⁷
Agriculture-Related				
Commercial Garden / Greenhouse(s) < 3,000 sq ft	---	P	P	P
Commercial Garden / Greenhouse(s) > 3,000 sq ft	---	P	P	P ³
Farmer's Market	---	---	P	P
Recreation, Resources Preservation, Open Space, and Public Assembly				
Community Assembly < 10,000 sq ft	P ⁸	C	C	P
Community Assembly > 10,000 sq ft	---	---	C	C
Day care (family, child, adult) < 15	P	P	P	P ³
Day care (family, child, adult) > 15	---	P	P	P ³
Institution (includes school)	---	C	C	C
Public Open Space	P	P	P	P
Recreation/Commercial	---	---	P	P
Nightclub < 10,000 sq ft	---	---	---	C
Nightclub > 10,000 sq ft	---	---	---	C

Key

- P use allowed, subject to identified standards
 C use requires approval of Special Use Permit (SUP)
 --- use not allowed

Notes

- ¹ In compliance with ground floor frontage requirements in 16-150.
- ² Bar allowed if accessory to a restaurant; requires SUP.
- ³ Not allowed on A Street between 3rd and 6th street.
- ⁴ Pursuant to City Code Ch. 16, Article V., Division 6 (Home occupation permits).
- ⁵ Required stealth design; Pursuant to City Code Ch. 16, Article V., Division 16 (Wireless communication facilities).
- ⁶ Minimum 5ft clear path on sidewalk and subject to issuance of encroachment permit.
- ⁷ Not allowed on ground floor in Shopfront Overlay.
- ⁸ Multifamily Structure only

Insert "P⁸" in DT G and DT C cells,
and insert footnote '8' at bottom as
"Multifamily Structure only"

ORDINANCE NO. 2985

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING OXNARD CITY CODE CHAPTER 11, ARTICLE XVII REGARDING COMMERCIAL CANNABIS USES AND CHAPTER 16, DIVISIONS 10 AND 11, TO INCORPORATE CERTAIN CANNABIS ACTIVITIES INTO THE DOWNTOWN CODE AND INDUSTRIAL ZONE USE TABLES; READOPTING THE INDUSTRIAL CODE SECTIONS 16-160 TO 16-173 TO RENUMBER AND CORRECT TYPOGRAPHICAL ERRORS. FILED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, on April 2, 2019, the City Council adopted Ordinance No. 2958 to repeal and replace the Industrial Zoning Ordinance to be consistent with the policies and directives of the 2030 General Plan that was adopted in October 2011; and

WHEREAS, on June 18, 2019, the City Council adopted Ordinance No. 2960 to regulate commercial cannabis activities in select zones with select permit processes; and

WHEREAS, Ordinance No. 2960 added regulations pertaining to commercial cannabis activities to sections pertaining to the Industrial Zoning Ordinance that was repealed under Ordinance No. 2958 (former Industrial Zoning Ordinance); and

WHEREAS, on July 16, 2019, the City Council replaced the entirety of the Chapter 16, Article III, Division 10, "Central Business District (CBD) Zone" with the "Downtown Zones;" and

WHEREAS, on October 1, 2019, the City Council adopted Ordinance 2965 which amended the permit requirements for Manufacturing, Testing and Distribution of Cannabis from a SUP to a Development Design Review (DDR) permit; and

WHEREAS, on December 17, 2019, the City Council adopted Ordinance 2972 to create regulations for cannabis retail dispensaries subject to a Special Use Permit (SUP); including adopting an ancillary recommendation to allow retail cannabis in the aforementioned newly created downtown zoning districts.

WHEREAS, the Community Development Director seeks to correctly incorporate City Council adopted regulations, update the Oxnard City Code to correct typographical errors; and

WHEREAS, the Community Development Director filed PZ Permit No. 20-580-04 to amend OCC Chapter 11, Article XVII, Section 11-454(GGG) to correct the "Retailer" definition, Section 11-468(D)(1)(b) to remove a Section reference, Section 11-473(B) to insert "Downtown-Core" and "Downtown-General" into the list of zones allowing cannabis retail use; and

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 2 of 42

WHEREAS, the Community Development Director filed PZ Permit No. 20-580-01 to amend OCC Chapter 16, Article III, Divisions 10 and 11 to incorporate certain cannabis activities into the Downtown Code and Industrial Zone use tables, to remove Section 16-173, and to correct typographical errors; and

WHEREAS, the proposed Zone Text Amendments would ensure that Chapters 11 and 16 are internally consistent with each other and the 2030 General Plan; and

WHEREAS, the Zone Text Amendments herein and attached Exhibit A establish specific use provisions consistent with the action items and policy directives in California State Law, the 2030 General Plan, and the proposed Zone Text Amendments would ensure that OCC Chapters 11 and 16 are internally consistent with itself and the 2030 General Plan; and

WHEREAS, the proposed Zoning Text Amendments include technical amendments that are in the public interest and reflect the input from residents, decisionmakers, and other stakeholders in the community. There are no changes recommended under the proposed Zoning Text Amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, on June 18, 2020, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 20-580-01 and 20-580-04 (Zone Text Amendments) (the "**Project**") in accordance with the Oxnard City Code (OCC), and

WHEREAS, after considering all of the evidence in the record, including (but not limited to) the staff report (including attachments), written submittals and verbal testimony from the public, the Planning Commission adopted a Resolution recommending that the City Council of the City of Oxnard (the "City Council") adopt the Zone Text Amendments; and

WHEREAS, on July 21, 2020, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit No. 20-580-03 (Zone Text Amendment) (the "**Project**") in accordance with the Oxnard City Code, and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and verbal testimony from the public; and

WHEREAS, there are no changes recommended under the proposed Zoning Text Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 3 of 42

WHEREAS, the proposed Zone Text Amendments do not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendments and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety. Moreover, the proposed Zone Text Amendments would be consistent with the land uses and development anticipated by the 2030 General Plan; and

WHEREAS, the adoption of Zone Text Amendments would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by clarifying the implementation procedures of industrial zones throughout the City of Oxnard; and

WHEREAS, the proposed Zone Text Amendments are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with CEQA guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 11-454(GGG) of the Oxnard City Code is amended to read as follows:

“(GGG) ‘Retailer’ - a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of Oxnard authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.”

Section 2. Section 11-468(D)(1)(b) of the Oxnard City Code is amended to read as follows:

“(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.”

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 4 of 42

Section 3. Section 11-473(B) of the Oxnard City Code is amended to read as follows:

“(B) All cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this ordinance. Retail dispensaries are conceptually permitted in property zoned Downtown-Core (DT-C), Downtown-General (DT-G), Neighborhood Shopping Center (C-1), Neighborhood Shopping Center Planned Development (C-1-PD), General Commercial (C-2), or General Commercial, Planned Development (C-2-PD), and Commercial Planned Development (CPD), Business Park, Retail Commercial, and Commercial Manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following Specific Plan areas subject to relevant Specific Plan requirements, and input from the Business Park Association (if operational): RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.”

Section 4. OCC Section 16-148, Allowed Uses Table within the Division 10 Downtown Code is amended as shown in Exhibit “A” included herein by reference.

Section 5. Amend OCC Chapter 16, Article III, Division 11, Section 16-145 to Section 16-173 to read as follows:

“DIVISION 11. INDUSTRIAL ZONES

SEC. 16-160. PURPOSE AND INTENT.

The following are descriptions of the purpose and intent of each one of the industrial zoning districts in the City. All permitted and conditionally permitted uses shall be consistent with the purpose and intent of the respective zone.

(A) C-M (Commercial Manufacturing Zone). The purpose of the C-M Zone is to provide a zone for selected commercial retail sales and services, light manufacturing, warehousing, distributing, storage, and wholesale activities that are conducted totally within a building and with development standards suitable for commercial and limited industrial districts. This zone district also allows for permanent and temporary emergency shelters and emergency shelters for families, supportive and transitional housing, and farmworker housing pursuant to statutory requirements, and provides an appropriate transition from residential areas to more intense industrial activities.

(B) BRP (Business and Research Park Zone). The purpose of the BRP Zone is to provide areas for a limited group of professional, administrative, and research, and limited manufacturing

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 5 of 42

uses along with limited commercial activities intended to support such uses. Such uses shall be oriented toward major transportation elements such as freeways, airports, and harbors, and shall be developed to specific property and development design standards.

(C) M-L (Limited Manufacturing Zone). The purpose of the M-L Zone is to provide areas suitable for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include administrative, wholesaling, warehousing, and manufacturing activities, and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. The development and performance standards of this division will enhance views from major transportation routes and assure a high-quality environment compatible with surrounding and abutting residential zones. This zone district also allows for permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and for adult businesses.

(1) Manufacturing uses shall be limited to the fabrication, assembly, compounding, processing, or packaging of materials in a processed form that do not, in their maintenance, assembly, or packaging, create obnoxious or offensive smoke, gas, odor, dust, sound, vibration, soot, or lighting.

(2) In order to avoid reduction of the City's industrial base and to protect industrial land and improvements from encroaching upon incompatible uses or uses more properly suited to other districts, residential and commercial uses, except as provided herein, are not permitted in the Limited Manufacturing Zone.

(D) M-1 (Light Manufacturing Zone). The purpose of the M-1 Zone is to provide areas for manufacturing and related service uses and activities where the principal activity occurs within a building, but also permits outdoor assembly, fabrication, public services, and storage that conform to the development and performance standards of this Chapter, and provide areas suitable for adult businesses. Industrial uses in this zone shall be limited to those that conduct fabrication, assembly, or/and processing of materials (including agricultural produce) primarily within a building. The development and performance standards of this Chapter limit the creation of smoke, gas, odor, dust, sound, and vibration that might be detrimental to health, safety, and welfare to protect any adjoining uses. Wholesale and retail sales and services related to principal uses are permitted. Limited outdoor storage associated with a primary use may be permitted.

(E) M-2 (Heavy Manufacturing Zone). The purpose of the M-2 Zone is to provide areas for industrial uses that are primarily outdoor and/or within specialized structures that may involve general manufacturing, processing, and/or fabrication activities, including outdoor storage and

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 6 of 42

manufacturing, that are specifically excluded from other industrial zones and which do not require highly restrictive performance and development standards in regard to adjoining uses.

SEC. 16-161. PERMIT REQUIREMENTS FOR INDUSTRIAL USES.

The required permit for a respective industrial land use is indicated in section 16-163, industrial land use matrix. The permit requirements are as provided for in this chapter and as further provided for below.

(A) Special Use Permit (SUP). The permit application requirements and process for a Special Use Permit are set forth in Article VII, Division 3, of this Chapter.

(B) Development Design Review (DDR) permit. The permit application requirements and process for Development Design Review permit are set forth in Article VII, Division 2, of this Chapter.

(1) A DDR permit may be required for either the review and approval of the construction of a new industrial building, and/or the review and approval of a use which requires administrative review to insure compliance with the provisions of this chapter and other regulatory requirements.

(2) For the review of uses proposed to be located in existing structures, the director may determine the level of information and plans required.

(C) Minor Modifications. Where a planning permit such as a Special Use Permit, Planned Development Permit, or Development Design Review permit has been previously approved, the City may elect to modify that existing permit in lieu of requiring the application and approval of a new Special Use or Development Design Review permit for a proposed physical modification or use clearance, provided such physical modification is within the parameters for Minor Modifications provided for in this Chapter or by administrative policy.

(D) Permitted uses: Zone Clearance. Permitted uses are subject to the requirement for approval of a Zone Clearance in accordance with this Chapter.

(E) Specific Plan permit requirements. For development in areas within a designated Specific Plan, the following table identifies the permit processing requirements.

<i>Specific Plan</i>	<i>Permit Type</i>	
	<i>DDR</i>	<i>SUP</i>

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 7 of 42

Rose/Santa Clara	All new development	Drive-through uses Outdoor storage
Northfield-Seagate	All new development	SUP when use requires this per this code
McInnis Ranch	All new development under 100,000 square feet	All new development over 100,000 square feet SUP when use requires this per this code
Sakioka Farms	All new development	None
Camino Real	All new development	SUP when use requires this per this code

SEC. 16-162. NON-INDUSTRIAL USES.

The City Council has determined that certain non-industrial uses may be permitted in industrial zones in order to achieve land use compatibility objectives. Those uses include adult uses and churches and religious facilities. Consistent with the guidance provided in section 16-163, industrial land use matrix, the following provisions and restrictions apply.

(A) Adult uses. Adult uses are further governed by Article V, Division 1 of this Code.

(B) Churches and religious institutions. To insure the integrity and economic viability of the industrial zoning districts and promote compatibility with assembly type uses such as churches, mosques, synagogues, and other religious facilities, the following additional restrictions apply to industrial zoned properties.

(1) All religious facilities in industrial zones are subject to a Special Use Permit to permit the evaluation of land use compatibility and potential negative impacts on nearby industrial uses and hazard exposure to facility users.

(2) Religious facilities may be permitted in multi-tenant buildings in the C-M, BRP, and M-L zones, subject to a Special Use Permit.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 8 of 42

(3) Schools which provide standard K-12 educational instruction are not permitted in any industrial zone. Religious instruction such as Sunday schools, bible study, and similar classes may be permitted subject to a Special Use Permit.

(4) Religious institutions in the M-1 and M-2 must be located in freestanding buildings.

(C) Senate Bill (SB) 2 uses. For the purposes of this section, certain terms and words are defined as follows:

(1) EMERGENCY SHELTER FOR FAMILIES - A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled, pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing, and laundry facilities. No family shall be denied emergency shelter because of an inability to pay. For purposes of this definition, DISABLED means persons with special needs, including mental disabilities, developmental disabilities, AIDS, substance abuse, or chronic health conditions.

(2) EMERGENCY SHELTER, PERMANENT - A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing, and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay.

(3) EMERGENCY SHELTER, TEMPORARY - A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a 12-month period. No individual or household shall be denied emergency shelter because of an inability to pay.

(4) FAMILY - A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance, and expenses; but not including residents of commercial group living such as hotels, dormitories, and fraternities.

(5) FARMWORKER - An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming,

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 9 of 42

including cultivating and tillage of soil, the raising of animals, and the preparation of agricultural products for market, and/or to carriers for transportation to market.

SEC. 16-163. INDUSTRIAL LAND USES BY ZONE: INDUSTRIAL LAND USE MATRIX.

The allowed land uses in the industrial zoning districts are identified in the following table.

<i>Industrial Land Use Matrix</i>						
Key: Blank: Not Allowed P: Permitted Use (Requires a Zone Clearance) SUP: Special Use Permit DDR: Development Design Review Permit						
<i>Land Use</i>	<i>Zone District</i>					
	<i>CM</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>Notes</i>
Administrative, executive, and/or corporate offices which are a part of a predominantly industrial operation, including governmental offices and facilities	P	P	P	P	P	
	<i>CM</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>Notes</i>
Administrative, financial, professional, medical, and general office services	P	P	SUP			
Adult businesses, except adult motels		P	P	P	P	Refer to section 16-337
Adult day care facilities	P	P				

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 10 of 42

Adult motels	P					Refer to section 16-336
Agricultural and construction vehicle sales with incidental repair and service	SUP		DDR	DDR		
Agricultural, limited to growing of crops	P	P	P	P	P	
Aircraft modification, storage, repair, and maintenance				P	P	
Aircraft sales	P	P	P	P		
Alcohol sales: on-site, off-site, and wine tasting	SUP	SUP	SUP	SUP		
Ambulance base facilities	P	P	P	P	P	
Appliance repairs	P		P	P		
Asphalt or concrete manufacture or refining					DDR	
Assembly or repair of small electrical and electronic equipment	P		P	P		
Assisted living residential facility		SUP				
Auction houses	P	P	P	P	P	
Boat building and repair				P	P	
Boiler repair and maintenance				P	P	
Book binding	P	P	P	P	P	
Bottling/canning plants			P	P	P	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 11 of 42

Breweries, microbrew (less than 60,000 barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, craft (more than 60,000 barrels, less than 2 million barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, large (more than 2 million barrels)				DDR	DDR	
Brick, tile, or terra cotta manufacture				DDR	DDR	
Business furniture, supplies, and equipment sales	P	P	P			
Cabinet or carpenter shops	P		P	P	P	
Cafeterias accessory to permitted uses for the convenience of persons employed on the premises		P	P	P	P	
	CM	BRP	M-L	M-1	M-2	Notes
Commercial Cannabis Activities						
Distribution		DDR	DDR	DDR	DDR	See Section 16-173; Article XVII Chapter 11
Manufacturing		DDR	DDR	DDR	DDR	See Section 16-173; Article XVII

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 12 of 42

						Chapter 11
Testing		DDR	DDR	DDR	DDR	See Section 16-173; Article XVII Chapter 11
Retail		SUP				See Section 16-173; Article XVII Chapter 11
Carpet, rug, and dry-cleaning plants	P		P	P	P	
Cement, glass, lime, gypsum, or plaster manufacture					DDR	
Ceramic products	P		P	P	P	
Children's day care facility serving more than 15 children	SUP	SUP				
Churches	SUP	SUP	SUP	SUP	SUP	Refer to section 16-162(B)
	CM	BRP	M-L	M-1	M-2	Notes
Coffee shops, cafes	P	P	DDR	DDR	DDR	
Cold storage facilities including agricultural freezers and ice production and sales			P	P	P	
Commercial and retail uses	P	DDR	DDR	DDR		Refer to section 16-171

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 13 of 42

Commercial recreational and entertainment uses, such as batting cages, gymnasiums, boxing gyms, escape rooms, bowling alleys, skating rinks, and similar recreational uses as determined by the planning manager	DD R	DDR	DDR	DDR		
Computer and business machine sales and service	P	P	P			
Convenience markets and drugstores	P	DDR				
Corporate training and professional development facilities including ancillary outdoor activities	P	P	P	P	P	
Day care facilities accessory to industrial uses		DDR	DDR	DDR		
Day care facilities (over 12 children) as a principal use	DD R	DDR				
Distribution, warehousing, and wholesaling	P	P	P	P	P	
	CM	BRP	M-L	M-1	M-2	Notes
Drive-through services	SUP	SUP	SUP			
Drop forge industries					DDR	
Dwelling unit, one per establishment, for security or management when located on the premises where such person is employed in such capacity and accessory to an industrial use	DD R		DDR	DDR	DDR	
Electric motor rebuilding	P		P	P	P	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 14 of 42

Electrical and lighting supply	P		P			
Electronic and computer repair	P	P	P			
Emergency shelter for families	SUP		P			
Emergency shelter, permanent	SUP		P			
Emergency shelter, temporary	SUP		P			
Employment agencies	P	P				
Energy generation, distribution, storage, and support facilities, including electrical and gas utilities	SUP	SUP	SUP	SUP	DDR	
Explosives, manufacture or storage					DDR	
Farmworker housing	SUP		P	P	P	
Feed sales	P		P	P		
Fertilizer manufacture					DDR	
	CM	BRP	M-L	M-1	M-2	Notes
Firearm and ammunition sales			SUP			Refer to Chapter 16, Division 19
Fish smoking, processing, curing, or canning				DDR	DDR	
Florists	P	P				
Freight classification yard, including truck and bus storage and maintenance				DDR	P	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 15 of 42

Furniture manufacture and assembly	P		P	P	P	
Furniture upholstery shops	P		P	P		
Garbage, offal, or dead animal reduction or dumping					P	
Garment manufacturing		P	P	P	P	
Gas bulk storage, manufacturing, and distribution of flammable liquids and all gases					DDR	
General office, including legal, professional, medical, consulting, or similar	P	P				
Indoor firearm range			SUP			Refer to Chapter 16, Division 20
	CM	BRP	M-L	M-1	M-2	Notes
Iron, steel, brass, or copper foundry or fabrication plant				SUP	DDR	
Kennels and animal boarding	DDR		DDR	DDR	DDR	
Kennel day care	P		P	P	P	
Laboratories, research only		P	P			
Laundry, commercial	P		P	P	P	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 16 of 42

Light metal fabrication (for example, sheet metal, wrought iron, and the like)	P		P	P	P	
Lumber yards with incidental sales of building and hardware supplies (outside storage)	SUP			SUP	P	
Machine shops	P		P	P	P	
Manufacture and assembly of electrical and electronic instruments, devices, and components	P	P	P	P	P	
Manufacturing and maintenance of electric neon signs	P		P	P	P	
Manufacturing, compounding assembly, or treatment of articles or merchandise from prepared materials such as, but not limited to, canvas, cloth, stones, wood products, and leather			P	P	P	
	CM	BRP	M-L	M-1	M-2	Notes
Manufacturing, compounding, processing, packaging, or treatment of food products such as, but not limited to, bakery, dairy, fruits and vegetables, and honey			P	P	P	
Marine equipment sales with incidental repair and service	P		P	P	P	
Medical product sales	P	P	P			

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 17 of 42

Medical: hospitals and medical centers		SUP				
Metals recycling and storage, including sales				SUP	DDR	
Mini-warehouses and self-storage facilities	SUP		SUP	SUP	SUP	Refer to Resolution No. 6446
Mobile home sales and display	DDR		DDR	DDR	DDR	
Motels, hotels, and convention facilities	SUP	SUP				
Off-site non-accessory signs or billboards					SUP	Refer to section 16-608(G)
Oilcloth or linoleum manufacture					P	
Outdoor storage or assembly as a primary use					SUP	
Outdoor storage, incidental/accessory to uses otherwise permitted			DDR	DDR	DDR	
	CM	BRP	M-L	M-1	M-2	Notes
Paint, oil, shellac, turpentine, and varnish manufacture					DDR	
Paper and pulp manufacture					DDR	
Pawnshops	SUP					
Petroleum bulk plants and distribution				SUP	DDR	
Petroleum refining					DDR	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 18 of 42

Photographic studios and services	P	P	P			
Planning mills				SUP	DDR	
Plastic manufacture				P	P	
Plumbing supply	P		P	P		
Printing shop, lithographing, photocopying, blueprinting, and publishing	P	P	P	P	P	
Product assembly plants and production facilities primarily engaged in final or partial assembling of packaging of premanufactured, treated, or fabricated components, materials, or products	P	P	P	P	P	
Public service uses - communications, fire and police, water, and other governmental or public facilities	DDR	DDR	DDR	DDR	DDR	
Radio or television broadcasting station	P	P	P	P	P	
Railroad support services				SUP	DDR	
	CM	BRP	M-L	M-1	M-2	Notes
Recycling collection: collection recycling facility for the acceptance of materials from the public including a bulk or single-feed reverse vending machine, a kiosk unit, or a permanent building				DDR	DDR	
Recycling mobile unit: mobile recycling unit used for the collection of recycled materials including the bins, boxes, or containers for the collection of recyclable	DDR		DDR	DDR	DDR	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 19 of 42

materials						
Recycling processing facility: processing facility for ferrous and non-ferrous materials including the preparation of material for efficient shipment which includes baling, briquetting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re-manufacturing. Outdoor bin storage allowed for the collection of recycled materials				SUP	SUP	
Refrigeration and air conditioning repair and service	P		P	P	P	
Research and development, experimental or developmental laboratories		P	P	P	P	
Research, development, and clinical laboratories and uses including associated incidental and outpatient clinics		P				
Restaurants and delicatessens	P	P	P	DDR	DDR	
	CM	BRP	M-L	M-1	M-2	Notes
Rock crusher or distribution of rock, sand, or gravel					DDR	
Sale of building and hardware supplies within a building	P		P	P	P	
Specialized commercial retail centers oriented toward major transportation elements such as freeways, expressways, and other major transportation corridors. Specialized commercial uses include		SUP				

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 20 of 42

promotional, discount, factory outlet, and off-price shopping centers, as well as centers that are tourist-oriented or oriented to other specialized markets. Specialized commercial uses may also include general commercial uses in special or unique settings						
Stationery and office supplies	P	P				
Supportive housing	SUP					
Taxidermist	P		P	P		
Textiles manufacturing			P	P	P	
Trade schools, public and private schools and colleges, dance, and performing arts studios	P	P	DDR			
Transitional housing	SUP					
Vehicle assembly				SUP	DDR	
	CM	BRP	M-L	M-1	M-2	Notes
Vehicle and equipment dismantling and recycling, including sale of parts and vehicles					SUP	
Vehicle rental agencies	DDR	DDR	DDR			
Vehicle repair, including engine overhaul, body and fender work, transmission, radiator repair, painting, and upholstery	P		P	P	P	
Vehicle service stations	SUP	SUP	SUP	SUP	DDR	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 21 of 42

Vehicle storage				SUP	SUP	
Veterinarians with on-site kennels	DD R		DDR	DDR	DDR	
Veterinarians with no on-site kennels	P		P	P	P	
Welding shops			P	P	P	
Wine production facility			SUP	P	P	
Wine tasting with or without cafes		SUP	SUP	SUP		

SEC. 16-164. DEVELOPMENT STANDARDS.

The following table sets forth development standards for all of the industrial zone districts in the City. All permitted and conditionally permitted uses shall be consistent with the purpose and intent of the respective zone.

<i>Development Standards</i>						
<i>Standard</i>	<i>Zone District</i>					
	<i>C-M</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	
Minimum	Commercial	20,000 sq. ft.	15,000 sq. ft.,	15,000 sq. ft.	15,000 sq. ft.	

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 22 of 42

lot size	and light manufacturing lots created after January 1, 1974, shall have a minimum area of 10,000 sq. ft.		exclusive of any public right-of-way dedicated for road purposes or proposed road purposes		
Minimum lot width					
Interior lots	50 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Corner lots	75 ft.	150 ft.	150 ft.	150 ft.	150 ft.
	<i>C-M</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 23 of 42

Maximum building height	35 ft.*	35 ft.*	All buildings and structures shall be limited to a height of 35 feet, except that height limits may be increased one foot for each additional one foot increase to all of the required building setbacks	55 ft.	No building shall exceed a height at the street line of 8 stories or 100 ft.
Front yard setback	None; See Section 16-165	30 ft.; 40 ft. when adjacent to designated thoroughfare	See section 16-165	10 ft.; 30 ft. when adjacent to designated thoroughfare. See Section 16-165	10 ft.; 30 ft. when adjacent to designated thoroughfare; See Section 16-165
Side yard setback	None; 10 ft. if adjacent to R zone; See Section 16-165	Equal to height of building unless otherwise permitted by a SUP	See section 16-165	None; See Section 16-165	None; 5 ft. if adjacent to R zone
	<i>C-M</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 24 of 42

Rear yard setback	20% of depth of lot not to exceed 20 ft.	20 ft.	See section 16-165	Equal to height of building; See Section 16-165	None
Street side yard setback	10 ft.; See Section 16-165	Half of height of building	See section 16-165	Same as front yard; See Section 16-165	Same as front yard; See Section 16-165
Setback from residential zoned property	See section 16-165	100 ft.; See Section 16-165	See section 16-165	30 ft.; same setback applies if parcel abuts an alley separating the parcel from a residential zone; see section 16-165	20 ft.; see section 16-165
Maximum lot coverage	40%	40%	50%	70%	70%
Maximum floor area ratio	50%	100%	60%	70%	70%
Minimum lot depth	100 ft.	150 ft.	150 ft.; measured at right angles to the front property line	150 ft.; measured at right angles to the front property line	150 ft.
* Additional height may be allowed with approval of a SUP.					

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 25 of 42

SEC. 16-165. SPECIAL REQUIREMENTS SPECIFIC TO C-M, BRP, M-L, M-1, AND M-2.

The purpose of this section is to provide regulations specific to the respective industrial zoning categories as follows.

(A) C-M Zone.

(1) Open storage of materials and equipment shall be permitted in a C-M Zone only when incidental to the use of an office, store, or manufacturing building located on the front portion of the same lot, and provided that:

(a) Storage is located on the rear one-half of the lot and is confined to an area not to exceed 3,000 square feet;

(b) Storage is completely enclosed by a solid wall or fence with necessary solid gates, not less than six feet in height; and

(c) No material is stored to a height greater than that of the wall or fence enclosing the storage area.

(2) Commercial and light manufacturing lots created after January 1, 1974, shall have a minimum area of 10,000 square feet.

(3) Every building in a C-M zone shall be so constructed, machinery and equipment shall be so installed and maintained, and activities shall be so conducted, that all noise, vibrations, dust, odor, and other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity. Whenever there is any difficulty in determining the application of these provisions to any specific case, the Building Official shall make such determination.

(4) Minimum zoning district size composed of contiguous lots, exclusive of streets shall be 20 acres.

(5) Setbacks.

(a) Front. Lots in the C-M Zone having frontage on one side of the street between two intersecting streets need no front yard. If a lot having frontage on one side of the street between two intersecting streets is located in the C-M Zone and R Zone, the front yard requirement for the R Zone shall apply to the C-M Zone. If a front yard is required in the C-M Zone, the yard shall be landscaped and maintained, except for approved driveways and walkways and no parking shall be permitted in this area.

(b) Side. If a lot in a C-M Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than ten feet. If a reversed corner lot rears upon a lot in an R Zone, the side yard on the street side of the reversed corner lot shall be not less than 50% of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a C-M building shall not be required. If a street side yard is required in the case of a reversed corner lot, the area shall be landscaped and maintained except for approved driveways and walkways and no parking shall be permitted in this area.

(B) BRP zone.

(1) Architectural design standards.

(a) Metal buildings shall not be permitted.

(b) A minimum of two types of building texture or materials, exclusive of window glazing and frames, shall be provided on all building elevations having exposure to public streets or residential areas.

(c) All roof structure and mechanical equipment shall be completely screened from abutting public roadways and residential areas. Screening elements shall be integrated with the main structural and architectural features of the structure.

(2) Site design standards.

(a) No parking areas shall be permitted within 20 feet of any residential zone.

(b) The minimum dimension of the landscape area along any street shall be 30 feet. An average of 30 feet may be approved with approval of a DDR.

(c) All activities shall be conducted within a building except as otherwise permitted by a Special Use Permit.

(3) Landscaping. All landscaping shall be installed and maintained in accordance with the requirements of this Chapter. Vegetation sizes and types shall be in accordance with the adopted guidelines for commercial and industrial projects. In addition to these requirements, the following shall apply.

(a) All parking areas shall be screened from public streets by a minimum 36-inch high landscape berm or a combination of a 36-inch high wall and landscaping.

(b) All backflow prevention systems shall be screened by landscaping.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 27 of 42

(c) A minimum of 15% of the lot area shall be landscaped in addition to any required parking lot landscaping.

(4) Utility service and structure.

(a) Where required by the Code, all off-site utility service shall be placed underground. All on-site utility service shall be placed underground.

(b) All aboveground utility structures shall be screened on all sides by landscaping or a structural element which matches the architectural features of the primary structure.

(5) Walls and fences.

(a) A minimum six-foot high wall shall be required where any BRP Zone directly abuts a residential zone. Such a wall may be required on a residential property line where a BRP Zone lies across a public roadway from a residential zone.

(b) Where required or provided, walls and fences shall be finished in textures and/or colors to match architectural features of the primary structure. Landscaping shall abut any exterior building wall where there is no penetration for loading or building entry.

(6) Parking and access.

(a) The quantity and size of vehicle parking spaces and the provision of on-site circulation for uses in the BRP Zone shall be in accordance with this Chapter.

(b) Curb cuts and site access shall be in accordance with adopted standards.

(c) Parking for marked service vehicles related to the on-site uses shall be provided in addition to and exclusive of required employee parking.

(7) On-site advertising signs. The placement and size of building and monument signs shall be in accordance with this Code. Where freestanding signs are permitted by this Code, a monument sign of no more than six feet in height shall be allowed.

(8) Lighting. All on-site lighting systems shall use architectural standards and devices that provide down-lighting and lighting that is shielded from abutting public streets, residential areas, or adjoining properties.

(9) Refuse enclosures and containment.

(a) All uses on individual lots shall provide refuse containers and enclosures in accordance with adopted Public Works Department standards. All solid masonry or concrete

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 28 of 42

enclosures shall be finished in textures and/or colors to match the major architectural features of the primary structure.

(b) The storage of combustible materials shall not occur within 20 feet of any lot line and shall be separate from the storage of normal refuse.

(c) Access to such storage areas shall be subject to the approval of the Fire Department.

(d) All refuse containment areas shall be maintained in a sanitary manner and enclosures and gates shall be maintained in good condition.

(10) Loading and outdoor storage areas.

(a) Loading spaces shall be provided in accordance with this chapter.

(b) Where entries or docks are provided exclusively for loading and unloading purposes, such loading dock areas, ramps, and entries shall be screened from any public roadway or residential area by a solid wall or fence, and landscaping. Such wall or fence shall not be less than eight feet in height.

(c) Where permitted, outdoor storage areas shall be enclosed by a solid wall or fence, and landscaping of not less than eight feet in height.

(d) Solid screening and enclosure walls or fences shall be constructed of materials, textures, and colors to match or compliment the architectural features of the primary structure.

(e) All loading areas or spaces shall be a minimum of 50 feet from any residential zone.

(f) Prior to the issuance of Building Permits for buildings or structures for uses which do not require a Special Use Permit or other zoning permit as required by this Chapter, an administrative permit for Development Design Review shall be approved by the director pursuant to Section 16-525.

(C) M-L Zone.

(1) Front yard setback.

(a) All buildings or structures on property adjacent to a public road shall be set back not less than 20 feet from the property line, or 30 feet when adjacent to designated thoroughfares, minor thoroughfares, or the proposed property line, if future public road dedication is required, whichever is greater.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 29 of 42

(b) Uses permitted in any required front yard setback area shall be limited to pedestrian walks, vehicular access drives, meter pits, signs, and utility manholes.

(2) Side yard setback.

(a) Side yards on interior property lines shall be not less than the height of the building, except that minimum side yards of 50 feet shall be required whenever a lot or parcel of land in the M-L Zone abuts a lot or parcel of land in a residential zone, or abuts any alley which separates a M-L Zone from any residential zone. The side yard adjacent to the public street shall meet the front yard setback requirements.

(b) A common building wall with a zero setback (except as required in subsection 16-165(C)(2)(a) above), may be established by a development plan, which shall provide documentation describing the exchange and recordation of necessary documents to insure adequate access, parking, and easements to serve the development.

(3) Rear yard setback. A rear yard shall be not less than the height of the building, except that a minimum rear yard of 50 feet shall be required whenever a lot or parcel of land in the Limited Manufacturing Zone abuts a lot or parcel in a residential zone or abuts any alley which separates a Limited Manufacturing Zone from any residential zone.

(4) Limitations. Uses permitted in any required side or rear setback area shall be limited to signs, landscaping, parking, loading, and recreation.

(5) Industrial service centers. Limited commercial services within existing or proposed industrial areas to meet the daily needs of industrial employees within their work area in the restricted amount of time available during the journey to work, breaks, or lunch periods.

(a) Location and size. Locational criteria for establishing industrial service centers are as follows:

1. Such centers shall not be located within one-half-mile of existing commercial services;

2. An industrial service center shall be centrally located in an industrial area, or at a location convenient to industrial employees by means of vehicular and pedestrian traffic from all portions of the industrial area which it is proposed to serve; and

3. An industrial service center shall be a minimum of one and a maximum of five acres in size. The total area of all industrial service centers in an industrial area shall not exceed 5% of the designated industrial area unless special circumstances and benefits are shown.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 30 of 42

(b) Survey.

1. An application for an industrial service center shall include an objective market survey of the area shall to determine if there is evidence to support the findings required under subsection 16-165(C)(5)(c). The survey shall be conducted by a consultant selected by the director. The applicant shall make a cash deposit in an amount determined by the director. The survey shall be submitted to the special use permit approval body.

2. The survey shall address the ability of an existing or proposed industrial area to support an industrial service center.

3. A questionnaire shall be prepared and distributed to a cross-section of employees to reflect the needs and desires of the employees of the industrial area where an industrial service center is proposed.

(c) Findings. In order to grant a Special Use Permit for an industrial service center, the approval body must find that:

1. The proposed services will assist in meeting the daily needs of employees within their work area;

2. The proposed services will be subordinate to the primary purpose of the adjacent industrial zone;

3. The proposed commercial uses will not conflict with the commercial service uses of neighboring commercial zones; and

4. The proposed location of the industrial service center has the necessary industrial improvements to support the center.

(6) Walls.

(a) The placement, design, and detail of walls shall be included and indicated on any required project plan.

(b) A six-foot solid decorative masonry wall or other type of visual buffering such as landscaping, architectural treatment, or a combination thereof, shall be provided and maintained on the boundary of the M-L Zone which abuts or is across a public street or alley from a residential zone. Such wall or visual buffering shall be placed in the location shown on the approved project plan to provide the necessary screening from the public right-of-way.

(7) Access. Access to property shall typically be provided from dedicated industrial collector streets 74 feet in width, to provide access from a major thoroughfare or private street. A master circulation plan must be submitted and approved in compliance with adopted city policies. Curb cuts to the property shall be a minimum of 30 feet in width, except as otherwise approved by a master circulation plan, and shall be located in conformance with the adopted city curb cut policies.

(8) Landscaping.

(a) The landscaping requirements are intended to enhance and conserve property values by encouraging a pleasant and attractive environment.

(b) Landscaped areas shall be considered to be areas of lawn, trees, planter boxes, shrubs, or other planted areas. Courtyards, water ponds, fountains, decks, kiosks, walkways, and similar items may be permitted as part of the landscaped area in the discretion of the Planning Commission.

(c) All landscaping shall be provided in accordance with the following standards.

1. A landscape plan shall be required.

2. The entire required front yard setback shall be landscaped, with the exception of that area provided for vehicles or pedestrian access.

3. When the development is either behind or beside a residential zone, or abuts an alley across from residential zone, or abuts developed residential property, there shall be a landscaped area adjacent to that residential or developed property line. The landscaped area shall have a depth of not less than 15 feet. Plant materials used for screening purposes shall consist of compact evergreen plants, together with evergreen trees. They shall be of a kind or used in such a manner so as to provide an opaque screen within 18 months after initial installation.

4. All parking lot landscaping shall be in conformance with this Code.

(9) Underground utilities, lighting, trash enclosures, tanks, transformers, and the like.

(a) All trash enclosures, lighting, utility lines, including, but not limited to, electric, communication, street lighting, and cable television, shall be installed in accordance with this Code.

(b) Appurtenances and associated equipment, including, but not limited to, tanks, air conditioning units, surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts in an underground system, may be placed above ground if

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 32 of 42

approved as part of the project plan and provided that such facilities are adequately screened by landscaping or other means.

(10) Certificate of occupancy.

(a) Application for a Certificate of Occupancy shall be made for any new use, except for the adult businesses referred to in section 16-337 or expansion of land or buildings permitted in Subsection 16-165(D)(2). The Building Official may issue the Certificate only after approval of the new buildings and use by the Director.

(b) Any subsequent modification, change, or changes in the use permitted by a Certificate of Occupancy shall occur only after the holder of such Certificate has obtained an amendment from the Building Official and Director allowing such change or changes.

(c) A Certificate of Occupancy for a use of the land in the M-L zone may be revoked by the City Council after a public hearing, if the City Council finds that the holder of the certificate has failed to comply with the approved Special Use Permit.

(D) M-1 Zone.

(1) Industrial service centers may be established pursuant to the provisions of Subsection 16-165(C)(5).

(2) A change or minor expansion of an existing use may not be changed to a permitted use to be located in an existing structure until the Planning and Environmental Services Manager determines that the proposed use is compatible with the zone. All uses shall be subject to the performance standards of this Division. However, this Subsection shall not apply to adult businesses or to the change of an existing use to an adult business to be located in an existing structure.

(3) Setback requirements.

(a) Front yard setback.

1. All buildings or structures on property adjacent to a public road shall be set back not less than 10 feet from the property line, or 30 feet when adjacent to designated thoroughfares, minor thoroughfares, or the proposed property line, if future public road dedication is required, whichever is greater.

2. Pedestrian walks, vehicular access drives, meter pits, signs, and utility manholes may be located in any required front yard.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 33 of 42

(b) Side yard setback.

1. No side yard setback shall be required along interior property lines where the abutting zoning is M-1 or M-2. Whenever a lot or parcel of land in the Light Manufacturing Zone abuts a lot or parcel of land in a residential zone or abuts an alley which separates a Light Manufacturing Zone from any residential zone, the setback requirement for the residential zone shall apply. The side yard adjacent to a public street shall meet the front yard setback requirements.

2. A common building wall with a zero setback may be established by a project plan which shall provide documentation describing the exchange and recordation of necessary documents to ensure adequate access, parking, and easements to serve the development.

(c) Rear yard setback. A rear yard shall be not less than the height of the building, except that a minimum rear yard of 30 feet shall be required whenever a lot or parcel of land in the Light Manufacturing Zone abuts a lot or parcel in a residential zone or abuts an alley which separates a Light Manufacturing Zone from any residential zone.

(d) Uses permitted in required setback areas. Uses permitted in any required front setback area shall be limited to signs and landscaping. Uses permitted in any other required setback area shall be limited to signs, parking, landscaping, recreational, loading, and outside storage uses, where such storage is adequately screened and approved by a Special Use Permit.

(4) Walls.

(a) The placement, design, and detail of walls shall be included and indicated on any required project plan.

(b) A six-foot solid decorative masonry wall or other type of visual buffering, such as landscaping, architectural treatment, or combination thereof, shall be provided and maintained on the boundary of the Light Manufacturing Zone which abuts or is across a public street or alley from a residential zone. On the front or side front portion of the property, the wall or visual buffering shall be placed in a location as shown on the approved project plan to provide the necessary screening from the public right-of-way.

(5) Access.

(a) Access to property shall typically be provided from dedicated industrial collector streets 74 feet in width, to provide access from a major thoroughfare or private street. A master circulation plan must be submitted and approved in compliance with adopted city policies.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 34 of 42

(b) Curb cuts to the property shall be a minimum of 30 feet in width, except as otherwise approved by a master circulation plan, and shall be located in conformance with the adopted city curb cut policies.

(6) Landscaping.

(a) The purpose of the landscaping requirements shall be to enhance, conserve, and stabilize property values by encouraging a pleasant and attractive environment. Landscaped areas shall be considered those areas of lawn, trees, planter boxes, shrubs, or other plants. Courtyards, water ponds, fountains, decks, kiosks, walkways, and similar areas may be permitted as part of the landscaped area in the discretion of the Planning Commission.

(b) All landscaping shall be provided in accordance with the following standards.

1. A landscape plan shall be required.

2. The entire front yard setback shall be landscaped, with the exception of that area provided for vehicle or pedestrian access.

3. When the industrial development is either behind or beside a residential zone, or where the Light Manufacturing Zone abuts an alley or developed property, there shall be a landscaped area adjacent to that residential or developed property line. The landscaped area shall have a depth of not less than ten feet. Plant materials used for the screen shall consist of compact evergreen plants, together with evergreen trees. They shall be of a kind or used in such a manner so as to provide an opaque screen within 18 months after initial installation.

(7) Underground utilities, lighting, and trash enclosures.

(a) All trash enclosures, on-site lighting, and utility lines, including, but not limited to, electric, communication, street lighting, and cable television, shall be installed in accordance with this code.

(b) Appurtenances and associated equipment, including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts in an underground system, may be placed above ground if approved as part of the project plan and provided that such facilities are adequately screened by landscaping or other means.

(8) Certificate of occupancy.

(a) Application for a Certificate of Occupancy shall be made for any new use, except the adult businesses referred to in section 16-337 or expansion of land or buildings permitted in Subsection 16-165(D)(2). The Building Official may issue the Certificate only after approval of

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 35 of 42

the new buildings and uses by the Director. Any subsequent modification, change, or changes in the use permitted by a Certificate of Occupancy shall occur only after the holder of such Certificate has obtained an amendment from the Building Official and Director allowing such change or changes.

(b) A Certificate of Occupancy for a use of the land in the M-1 Zone may be revoked by the City Council after a public hearing, if the City Council finds that the holder of the Certificate has failed to comply with the approved Special Use Permit.

(E) M-2 Zone.

(1) Setback requirements.

(a) Front yard setback. Where all the frontage on one side of the street between two intersecting streets is located in an M-2 Zone, no front yard shall be required. Where frontage on one side of the street between two intersecting streets is located in an M-2 Zone and an R Zone, the front yard requirement in the R Zone shall apply to the M-2 Zone.

(b) Side yard setback. Where a lot in an M-2 Zone abuts the side of a lot in any R Zone, there shall be a side yard of not less than five feet. In all other cases, a side yard for a commercial or industrial building shall not be required.

(c) Rear yard setback. No rear yard shall be required except where an M-2 Zone abuts an R Zone, in which case there shall be a rear yard of not less than 20 feet.

SEC. 16-166. PERFORMANCE STANDARDS; GENERAL.

(A) All uses in the industrial zones are subject to performance standards as indicated below in Section 16-168.

(B) The property owner (designee) shall ensure compliance with the performance standards, with the exception of adult businesses referred to in section 16-163, except as an approved permit may warrant, and/or except as otherwise provided for in this Division or other Section.

(C) More restrictive performance standards or regulations enacted by an authorized governmental or regulatory agency having jurisdiction of such matters shall take precedence over the provisions of these regulations.

SEC. 16-167. EXCEPTIONS.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 36 of 42

(A) These performance standards do not apply to unexpected brief periods where these standards are exceeded based upon a reasonable cause, such as equipment testing, breakdown of equipment, modification or cleaning of equipment, or other similar reason.

(B) These performance standards shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.

(C) These performance standards shall not apply to agricultural activities, food processing, and similar agricultural related uses.

SEC. 16-168. PERFORMANCE STANDARDS; SPECIFIC.

<i>Performance Standards</i>	<i>Industrial Zones: CM, BRP, M-L, M-1, and M-2</i>
Noise	Baffling or muffling devices or other precautionary means shall be employed with processes or operations causing objectionable noise characteristics to prevent their being objectionable when measured at the property line during normal operation. Noise levels are required to comply with Chapter 7 of this Code.
Smoke and particulates	Visible emissions of smoke shall not exceed Ringlemann No. 1 on the Ringlemann Chart of the U.S. Bureau of Mines, except for exhausts emitted by motor vehicles or other transportation facilities. This requirement shall also be applicable to the disposal of trash and waste materials. Windborne dust, dirt, fly ash, airborne solids, sprays, and mists (except water vapor) originating from any use shall be required to be conditioned and/or mitigated to below the Ringlemann No. 1 level.
Toxic or noxious matter	Toxic gases or noxious matter which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling beyond the property lines of the use shall not be permitted.
Odors	Operations, processes, or products shall not emit odors that are detectable at any point beyond the property lines of the use, except as otherwise exempted by Section 16-167 (Exceptions).
Glare or heat	Any operation producing intense glare or heat shall be performed within an

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 37 of 42

	enclosed or screened area in such a manner that the glare or heat emitted will not be detectable from the property lines of the use.
Vibration	Every use shall be operated so that the ground vibration generated by the use is not harmful or injurious to any surrounding properties. No perceptible vibration (seen or felt without vibration detecting instruments) shall be permitted at any point beyond the property lines of the use.
Electricity and radioactivity	Radio and television transmitters shall be operated at the regularly assigned wave lengths (or within the authorized tolerances thereof) as assigned by the appropriate governmental agency. Subject to such exception, such transmitters shall be suitably wired, shielded, and controlled so that in operation they shall not emit any electrical impulses or waves beyond the lot lines which shall adversely affect the operation and control of any domestic household equipment or any other electronic devices and equipment.
Liquid and solid wastes	Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply, nor to interfere with bacterial processes in sewage treatment. Such operations and uses shall comply with, and in some cases shall be obtain all required permits by authorized governmental health and safety regulatory agencies having jurisdiction over such disposal activities. The disposal or dumping of solid wastes, such as slag, paper or fiber wastes, or other industrial wastes, shall not be permitted for any use.
Fire and explosive hazards	(A) All activities involving the use or storage of combustible, flammable, or explosive materials shall be in compliance with nationally recognized standards, and shall be provided with adequate firefighting and fire-suppression equipment and devices in compliance with the current edition of the National Fire Protection Association regulations and in compliance with the city Fire Department. (B) Burning of waste materials in open fires is prohibited by State law.
Mechanical equipment	All mechanical and electrical equipment, including ground mounted equipment shall be completely screened behind a permanent structure or landscaping. All rooftop mechanical and electrical equipment shall be placed behind a permanent parapet screen or wall and shall be completely screened from any adjacent

	public street view except as otherwise permitted by project conditions of approval.
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SEC. 16-169. INDUSTRIAL ACCESSORY USES: PURPOSE AND INTENT.

The purpose of the following sections is to provide guidance and regulation concerning activities associated with industrial or manufacturing uses, which by their nature could be considered permitted or principal uses in other zones, but which are typically incidental to the principal industrial use.

SEC. 16-170. INDUSTRIAL ACCESSORY USES: OFFICE USES.

Office uses as a principal use are permitted as indicated in section 16-163. Office uses in support of the principal industrial use in M-L, M-1, and M-2 zones are permitted as follows.

(A) In any free-standing building or divisible space, no more than 25% of the total gross floor area of any single or multi-tenant building shall be office area.

(B) Office areas above the 25% threshold may be permitted subject to the approval of a DDR permit. The City may require traffic and/or parking studies to determine the appropriateness of permitting office areas in excess of 25%.

SEC. 16-171. INDUSTRIAL ACCESSORY USES: COMMERCIAL AND RETAIL USES.

Commercial and retail activities in industrial zones shall be limited to those types of uses, which by the size of the product offered or the care and handling of products, requires a significant allocation of space for product display and mechanical handling, or products and goods that are typically marketed to other industrial types of users and services.

(A) Types of commercial products and services are limited to the following:

- (1) Electrical, paint, and plumbing supply;
- (2) Janitorial, building, and property maintenance services, and equipment sales and rental;
- (3) Construction and agricultural equipment sales, rental, and service;
- (4) Medium and heavy-duty trucks sales, rental, and service;

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 39 of 42

(5) Hardware in association with lumber and building material sales;

(6) Spas, hot tubs, and prefabricated pools;

(7) Flooring, surfaces, and cabinet sales;

(8) Equipment, truck, trailer, and light vehicle rental;

(9) Recreational vehicles and watercraft sales, service, and rental;

(10) Restaurants, cafes, coffee shops, printing services, and similar uses intended to primarily serve the businesses and employees of adjacent industrial areas;

(11) Breweries and associated food service, winery tasting rooms, and similar uses as determined by the Planning Manager; and

(12) Similar types of uses and activities as determined by the Planning Manager.

(B) Permit requirements. The uses identified in subsection (A) above are subject to the permit requirements in Section 16-163.

SEC. 16-172. INDUSTRIAL ACCESSORY USES: OUTDOOR USES AND STORAGE/EQUIPMENT.

(A) The guidance for outdoor uses and equipment and storage is provided by the purpose and intent of the respective industrial zoning categories as follows.

(1) C-M, BRP, and M-L zones.

(a) Outdoor equipment is limited to that which is essential to the principal use and which cannot be reasonably accommodated within the associated structure due to the physical characteristics of the equipment, or prohibited by other applicable regulations.

(b) Permit requirements. Outdoor equipment may be permitted by the review and approval of a DDR permit or permit modification as may be applicable.

(c) Outdoor areas shall be fully screened from view based upon the performance standards identified in section 16-168.

(2) M-1 zone.

(a) Except as may be permitted by a Special Use Permit, outdoor uses in the M-1 Zone are limited to:

1. Outdoor equipment as described in subsection (A)(1);
2. Storage of materials directly related to the principal industrial use, provided it is screened and secured as provide for herein;
3. Parking of operative commercial vehicles, including automobiles, bearing identification of the associated business; and
4. Outdoor industrial activities, such as the manufacture, processing, or assembly of goods, raw materials, or equipment is not permitted.

(b) Permit requirements. Outdoor equipment and storage as identified above may be permitted by the review and approval of a DDR permit or permit modification as applicable.

(3) M-2 Zone.

(a) Outdoor storage, equipment and assembly, maintenance, processing, and similar activities, may be permitted in the M-2 Zone subject to the following provisions.

(b) Permit requirements. Except where a Special Use Permit is required by section 16-163, the following permits apply to outdoor uses in the M-2 Zone.

1. Incidental outdoor equipment or storage: DDR permit or permit modification as applicable.

2. Active manufacturing, assembly, storage, or processing: DDR permit.

(c) Standards applicable to outdoor uses and equipment.

- (1) All outdoor equipment and storage areas shall be screened and secured by walls, fences, and gates. Where incidental outdoor equipment is proposed, the equipment may be painted to match the related structure and protected from damage by means other than walls and gates. Tanks and equipment made of stainless steel and similar material need not be painted.

- (2) All storage areas shall be screened by a wall or opaque fence no less than six feet in height at any given point.

- (3) All outdoor storage and active industrial activities in the M-2 Zone shall be screened by a wall or opaque fence of no less than eight feet in height at any given point.

SEC. 16-173. PERMITS REQUIRED FOR SPECIFIC COMMERCIAL CANNABIS ACTIVITIES.**SEC. 16-173. Permits Required For Specific Commercial Cannabis Activities.**

- (A) A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the Business and Research Park (BRP) zone, the Limited Manufacturing (M-L) zone, the Light Manufacturing (M-1) zone, and the Heavy Manufacturing (M-2) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) Permit.
- (B) A commercial cannabis business for retail uses may be permitted in the Business and Research Park (BRP) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit.
- (C) A commercial cannabis business for retail uses may be permitted in the Planned Development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit (SUP). A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the planned development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) permit.”

Section 6. If any section, subsection, phrase, or clause of this 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 this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid.

Section 7. City Council approves reading of title only and waives reading of the ordinance at the second reading.

City Council Ordinance No. 2985

PZ 20-580-01 and 20-580-04 (Industrial Code and Cannabis Ordinance Amendments)

September 1, 2020

Page 42 of 42

Section 8. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 9. 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 code for and against the same, in the office of the City Clerk in accordance with Government Code 36933. Ordinance No. 2985 was first read on July 21, 2020, finally adopted on September 1, 2020, to become effective thirty (30) days thereafter.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

Insert new line within Table 16-148 (Page 25)
Add "Cannabis Retail" and "C" as show.

Allowed Uses Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Retail, Service, and Office				
Alcohol ² , beverage, with food sales (on-site consumption)	---	C	C	C
Artisanal Production	---	P	P	P
Bed and Breakfast Inn < 12 rooms	---	P	P	P
Brew Pub, Winery, Tasting Room	---	---	C	C
Cannabis Retail	---	---	C	C
Drive-through service	---	---	---	---
Grocery Store < 10,000 sq ft	---	P	P	P
Grocery Store > 10,000 sq ft	---	---	---	P
Health and exercise center / spa	---	P	P	P
Homeless shelter and resource center	---	---	C	---
Hotel	---	---	P	P
Mortuary, funeral home	---	---	P	---
Motor Vehicle sales, service	---	---	---	---
Museum, Art Gallery	---	P	P	P
Office: financial, professional, government, administrative	---	P	P	P
Office, medical	---	---	P	P ³
Outdoor Dining / Sidewalk Cafe ⁶ / Parklet ⁶	---	P	P	P
Outdoor Display	---	P ⁶	P ⁶	P ⁶
Multiplex Motion Picture Theater/Live Theater	---	---	---	C
Eating and Drinking Establishment < 5,000 sq ft ²	---	P	P	P
Eating and Drinking Establishment > 5,000 sq ft ²	---	---	---	P
Retail < 5,000 sq ft ³	---	P	P	P
Retail > 5,000 sq ft ³	---	---	---	P
Services, Administrative and Professional, Business Support	---	P	P	P
Services, Personal	---	P	P	P ³
Social Services	---	---	---	---
Studio: art, music, dance	---	P	P	P
Thrift or secondhand store	---	---	---	---
Use involving sale of alcohol for off-site consumption	---	C	C	C
Utility, Transportation, Public Facility, and Communication				
Public parking lot/facility	---	---	P	C
Transit facility	---	---	---	C ³
Wireless communications facility	P ⁵	P ⁵	P ⁵	P ⁵

Key

P use allowed by right, subject to identified standards
C use requires approval of Special Use Permit (SUP)
--- use not allowed

Notes

- ¹ In compliance with frontage requirements in 16-150.
- ² Bar allowed if accessory to a restaurant; requires SUP
- ³ Not allowed on A Street between 3rd and 6th street
- ⁴ Pursuant to City Code Ch. 16, Article V, Division 6 (Home Occupation Permits)
- ⁵ Required stealth design; Pursuant to City Code Ch. 16, Article V., Division 16 (Wireless communication facilities)
- ⁶ Minimum 5ft clear path on sidewalk, and subject to issuance of an encroachment permit.



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

DATE: September 1, 2020

TO: City Council

FROM: Jeff Pengilley, Interim Community Development Director, (805) 385-8208, jeff.pengilley@oxnard.org

SUBJECT: Planning and Zoning Permit No. 19-680-01 (Mills Act Agreement-Henry T. Oxnard-Landmark No. 161), Murray J. Wineman House at 121 South F Street (APN 202-0-030-140). Filed by Robin Roy, Successor Trustee on behalf of Property Owner.

RECOMMENDATION

That the City Council approve a recommendation by the City of Oxnard Cultural Heritage Review Board to authorize the Mayor to execute a Mills Act Contract (Agreement No. A-8200) to maintain and preserve a historic property located at 121 South F Street (Oxnard-Landmark No. 161).

BACKGROUND

Since 1991, the City of Oxnard has worked and contracted with the County of Ventura Resource Management Agency to review and make recommendations on historical applications such as historical landmarks, Certificate of Appropriateness, environmental reviews and contracts affecting historical properties. Since that time, the Ventura County Cultural Heritage Review Board has acted as the City of Oxnard's Cultural Heritage Review Board.

DISCUSSION

On August 6, 2019, the City received an application request for a Mills Act Agreement for the subject property. The Mills Act is a State law where historical properties are eligible for property tax reduction by the Ventura County Assessor, pursuant to the Revenue and Taxation Code Section 439 et seq. The property tax reduction serves as an incentive in exchange for the continued preservation and rehabilitation of historic or contributing properties. The Mills Act Agreement is a property tax relief contract which includes preservation and rehabilitation schedules agreed to by the owner to restore and/or maintain the property in accordance to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. In the City of Oxnard, the Mills Act historical preservation incentive program has been available to owners of qualified historic properties since 2007 and within the City there are currently nine properties that are participating in the Mills Act program. The agreement also establishes annual inspections for verification that the property is being maintained and that rehabilitation obligations are on schedule for the life of the agreement.

Pursuant to City Council Resolution Nos. 10,135 and 13,215, on March 9, 2020, the Ventura County Cultural Heritage Review Board (CHRB) acting as the Oxnard Cultural Heritage Review Board (OCHRB) held a public meeting and recommended that the City Council approve a Mills Act Contract for the subject property at 121 South F Street. Prior to the meeting, Ventura County Planning Staff and members of the Cultural Heritage Board conducted a site inspection of the property to evaluate and document existing property conditions of structures and property surroundings to assess the integrity of the property and its contributing resources. The OCHRB has determined that the property's historical preservation and unique characteristics are a contribution to the Henry T. Oxnard Historic District Landmark No. 161,

which is listed in the National Register of Historic Places. The Mills Act Contract is a ten year contract that requires the owner to stipulate proposed rehabilitation measures. The rehabilitation measures include the following measures:

- Year 1: Repair termite damage and match finish on floors and eaves (portions of flooring in dining room, living room, porch, and garage)
- Year 2: Add wood preservative to porch floor
- Year 3: Replace missing plate rails in dining room
- Year 4: Add rain gutters and downspouts to north and south sides of house
- Year 5: Seismic retrofit of foundation (will need assessment at that time, price dependent on condition of foundation)
- Year 6: Repair minor plaster damage in bedroom walls and paint any necessary interior walls
- Year 7: Refinish flooring in dining room and office, add protective coating to living room and master bedroom
- Year 8: Replace weights and pulleys in four windows (dining room and kitchen), replace cracked glass in three windows (dining room and office), and repair four windows currently painted shut (office)
- Year 9: Paint exterior (siding and trim)
- Year 10: Clean chimney and repair mortar on the fireplace

All proposed projects are subject to OCHB review or OCHB staff review prior to commencing.

ENVIRONMENTAL IMPACT

Pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving existing facilities are exempt from environmental review. Pursuant to Section 15331 (Class 31, Historical Resource Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA) Guidelines, projects involving maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings are exempt from environmental review.

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.

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:

Objective 2c. Capitalize on historic, cultural and natural resources.

FINANCIAL IMPACT

The Mills Act is a state law allowing cities to enter into contracts with the owners of historic structures. Such contracts require a reduction of property taxes in exchange for the continued preservation of the property. Property taxes are recalculated using a formula in the Mills Act and Revenue and Taxation Code. Typically property owners can expect a 20% to 60% savings on their property taxes. Based on 2019-2020 property tax published online, a 20% to 60% reduction in those property taxes would benefit the property owner by an amount between \$620 per year and \$1,861 per year. Since the City receives approximately 22% of each property tax dollar, the annual loss to the General Fund would be between \$273 and \$819. The term of the contract is 10 years; however it is automatically extended for one year at its anniversary.

The agreement stays with the property, that is, the agreement automatically transfer to each new property owner and the property is not re-appraised at the full market value. Both the owner and local government may cancel the contract by filing a 'notice of non-renewal', which would allow the contract to stop its' annual renewal and 'wind down' over the next 10 years.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Juan Martinez, Associate Planner

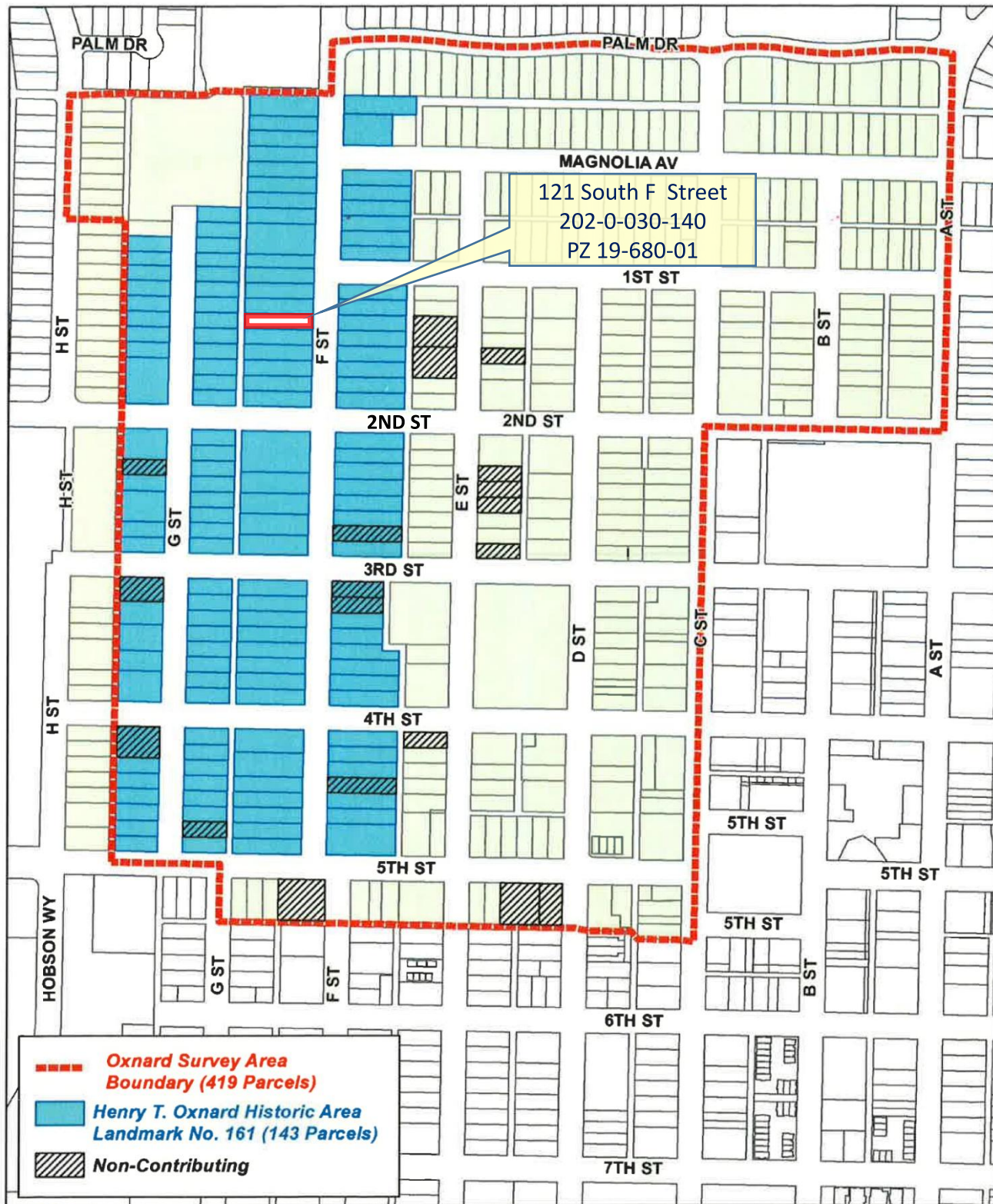
ATTACHMENTS

1. Location Map-121 S F Street
2. Oxnard Cultural Heritage Board Staff Report dated March 9, 2020 (without Attachments)
3. Memo to Oxnard Cultural Heritage Board dated dated March 9, 2020 (without Attachments)
4. Mills Act Agreement (Agreement No. 8200)

Vicinity Map

Attachment 1

ITEM #I-4



Ventura County
 Resource Management Agency
 Information Systems Department
 Map created on 05/06/2013



Oxnard Historic Survey Area

0 150 300 600 Feet

Disclaimer: this map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein.



Oxnard Cultural Heritage Board

Staff Report and Recommendations

Agenda of March 9, 2020, Item 9a

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-5042 • vcrma.org/divisions/planning

APPLICANT/OWNER

Robin Roy
121 South F Street
Oxnard, CA 93030

REQUEST:

Consider a recommendation to the City of Oxnard City Council to establish a Historical Property Contract (also known as a Mills Act Contract) pursuant to Ventura County Ordinance No. 4225 §1364-10 and §50280 of the California Government Code for the subject property at 121 South F Street (see Exhibit 1 – Location Map) (CH20-0006).

LOCATION AND PARCEL NUMBER:

121 South F Street, Oxnard, CA/APN: 202-0-030-140

I. BACKGROUND:

A. Historical Background

Single-story Craftsman Bungalow house built in 1910 for Murray J. Wineman, employed as Vice-President of the Wineman Company, and his wife Ethel. The residence is designated as part of Ventura County Landmark No. 161 (Henry T. Oxnard Historic District); the Henry T. Oxnard Historic District was listed in the National Register of Historic Places on February 5, 1999.

B. Architectural Background:

The U-shaped single-story Craftsman Bungalow with Swiss influences features a medium-pitched center gable and a low-pitched shed roof over the porch area. The exterior is dark stained shingles with lattice treatment below the apex of the center gable with brackets projecting under the eaves. The porch columns and chimney are made with concrete cast in a battlement design. The front windows are a series of divided, vertical-shaped cross-sectioned windows.

II. PROJECT ANALYSIS

The property owner is requesting to enter into a Mills Act Contract with the City of Oxnard for the benefit of property tax savings in exchange for the continued preservation of the residence located at 121 South F Street (see Exhibit 1 – Location Map).

The Contract requires the owner to stipulate proposed rehabilitation measures (see Exhibit 4 – Proposed 10-Year Rehabilitation Plan) for the ten-year contract. These are summarized by the owner on the application. If the owner's proposal is deemed insufficient by the Oxnard Cultural Heritage Board (OCHB), the proposal may be modified with the agreement of the owner. The rehabilitation measures include the following:

- Year 1: Repair termite damage and match finish on floors and eaves (portions of flooring in dining room, living room, porch, and garage)
- Year 2: Add wood preservative to porch floor
- Year 3: Replace missing plate rails in dining room
- Year 4: Add rain gutters and downspouts to north and south sides of house
- Year 5: Seismic retrofit of foundation (will need assessment at that time, price dependent on condition of foundation)
- Year 6: Repair minor plaster damage in bedroom walls and paint any necessary interior walls
- Year 7: Refinish flooring in dining room and office, add protective coating to living room and master bedroom
- Year 8: Replace weights and pulleys in four windows (dining room and kitchen), replace cracked glass in three windows (dining room and office), and repair four windows currently painted shut (office)
- Year 9: Paint exterior (siding and trim)
- Year 10: Clean chimney and repair mortar on the fireplace

All proposed projects are subject to OCHB review or OCHB staff review prior to work commencing.

Additionally, the owner is required to maintain the property in accordance with the Secretary of the Interior Standards for Rehabilitation (SOI Standards), and other regulations cited in paragraph 3 of the Contract, Exhibit 2. The owner shall submit all modifications to the site to be approved by the OCHB pursuant to the City's Cultural Heritage Ordinance (OCHO).

Mills Act Findings: As required by the language of the contract, the following findings must be made by the OCHB:

1. Robin Roy, Successor Trustee of the William Berkman and Robin Roy Revocable Trust, possesses and owns real property located at 121 South F Street, Oxnard, Ventura County, California;

2. The property is a qualified historical property that is privately owned, not exempt from property taxation and is designated as Ventura County Historical Landmark No. 161;
3. The owner desires to carry out the relevant purposes of the California Government Code for the entire site and structures thereon; and
4. The owner desires to limit the use of the historical property, 121 South F Street, Oxnard, to retain its characteristics as a property of historical significance.

The Mills Act Contract application is attached for the OCHB's information (see Exhibit 3) including the proposed ten-year rehabilitation plan (see Exhibit 4). A list of historic characteristics and photos of the subject property are also included (see Exhibit 5). A copy of the relevant California Department of Parks and Recreation (DPR) 523 Form and survey information for the subject property are included for the OCHB's reference (see Exhibit 6).¹ Lastly, a legal description of the property (see Exhibit 7) and title report (see Exhibit 8) are included for the OCHB's review.

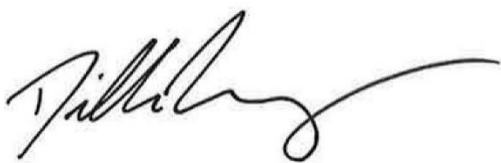
Recommendations:

1. **CONSIDER** and **APPROVE** findings one through four noted above, and if approved, **CONSIDER** recommending adoption of the proposed Mills Act Contract to the Oxnard City Council.

III. PUBLIC COMMENTS

No public comment regarding this application has been received.

Prepared by:



Dillan Murray, Assistant Planner
Planning Programs Section
(805) 654-5042

Reviewed by:



Denice Thomas, AICP, Manager
Planning Programs Section
(805) 654-2685

Exhibit 1: Location Map
Exhibit 2: Mills Act Contract Draft

¹ Ventura County Cultural Heritage Survey Phase I – Oxnard, prepared by Judy Triem, 1981.

Oxnard Cultural Heritage Board
CH20-0006 Staff Report
March 9, 2020
Page **4** of **4**

Exhibit 3: Mills Act Contract Application
Exhibit 4: Proposed 10-Year Rehabilitation Plan
Exhibit 5: Historic Characteristics and Photos
Exhibit 6: DPR Form and Survey Information
Exhibit 7: Legal Description
Exhibit 8: Title Report

Oxnard Cultural Heritage Board

Memorandum

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-5042 • vcrma.org/divisions/planning

Date: May 29, 2020

To: Oxnard Cultural Heritage Board (OCHB)

From: Dillan Murray, Program Planner, Ventura County Cultural Heritage Board
Denice Thomas, Manager, Planning Programs Section, County of Ventura

Subject: Mills Act Contract – 121 South F Street, Oxnard (Landmark 161)

On March 9, 2020, the Ventura County Cultural Heritage Board (CHB), acting as the OCHB, pursuant to Resolution No. 10,135 of the City Council of the City of Oxnard ("Oxnard City Council"), held a public meeting to consider a recommendation to the Oxnard City Council to establish a Historical Property Contract (also known as Mills Act Contract) pursuant to Ventura County Ordinance No. 4225 §1364-10 and §50280 of the California Government Code for the subject property at 121 South F Street, Oxnard (CH20-0006).

At this meeting the Ventura County CHB, acting as the Oxnard CHB (OCHB), heard a presentation by Staff outlining the project location, project description, property background and record, evaluation of historic significance, photos and supplemental materials. Pursuant to Resolution No. 10,135 of the Oxnard City Council, the OCHB considered the following Mills Act findings 1 through 4:

1. Robin Roy, Successor Trustee of the William Berkman and Robin Roy Revocable Trust, possesses and owns real property located at 121 South F Street, Oxnard, Ventura County, California;
2. The property is a qualified historical property that is privately owned, not exempt from property taxation and is designated as Ventura County Historical Landmark No. 161;
3. The owner desires to carry out the relevant purposes of the California Government Code for the entire site and structures thereon; and
4. The owner desires to limit the use of the historical property, 121 South F Street, Oxnard, to retain its characteristics as a property of historical significance.

Oxnard Cultural Heritage Board
CH20-0006 Memorandum
March 9, 2020
Page 2 of 2

Subsequently, the OCHB approved findings one through four as noted above and recommended adoption of the proposed Mills Act Contract to the Oxnard City Council, with revisions and clarifications. Upon discussion with and concurrence by the Project Applicant, the OCHB recommended reordering some items in the Proposed Ten-Year Rehabilitation Plan prior to transmittal to the City of Oxnard. The gutter/downspout replacement and seismic retrofit items would be moved to Item 4 and 5, respectively, in the Proposed Ten-Year Rehabilitation Plan, while the original Item 4 and 5 would be shifted to Item 8 and 9. This reorganization intended to prioritize items which preserved structural integrity and shift some cosmetic items towards the latter portion of the plan. Further, the OCHB directed Staff to clarify and revise the Staff Report and Exhibit 5: Historic Characteristics and Photos as requested by CHB members prior to transmittal.

If you have any questions, please do not hesitate to call me at (805) 654-5042 or email me at Dillan.Murray@ventura.org.

Sincerely,



Dillan Murray
Cultural Heritage Program Planner
Ventura County Planning Division

Encl:

Exhibit 1: Location Map
Exhibit 2: Mills Act Contract Draft
Exhibit 3: Mills Act Contract Application
Exhibit 4: Proposed 10-Year Rehabilitation Plan
Exhibit 5: Historic Characteristics and Photos
Exhibit 6: DPR Form and Survey Information
Exhibit 7: Legal Description
Exhibit 8: Title Report

CC: Juan Martinez, City of Oxnard
Robin Roy, Applicant
Case File

RECORDING REQUESTED BY:

CITY OF OXNARD

Request recording without fee. Recorded for
Benefit of the City of Oxnard pursuant to
Section 6103 of Government Code.

WHEN RECORDED MAIL TO:

City of Oxnard
City Clerk's Office
300 West Third Street
Oxnard, CA 93030

AGREEMENT A-8200

AGREEMENT AFFECTING REAL PROPERTY

THIS AGREEMENT is made and entered into by and between

CITY OF OXNARD, a California Municipal Corporation, hereinafter called ("**CITY**") and
Robin Roy, Successor Trustee of the William Berkman and Robin Roy Revocable Trust,
hereinafter called ("**OWNER**")

RECITALS

OWNER possesses and owns real property located within the City of Oxnard, as described in Exhibit A, attached hereto and incorporated herein by this reference.

The real property is qualified historical property that is privately owned, is not exempt from property taxation, and is either: (a) Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations; or (b) listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places or landmarks. The real property is hereinafter referred to as the "**Historical Property**."

Both CITY and OWNER desire to carry out the purposes of Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code, and Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

Both CITY and OWNER desire to preserve the Historical Property and, when necessary, to restore and rehabilitate the Historical Property to retain its characteristics as property of historical significance.

AGREEMENT

NOW, THEREFORE, OWNER and CITY, in consideration of the mutual promises, covenants and conditions contained herein and the substantial public benefits to be derived therefrom, agree as follows:

1. Agreement Subject to California Government Code Sections 50280-50290

This Agreement is made pursuant to California Government Code Sections 50280 through 50290 and Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code, and is subject to all of the provisions of those statutes, except as modified by this Agreement.

2. Furnishing Information

Owner hereby agrees to furnish City with any and all information requested by City, which City deems necessary or advisable to enable City to determine compliance with the terms and provisions of this Agreement.

3. Preservation, Restoration and Rehabilitation of Property

OWNER agrees to preserve, restore, and rehabilitate the Historical Property in conformance with the following conditions, requirements, and restrictions:

- a. OWNER shall preserve and maintain the characteristics of historical significance of the Historical Property as described in Exhibit A and incorporated herein by this reference. A list of the minimum standards and conditions for maintenance, use, and preservation of the Historical Property, which shall apply to such Historical Property throughout the term of this Agreement, is attached hereto as Exhibit B and incorporated herein by this reference.
- b. OWNER shall, where necessary, restore and rehabilitate the Historical Property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code, and in accordance with schedule of rehabilitations attached hereto as Exhibit C and incorporated herein by this reference.

4. Inspections

OWNER agrees to permit periodic examinations of the interior and exterior of the Historical Property by CITY's Cultural Heritage Board representative(s), the Assessor of Ventura County, the State Department of Parks and Recreation, and the State Board of Equalization, as may be necessary to determine OWNER'S compliance with this Agreement.

5. Annual Inspection Fee

Each year on the anniversary date of this Agreement, OWNER shall pay an annual fee listed in the City of Oxnard Planning Department's current fee schedule for Mills Act Contract Inspections for the inspection of the Historical Property by Cultural Heritage Board representative(s).

6. Term of Agreement

The term of this Agreement shall be for a minimum period of ten years, from January 1, 2021 to and including December 31, 2031.

7. Notification by Owner

OWNER or an agent of OWNER shall provide written notice of this Agreement to the Office of Historic Preservation within six months of the execution of this Agreement.

8. Automatic Renewal

On the anniversary date of this Agreement, one year shall be added automatically to the initial ten year term of the Agreement, unless Notice of Nonrenewal is given as provided in this Agreement.

9. Update of Improvement Schedule.

At least ninety (90) days prior to the tenth anniversary of the Effective Date of this Agreement, and ninety (90) days prior to every tenth (10th) anniversary thereafter, OWNER shall provide the CITY with an updated schedule of improvements and maintenance items for the Cultural Heritage Board's review and approval, which shall not be unreasonably withheld. Such updated schedule shall contain a list of proposed improvements and/or revisions to be accomplished during the next succeeding ten (10) years of the Agreement and a schedule for the construction of such improvements. Within thirty (30) days after the CITY's receipt of said updated schedule, the Cultural Heritage Board shall either approve or disapprove such proposed schedule of proposed improvements, or shall respond in writing by stating what further information, if any, the Cultural Heritage Board reasonably requires in order to determine the request complete and determine whether or not to grant the requested approval. Upon receipt of such a response, the OWNER shall promptly furnish to the CITY such further information as may be reasonably requested.

10. Notice of Nonrenewal

If in any year either OWNER or CITY desires not to renew this Agreement, that party shall serve written Notice of Nonrenewal on the other party in advance of the annual renewal

date. Unless the Notice is served by OWNER at least ninety (90) days or by CITY at least sixty (60) days prior to the renewal date, one year shall automatically be added to the term of this Agreement. Upon receipt by OWNER of a Notice of Nonrenewal from CITY, OWNER may make a written protest. At any time prior to the renewal date, CITY may withdraw its Notice of Nonrenewal.

11. Effect of Notice of Nonrenewal

If in any year either party serves Notice of Nonrenewal, this Agreement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of this Agreement, as the case may be.

12. Cancellation

CITY may cancel this Agreement if CITY determines OWNER has breached any of the conditions or covenants of this Agreement or has allowed the Historical Property to deteriorate to the point that it no longer meets the standards for qualified historical property. CITY may also cancel this Agreement if it determines OWNER has failed to restore or rehabilitate the Historical Property in the manner specified in this Agreement.

13. Notice of Cancellation

This Agreement cannot be cancelled until after CITY has given notice and has held a public hearing regarding the grounds of cancellation set forth in paragraph 12. Notice of the hearing shall be mailed to the last known address of OWNER of the Historical Property and to each owner of property within the historic zone where the Historical Property is located, and shall be published in accordance with Government Code Section 6061.

14. Cancellation Fee

If CITY cancels this Agreement in accordance with paragraph 12 above, OWNER shall pay a cancellation fee of 12-1/2% of the current fair market value of the Historical Property at the time of cancellation, which shall be determined by the Ventura County Assessor without regard to any restriction on the Historical Property imposed pursuant to this Agreement. The cancellation fee shall be paid to the Ventura County Auditor-Controller at such time and in such manner as he or she shall prescribe. The Ventura County auditor shall allocate the cancellation fee to each jurisdiction in the tax rate area in which the Historical Property is located in the same manner as he or she allocates the annual tax increment in that tax rate area in that fiscal year.

15. Alternative Enforcement

As an alternative to cancellation of this Agreement for breach of any condition, CITY or any landowner may bring any action in court necessary to enforce the Agreement including, but not limited to, an action to enforce the Agreement by specific performance or injunction.

16. Notices

All notices required by or provided for in this Agreement shall be given in writing and may be mailed or delivered in person. If mailed, the address of OWNER shall be that last known address on CITY records, and CITY's address shall be: Planning Division, 214 South C Street, Oxnard, California 93030. Deposit of notice in the mail, postage prepaid, shall be deemed receipt of the notice.

17. No Compensation

OWNER shall not receive any payment from CITY in consideration of the obligations imposed under this Agreement, it being recognized and agreed that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to OWNER as a result of the effect upon the assessed value of the Historical Property on account of the restrictions on the use and preservation of the Historical Property.

18. Remedy if Agreement Held Not an Enforceable Restriction

If a court determines, and that determination is not appealed or is upheld on appeal, that this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the Term or any renewal of this Agreement, then this Agreement shall be null and void and without further effect and the Historical Property subject to this Agreement shall from that time be free from any restriction whatsoever under this Agreement without any payment or further act of the parties to the Agreement.

19. Eminent Domain Proceedings

In the event that the Historical Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by CITY to frustrate the purpose of this Agreement, the Agreement shall be cancelled and no fee shall be imposed under Government Code Section 50286. This Agreement shall be deemed null and void for all purposes of determining the value of the property so acquired.

20. Recordation

No later than 20 days after CITY enters into this Agreement, the City Clerk of the City of Oxnard shall record a copy of the Agreement (with properly notarized signatures of the Agreement signatories). This Agreement shall be recorded on or before the lien date for the

fiscal year in which the valuation, pursuant to Revenue and Taxation Code Section 439 et seq., will apply. From and after the time of recordation, this Agreement shall impart notice thereof to all persons, as is afforded by the recording laws of the State.

21. Successors and Assigns

This Agreement is binding upon and shall inure to the benefit of all successors in interest of OWNER. A successor in interest shall have the same rights and obligations under this Agreement as the original OWNER who entered into this Agreement.

22. Amendments.

This Agreement may be amended, in whole or in part, only by a written and recorded instrument executed by the parties hereto, except that the CITY's Community Development Director and OWNER are authorized to amend the list of required rehabilitation projects described in Exhibit C.

23. Administration.

This Agreement shall be administered by the CITY's Planning Manager (or his/her designated representative) following approval of this Agreement by the Oxnard City Council. The CITY shall maintain authority of this Agreement through the CITY's Planning Manager (or his/her authorized representative). The CITY's Planning Manager, upon mutual agreement with the OWNER, shall have the authority to issue interpretations, waive provisions and enter into amendments of Exhibit C of this Agreement on behalf of the CITY so long as such actions do not change the uses permitted on the Historic Property or the purpose of this Agreement, and such amendments may include extensions of time specified in Exhibit C. All other waivers or amendments shall require the written approval and consent of the Oxnard City Council.

IN WITNESS WHEREOF, CITY and OWNER have caused their names to be affixed hereto by the proper officers thereof. This Agreement is signed and executed this ____ day of ____ , 2020.

[SIGNATURES ON FOLLOWING PAGE]

Mills Act Agreement No. A-8200
Murray J. Wineman House
121 South F Street
Page 7 of 7

CITY OF OXNARD

OWNER/S

Tim Flynn, Mayor

Robin Roy, Successor Trustee of the
William Berkman and Robin Roy
Revocable Trust

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

APPROVED AS TO CONTENT:

Jeff Pengilley,
Interim Community Development Director

EXHIBIT "A"

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 70 OF THE HENRY T. OXNARD SUBDIVISION, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5 PAGE 49 OF MISCELLANEOUS RECORDS (MAPS), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ASSESSOR'S PARCEL NUMBER: 202-0-030-140

HISTORIC PROPERTY CHARACTERISTICS

121 South F Street Oxnard 93030

- Built in 1910 for Murray J. Wineman, this U-shaped single-story Craftsman bungalow features a medium-pitched center gable and a low-pitched shed roof over the porch area.
- The exterior is dark stained shingles with lattice treatment below the apex of the center gable with brackets projecting under eaves. The exterior singles extend to the ground level.
- The unusual and distinctive porch columns and chimney are made with concrete cast in a battlement design.
- This home's features have been maintained, including original windows and shingles and historic paint colors.
- The 1,700–square foot property has three railroad-style bedrooms (series of directly connected rooms) and one bathroom.
- The rear yard contains an original detached garage as well as an added shed designed in similar style.
- There are picture rails throughout the home (stained wood in living room and dining room; painted white in office and bedrooms).
- There are original front door, window, and floor molding (stained wood in living and dining rooms; painted white in kitchen, office, bedrooms, and bathroom).
- Floors are refinished originals (stained wood, sans kitchen).
- The living room fireplace is brick with stained wood mantle.
- Push-button light switches throughout.

- The front windows are a series of divided, vertical-shaped, cross-sectioned, primarily fixed windows. There are sets of five, nine-over-two panel windows on each side of the front door as well as one set of three, six-over-two windows in the living room (right side of façade). On all three sets of front windows, both the innermost and outermost windows are casement with added screens while the others are fixed. Exterior windows are painted burnt orange with olive-green trim.

Additional window, door, and decorative elements throughout the residence are described by room, as follows:

- The living room contains two, six-over-one fixed windows on the northern side. Moldings (floor, window, door) are stained wood. A stained wood five-panel door leads to the adjacent office/front bedroom.
- The office/front bedroom features twelve-over-two casement window on the southern side. Five-panel doors (painted white) lead to the closet and bathroom. The floor moldings, door moldings, and picture rails are wood, painted white. The bathroom contains two, six-over-two casement windows on the southern side; moldings and cabinetry are wood, painted white.
- The master bedroom features two, twelve-over-two casement windows on the southern side. Moldings (floor, window, and picture railing) are wood, painted white. A five-panel door leading to the second bedroom is painted white.
- The second bedroom contains twelve-over-two casement window on the southern side. Moldings (floor, window, and picture railing) are wood, painted white. The door leading to the adjacent mudroom contains six-by-three panel glass. The five-panel door connected to the dining room is wood painted white (bedroom side) and stained (dining room side). Facing the rear yard courtyard, the second bedroom contains a two-by-two glass panel door.
- The mudroom/rear bonus room contains two, eight-over-two casement windows on the southern side and four, twelve-over-two windows on the rear/western side (the two windows nearest the door being casements and the two on the southern side being fixed). A five-panel door (painted white

on the interior side, painted orange on the exterior side) leads to the rear yard.

- The dining room features four, six-by-two panel fixed windows on the northern side and two, nine-over one single-hung windows facing the rear courtyard/yard. Moldings (floor, window, door, and picture rails) are stained wood, as is built-in cabinetry.
- The kitchen contains two, one-over-one single-hung windows on the northern side. Moldings (floor, window, door, and chair rails) are wood, painted white, as is the cabinetry. A painted white five-panel door (with glass panel inlaid) leads to the adjacent laundry room. The laundry room contains a combination awning/fixed window (two outer window panels being awning, two inner being fixed); moldings are wood, painted white.















Proposed Mills Act Contract Ten-Year Rehabilitation Plan For:
(Provide Address and Landmark Number)

Year	Proposed Project* <i>(Describe the rehabilitation project in detail)</i>	Estimated Cost
Year 1	repair termite damage and match finish on floors and eaves (dining room floor near kitchen entrance and living room floor near fireplace, two spots on front porch, two spots on garage)	\$2,000
Year 2	add wood preservative to porch floor	\$200
Year 3	replace missing plate rails in dining room (small portions missing on two walls)	\$250
Year 4	add historic rain gutters and downspouts to north and south sides of the house to redirect water, especially from foundation outside dining room and office	\$3,000
Year 5	earthquake retrofit to foundation, will need current assessment at that time, price dependent on condition of foundation	\$5-10,000
Year 6	replace minor plaster damage in bedroom walls, paint any necessary interior walls (historic colors)	\$2,000
Year 7	refinish flooring in dining room and office, add protective coating to living room and master bedroom	\$3,000
Year 8	replace weights and pulleys in four windows (dining room and kitchen), replace cracked glass in three windows (dining room and office), repair four windows painted shut (office)	\$2,000
Year 9	paint exterior (siding and trim)	\$4,600
Year 10	clean chimney and repair small spots of mortar on the fireplace	\$700

*Please note that projects that affect a residence (exterior or interior) are subject to Cultural Heritage Board or Cultural Heritage Board staff review and approval prior to work commencing. Work must meet all Building Code and Zoning Ordinance requirements and the ***Secretary of the Interior's Standards for the Treatment of Historic Rehabilitation.***

See attached list of potential Mills Act Contract projects. All approved Mills Act Contracts will be subject to an annual inspection. The property owner is responsible for providing "before" and "after" photographs for all rehabilitation activities and for covering the costs related to these inspections.



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

DATE: September 1, 2020

TO: City Council, Successor Agency

FROM: Ashley Golden, Assistant City Manager, (805) 385-7478, ashley.golden@oxnard.org

SUBJECT: Amended Recognized Obligation Payment Schedule 2020-21B.

RECOMMENDATION

That the Community Development Commission Successor Agency (Successor Agency) adopt a resolution adopting an Amended Fifth Annual Recognized Obligation Payment Schedule for January 1, 2021 - June 30, 2021 (ROPS 20-21B).

BACKGROUND

Each year the Successor Agency prepares a Recognized Obligation Payment Schedule (ROPS) to request tax distributions and authorize eligible expenditures. Approvals are required by the Successor Agency, the Ventura County Consolidated Oversight Board (Oversight Board), and the State Department of Finance (DOF). The Successor Agency previously approved ROPS 20-21, for the July 1, 2020, to June 30, 2021 reporting period, on January 7, 2020. However, one of the Successor Agency's agreement obligations will, in all likelihood, exceed its ROPS payment authority. This report presents an amended ROPS 20-21 to provide additional ROPS payment authority for the Successor Agency's existing contractual obligation to the Oxnard Theater Group.

Under Health and Safety Code (HSC) section 34177 (o) (1) (E) of the Dissolution Law, a successor agency may amend the annual ROPS one time per ROPS period by October 1, of such period, for the amount requested for payment of approved enforceable obligations.

DISCUSSION

On July 30, 2020, Successor Agency staff received the necessary forms to submit an amended ROPS from the DOF. Due to City Council being dark in August and the need to go before the Oversight Board before the October 1, 2020 deadline, Successor Agency staff was unable to go to Committee with this report. Staff is requesting Successor Agency approval of an amendment to ROPS 20-21 to amend the amount required for payment of the approved enforceable obligation as discussed below. Attached to this staff report, as Attachment #2, is the proposed Amended ROPS 20-21B, covering the period beginning January 1, 2021, and ending June 30, 2021. With Successor Agency approval, the proposed Amended ROPS 20-21B will be submitted for approval to the Oversight Board on September 23, 2020, and then sent to the DOF no later than October 1, 2020.

Oxnard Theater Group, LLC

The Guaranty of Lease (Guaranty), entered into by the Oxnard Community Development Commission as Guarantor on June 29, 2006, provides that the Guarantor agrees to the payment "of all amounts payable by Tenant to Lender pursuant to the Lease and/or Deposit Agreement for Minimum Monthly Rent and Triple Net Charges." The Dissolution Law requires the Successor Agency to continue to make payments due for enforceable obligations of the Oxnard Community

Development Commission and, thus, must make full and prompt payment of all amounts payable under the Guaranty.

For the ROPS period July 1, 2020 – June 30, 2021, Successor Agency staff estimated \$1,335,600 would be due as a lease guaranty payment per the Guaranty, or \$111,300 per month. This forecast is projected to be insufficient due to the effects of COVID-19 and current trends. Due to the Oxnard Theater's temporary shutdown caused by the coronavirus pandemic, the Oxnard Theater Group has been requesting \$151,400 (the Payment) per month in rent and triple net charges which, if continued, would equal \$1,816,800 for the year, or \$481,200 over estimates for the current ROPS period. If the Payment continues in subsequent months without staff action, the Successor Agency will exhaust its current ROPS authority.

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

Approval of Amended ROPS 20-21B will facilitate the ability of the Successor Agency to continue payment of the enforceable obligations of the former Community Development Commission.

The Amended ROPS 2020-21B would increase the Oxnard Theater Group ROPS payment authority by \$481,200 to cover the anticipated 2020-21 overage to reach the full amount eligible under the Guaranty. Actual 2020-21 disbursements will be limited to amounts due and invoiced by the Oxnard Theater Group each month.

The source of funds for the Successor Agency's ROPS disbursements is Redevelopment Property Tax distributions by the County. The General Fund is not affected by the proposed action.

COMMITTEE OUTCOME

Due to City Council being dark in August and the need to go before the Oversight Board before the October 1, 2020 deadline, Successor Agency staff was unable to go to Committee with this report.

Prepared by: Adam Smith, Project Manager

ATTACHMENTS

1. Successor Agency Resolution - Amended 20-21B ROPS
2. Amended ROPS 2020-21B
3. Guaranty of Lease - June 29, 2006

**OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR
AGENCY RESOLUTION NO. _____**

**RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION
SUCCESSOR AGENCY ADOPTING AN AMENDED FIFTH ANNUAL RECOGNIZED
OBLIGATION PAYMENT SCHEDULE (ROPS 20-21B) FOR JANUARY 1, 2021 – JUNE
30, 2021**

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

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

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

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

WHEREAS, on January 10, 2012, by Resolution 14,135, the City Council of the City of Oxnard declared itself as the successor agency upon the dissolution of the Former CDC, subject to all reservations stated in such resolution (the “**Successor Agency**”); and

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

WHEREAS, California Health and Safety Code Section 34171(h) and 34177(m) provided that until June 30, 2016 and December 31, 2015, respectively, a successor agency must prepare a ROPS every six months after the initial ROPS period; and

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

WHEREAS, on April 25, 2012 the Oversight Board to the Oxnard Community Development Commission Successor Agency (the “**Oversight Board**”) directed Successor Agency staff to amend the ROPS to incorporate the revised ROPS format of the State Department of Finance (“**DOF**”); and

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

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

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

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

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

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

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

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

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

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

WHEREAS, California Health and Safety Code Section 34177(o) provides that a successor agency must prepare a ROPS every twelve months; and

WHEREAS, on January 19, 2016 the First Annual ROPS (16-17) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2016 through June 30, 2017; and

WHEREAS, on January 24, 2017 the Second Annual ROPS (17-18) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2017 through June 30, 2018; and

WHEREAS, on January 23, 2018 the Third Annual ROPS (18-19) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2018 through June 30, 2019; and

WHEREAS, on September 11, 2018 an Amended Third Annual ROPS (18-19B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2019 through June 30, 2019; and

WHEREAS, on January 8, 2019 the Fourth Annual ROPS (19-20) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2019 through June 30, 2019; and

WHEREAS, on January 7, 2020 the Fifth Annual ROPS (20-21) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2020 through June 30, 2021; and

WHEREAS, California Health and Safety Code Section 34177(o)(1)(E) allows for the Successor Agency to amend the annual ROPS one time per ROPS period by October 1 of such period for the amount requested for payment of approved enforceable obligations. The Oversight Board must make a finding that such revision is necessary for the payment of approved enforceable obligations during the second one-half of the ROPS period; and

WHEREAS, on September 1, 2020, the proposed Amended Fifth Annual ROPS (20-21B) identifies each enforceable obligation and the amended amounts of payments for each enforceable obligation that will be required during the period of January 1, 2021 through June 30, 2021.

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

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

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

Section 3. The attached proposed Amended ROPS (20-21B) is hereby adopted.

Section 4. Successor Agency staff is hereby authorized to administratively amend the ROPS in order to modify, adjust or remove line items pending the outcome of review by the Oversight Board, the County Auditor-Controller, and/or DOF and to format the ROPS to conform with DOF requirements not yet published, and to take all necessary and appropriate actions to prepare and submit the ROPS, provided, however, that neither such authorization nor such removal shall be deemed to be, nor are they intended as, an acknowledgment of the validity of ABx1 26 and AB 1484 or such action by the Oversight Board, the County Auditor-Controller and/or DOF. The Successor Agency reserves all rights to challenge the validity and/or application of any or all provisions of ABx1 26 and AB 1484 in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS.

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

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

PASSED, APPROVED and ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Chairman

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, Secretary Designate

Stephen Fischer, General Counsel

Amended Recognized Obligation Payment Schedule (ROPS 20-21B) - Summary
Filed for the January 1, 2021 through June 30, 2021 Period

Successor Agency: Oxnard

County: Ventura

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	ROPS 20-21B Authorized Amounts	ROPS 20-21B Requested Adjustments	ROPS 20-21B Amended Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ -	\$ -	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 5,037,786	\$ 481,200	\$ 5,518,986
F RPTTF	4,938,286	481,200	5,419,486
G Administrative RPTTF	99,500	-	99,500
H Current Period Enforceable Obligations (A+E)	\$ 5,037,786	\$ 481,200	\$ 5,518,986

Certification of Oversight Board Chairman:

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

Name Title

/s/ _____
Signature Date

Oxnard
Amended Recognized Obligation Payment Schedule (ROPS 20-21B) - ROPS Detail
January 1, 2021 through June 30, 2021

Item #	Project Name	Obligation Type	Total Outstanding Obligation	Authorized Amounts					Total	Requested Adjustments					Total	Notes
				Fund Sources						Fund Sources						
				Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		
			\$82,492,437	\$-	\$-	\$-	\$4,938,286	\$99,500	\$5,037,786	\$-	\$-	\$-	\$481,200	\$-	\$481,200	
1	CCRP Tax Allocation Refunding Bond 2004	Bonds Issued On or Before 12/31/10	\$8,359,969	-	-	-	1,219,014	-	\$1,219,014	-	-	-	-	-	\$-	
2	CCRP Assessment District Payment	Property Maintenance	\$6,200	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
10	Project Management	Project Management Costs	\$6,200	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
15	Project Management	Project Management Costs	\$17,100	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
17	HERO Tax Alloc Bond 2006	Bonds Issued On or Before 12/31/10	\$12,920,074	-	-	-	783,580	-	\$783,580	-	-	-	-	-	\$-	
18	HERO Tax Alloc Bond 2008	Bonds Issued On or Before 12/31/10	\$14,991,441	-	-	-	710,438	-	\$710,438	-	-	-	-	-	\$-	
24	HERO RiverPark	OPA/DDA/Construction	\$9,560,834	-	-	-	294,290	-	\$294,290	-	-	-	-	-	\$-	
38	Contracts and services	Professional Services	\$10,000	-	-	-	5,000	-	\$5,000	-	-	-	-	-	\$-	
40	HERO RiverPark MOU to OPA	OPA/DDA/Construction	\$20,911,022	-	-	-	656,158	-	\$656,158	-	-	-	-	-	\$-	
44	Project Management	Project Management Costs	\$8,200	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
48	Ormond Beach Tax Alloc Bond 2006	Bonds Issued On or Before 12/31/10	\$5,452,801	-	-	-	344,628	-	\$344,628	-	-	-	-	-	\$-	

Item #	Project Name	Obligation Type	Total Outstanding Obligation	Authorized Amounts					Total	Requested Adjustments					Total	Notes
				Fund Sources						Fund Sources						
				Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		
49	Project Management	Project Management Costs	\$6,500	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
50	Southwinds Tax Allocation Bond 2006	Bonds Issued On or Before 12/31/10	\$3,115,596	-	-	-	196,128	-	\$196,128	-	-	-	-	-	\$-	
51	Project Management	Project Management Costs	\$6,500	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
52	Downtown Lease Guarantee Pmt 50%	OPA/DDA/Construction	\$6,678,000	-	-	-	667,800	-	\$667,800	-	-	-	481,200	-	\$481,200	Requesting additional funding for an increase in Agency payments due to the temporary shutdown of the Oxnard Theater caused by the coronavirus pandemic. The proposed amendment includes an authorization for \$481,200 in 20-21B payments. Funding is proposed from RPTTF.
58	Contracts and Services	Property Maintenance	\$3,500	-	-	-	1,750	-	\$1,750	-	-	-	-	-	\$-	
63	Trustee Services	Fees	\$11,750	-	-	-	5,875	-	\$5,875	-	-	-	-	-	\$-	
98	Litigation for Future Legal Costs	Litigation	\$120,500	-	-	-	-	-	\$-	-	-	-	-	-	\$-	
101	Disposition of Successor Agency Property	Property Dispositions	\$107,250	-	-	-	53,625	-	\$53,625	-	-	-	-	-	\$-	
104	Admin Costs	Admin Costs	\$199,000	-	-	-	-	-	\$-	-	-	-	-	-	\$-	

GUARANTY OF LEASE

THIS GUARANTY OF LEASE ("Guaranty") is made this 29th day of June, 2006, by the Oxnard Community Development Commission, a public body corporate and politic ("Guarantor") in favor of Nomura Credit & Capital, Inc., a Delaware corporation, its successors and assigns ("Lender") in connection with and as a material inducement to Lender's loaning Fifteen Million Six Hundred Thousand AND 0/100 DOLLARS (\$15,600,000.00) ("Loan") to Oxnard Theater Group, LLC, a Delaware corporation ("Landlord") pursuant to certain loan documents (the "Loan Documents") for the purpose of refinancing the costs of construction of improvements ("Project") required pursuant to that certain lease dated December 22, 2003 (the "Lease") pursuant to which Landlord leases to San Carlos Cinemas, Inc., a California corporation ("Tenant") those premises shown or described in said Lease (the "Premises"). In connection with the Lease, Guarantor, Lender, Landlord and Tenant have executed that certain Cash Management Agreement dated as of June ~~29~~, 2006 ("Deposit Agreement") whereby, among other things, all Tenant payments of Minimum Monthly Rent, Common Area Charges and Expenses ("CAMS"), Insurance, and Property Tax payments required pursuant to the Lease shall be paid directly by Tenant to the Theater Rent Account ("Account") created pursuant to the Deposit Agreement. Collectively, the CAMS, Insurance and Property Tax expenses are referred to herein as "Triple-Net Charges". As a material inducement to Lender to make the Loan to Landlord, Guarantor has agreed to guaranty certain payments of Tenant pursuant to the Deposit Agreement as described herein. Guarantor's obligations hereunder are undertaken and authorized pursuant to that certain Disposition and Development Agreement approved by Guarantor on January 7, 2003, as amended by that certain First Implementation Agreement dated April 6, 2004, true and correct copies of which are on file in the office of the Secretary of Guarantor (the "DDA").

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor agrees as follows:

1. Guaranty

- (a) In accordance with and subject to the terms hereof, Guarantor absolutely, unconditionally and irrevocably guarantees the full and prompt payment of all amounts payable by Tenant to Lender pursuant to the Lease and/or Deposit Agreement for Minimum Monthly Rent and Triple-Net Charges; provided, however, that in no event shall Guarantor be liable for, or obligated to pay, any amount in excess of \$111,300.00 accrued per each month for that month's Minimum Monthly Rent obligations of Tenant under the Lease ("Maximum Minimum Monthly Rent Payment") during the entire term hereof.
- (b) Notwithstanding any conflict with the DDA and subject to the provisions of Section 1(c), below, Guarantor's obligations hereunder shall terminate upon the sooner of: (i) twenty-five (25) years following the Rent Commencement Date, as defined in the Lease, ("Expiration Date"); or (ii) the payment in full of the Loan and full reconveyance of the deed of trust encumbering the Premises to secure the Loan. Satisfaction or cancellation of the Loan by foreclosure shall not terminate Guarantor's obligations hereunder, it being the intent of the Lender and Guarantor that following foreclosure, if the Premises are purchased by Lender at the foreclosure sale, this Guaranty shall continue in effect for the benefit of Lender and any party to whom the Lender thereafter conveys the Premises. If a party other than Lender (or Lender's assignee of the Loan) purchases the Premises at the foreclosure sale, Lender (or Lender's assignee of the Loan) shall be automatically deemed to have assigned its rights under this Guaranty to such purchaser. If the Guarantor exercises its right of reverter pursuant to the DDA, such reverter shall not affect the

Guarantor's obligations under this Guaranty and this Guaranty shall continue in full force and effect in accordance with its terms.

- (c) In order to enhance the long term financeability of the Project, Guarantor agrees that its obligation to provide this Guaranty pursuant to the DDA shall not terminate prior to the Expiration Date by reason of a refinancing of the Loan provided that all of the conditions listed in clauses (i) through (v) pertaining to the refinancing are satisfied: (i) the refinanced loan shall have been approved by the Guarantor pursuant to Section 317 of the DDA; (ii) the principal amount of the refinanced loan shall be limited to the amount necessary to pay off the unpaid balance of the prior loan, together with commercially reasonable costs of refinancing as determined by the Guarantor; (iii) Landlord shall not be permitted to take any funds from the proceeds of the refinance for any purpose other than to pay off the unpaid balance of the prior loan; (iv) the refinanced loan shall not extend the Guarantor's obligations under the DDA or this Guaranty beyond the Expiration Date; and (v) the refinanced loan shall not increase the potential liability of the Guarantor under the DDA or this Guaranty. The provisions of this subsection shall apply to all subsequent refinancings for the project sought by the Landlord or its successors or assigns.

2. Enforcement.

- (a) This Guaranty is given to Lender in partial satisfaction of the conditions to its making the Loan to Landlord in order to assure Lender of a payment source for Landlord's obligations pursuant to the Loan in the event that Tenant defaults under the Deposit Agreement or Lease.
- (b) During the term hereof, Guarantor's obligations shall be reduced or mitigated to the extent that Lender is receiving payments from the Account pursuant to the Deposit Agreement or comparable payments from a subsequent tenant pursuant to a subsequent lease of the Premises, or by payments made by Guarantor hereunder directly, or otherwise.
- (c) In the event that Lender, Lender's assignee, or a third party purchaser at a foreclosure sale ("New Owner") shall acquire fee title to the Premises pursuant to a deed in lieu of foreclosure or a foreclosure sale, and shall thereafter terminate the Lease without default by the Tenant under the Lease and without default by Guarantor hereunder, Guarantor shall, by virtue of such termination, be released from all liability under this Guaranty and this Guaranty shall be terminated notwithstanding any provisions in this Guaranty to the contrary.
- (d) In the event of a default hereunder by Guarantor, the obligations of Guarantor hereunder may not be accelerated, but shall remain due on a monthly basis after such default. Any suit brought against Guarantor by Lender under this Guaranty may include subsequent payments coming due during the pendency of said litigation and any judgment shall include a provision allowing subsequent payments coming due after judgment to be added to said judgment upon affidavit of Lender until the full amount of the judgment, as so increased, has been paid in full.

3. Payment. Payment of any amount required hereunder from Guarantor to Lender shall be made no later than fifteen (15) days following Guarantor's receipt of written demand therefor from Lender. Guarantor shall be in default under this Guaranty if the failure of Guarantor to make any payment

to Lender within such fifteen (15) day period shall continue for a period of fifteen (15) days after Guarantor's receipt of written notice from Lender of such failure.

4. **Permitted Modifications.** Without the consent of or notice to Guarantor and without affecting any of the obligations of Guarantor hereunder the following Permitted Modifications shall be permitted and this Guaranty shall thereupon and thereafter guaranty the obligations of Guarantor hereunder as so changed, modified or altered:
 - (a) any term, covenant or condition of the Loan may be amended, compromised, released or otherwise changed by Lender in the manner permitted thereunder, except that the principal and interest rate may not be increased nor the term, nor the amount of monthly payments due, except to the extent of advances by Lender otherwise permitted under the Deed of Trust securing the Loan to protect or preserve the Project;
 - (b) the Lease may be extended, renewed, or modified, except that the Minimum Monthly Rent thereunder may not be increased;
 - (c) any guarantor of or party to the Loan may be released, substituted or added by Lender;
 - (d) any right or remedy of Lender under the Loan, this Guaranty or any other instrument or agreement securing Landlord's obligations under the Loan may be exercised, not exercised, impaired, modified, released, waived, limited, destroyed, or suspended by Lender (as applicable), except that this Guaranty may only be modified pursuant to Section 13 below.
5. **Liability Not Affected.** The liability of the Guarantor under this Guaranty shall in no way be affected by:
 - (a) The release or discharge of Tenant in any creditor proceeding, receivership, bankruptcy, or other proceedings; or
 - (b) The impairment, limitation, modification or discharge of the liability of Tenant or the successor-in-interest of Tenant, or any of them, or of any remedy for the enforcement of Tenant's liability, resulting from the operation of any present or future provision of the Bankruptcy Code (Title 11 of the United States Code, as amended; 11 U.S.C. Sections 101 et seq.) or any bankruptcy, insolvency, debtor release statute (state or federal), or any other statute, or from the decision of any court;
6. **Performance Guaranty.** The liability of Guarantor hereunder is an absolute guaranty of payment and performance and not of collectibility, and is not conditioned upon or contingent upon the genuineness, validity, regularity or enforceability of the Lease or the pursuit by Landlord of any remedies which it now has or may hereafter have with respect thereto, at law, in equity or otherwise. With regard to any attempted enforcement of this Guaranty by Lender, Guarantor waives and agrees not to assert or take advantage of:
 - (a) any right or claim to require Landlord or Lender to proceed against Tenant, any other guarantor, or any other person or to pursue any other remedy, or exhaust any security interest Landlord or Lender holds from Tenant, before proceeding against Guarantor;
 - (b) any right to proceed against or participate in any security now or later held by Landlord or Lender;

- (c) any right or defense arising by reason of the impairment, modification, limitation, release, discharge or cessation of (i) the liability of Tenant resulting from the operation of any present or future provision of the Bankruptcy Code or any state or federal bankruptcy, insolvency or debtor release statute, or (ii) the subrogation rights of Guarantor, or (iii) Guarantor's rights to proceed against Tenant or any other person for reimbursement. Guarantor understands that the exercise by Lender of certain rights or remedies pursuant to the Loan may affect Guarantor's right of subrogation or ability to recover against Tenant and Guarantor may thereafter succeed to a partially or totally non-reimbursable liability; nevertheless, Guarantor hereby authorizes and empowers Lender to exercise, in its sole discretion, any rights and remedies, which may then be available, since it is the intent and purpose of Guarantor that the obligations hereunder shall be absolute, independent, and unconditional under any and all circumstances.

7. Waivers. Guarantor expressly waives:

- (a) any defense based on the absence of any or all presentments, demands for performance, notices of non-performance, protests, notices of dishonor, notices of acceptance of this Guaranty, or notices or protests of any kind being made or given to Guarantor;
- (b) all notice of any amendment or modification of the Loan and/or Lease not inconsistent with the terms of this Guaranty;
- (c) any lack of diligence by Lender against Tenant or Landlord; and
- (d) Any and all benefits and defenses under California Civil Code Sections 2809, 2810, 2819, 2839, 2845, 2850 and under Sections 2847, 2848 and 2849 to the extent provided herein.

8. Application of Payments. With or without notice to Guarantor, Lender in its sole discretion and at any time and from time to time and in such manner and on such terms as it deems fit may apply any and all payments or recoveries from Tenant, or from any other guarantor or endorser under this or any other instrument, or realized from any security, in such manner, order, or priority as Lender sees fit, to the indebtedness of Landlord under the Loan.

9. Notice. All notices, payments or other communications required or permitted hereunder shall be in writing, and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, delivered or sent by overnight courier and shall be deemed received upon the earlier of (i) if personally delivered or sent by facsimile (provided that a copy of such facsimile notice is concurrently mailed by first class mail), the date of delivery to the address of the person to receive such notice, (ii) if mailed, two (2) business days after the date of posting by the United States Post Office, or (iii) if sent by overnight courier, when delivered to the specified address.

To Guarantor:

Oxnard Community Redevelopment Commission
305 W. 3rd Street
Oxnard, California 93030
Attention: Community Development Director

With a copy to:

Kane, Ballmer & Berkman
515 South Figueroa Street, Suite 1850
Los Angeles, California 90071

To Lender:

Nomura Credit & Capital Corp.,
2 World Financial Center
Building B
New York, New York 10281
Attention: Dante LaRocca, Esq.
Facsimile No.:

With a copy to:

Freeman, Freeman & Smiley, LLP
3415 South Sepulveda Blvd., Suite 1200
Los Angeles, CA 90034
Attn: Thomas F. Hanley, Esq.
Facsimile No.: 310-255-6233

To Landlord:

Oxnard Theatre Group, LLC
340 Rosewood Avenue, Suite D
Camarillo, California 93010
Attn: Neno N. Spondello, Jr.
Facsimile No.: (805) 987-0152

and

Oxnard Theatre Group, LLC
750 West Gonzalez Road, Suite 120
Oxnard, California 93030
Attn: Dave O. White
Facsimile No.: (805) 983-8274

With a copy to:

Harding Larmore Mullen Jakle Kutcher & Kozal, LLP
1250 Sixth Street, Suite 300
Santa Monica, California 90401
Attn: Thomas R. Larmore
Facsimile No.: (310) 459-1959

Notice of change of address shall be given by written notice in the manner detailed in this Section. Rejection or other refusal to accept of the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent.

10. **Priority of Financing Statements.** Guarantor agrees that any claim by Guarantor of a lien or of lien priority against any personal property of Landlord or Tenant on the Premises shall be junior and subordinate to any liens of Lender against personal property of Landlord on the Premises; provided that Lender shall not enforce any such liens so long as Guarantor is not in default hereunder.
11. **Cumulative Remedies.** The liability of the parties and all rights, powers and remedies of the parties hereunder and under the Loan shall be cumulative and not alternative and such rights, powers and remedies under the Loan and this Guaranty shall be in addition to all rights, powers and remedies given to the parties by law or under the Deposit Agreement or otherwise. In no event, however, shall Guarantor's obligations regarding the Loan exceed its obligations under this Guaranty.
12. **Binding.** This Guaranty shall be binding on all parties hereto and each party's heirs, representatives, administrators, executors, successor and assigns, and shall inure to the benefit of and shall be enforceable by each party and its successors and assigns. Lender may assign its rights under this Guaranty to any party to whom Lender conveys or assigns its right, title and interest in the Loan or the Premises (whether a security interest prior to foreclosure or fee title after foreclosure), including a presumed assignment to a purchaser at the foreclosure sale as described in Section 1(b), above
13. **Entire Agreement.** This Guaranty and the Deposit Agreement shall constitute the entire agreement among the parties with respect to the subject matter hereof. No provision of this Guaranty may be amended except by written instrument executed by the parties, and no right of Lender hereunder may be waived, nor may Guarantor be released from any obligation hereunder, except by a writing duly executed by Lender. Further, Lender agrees that Guarantor shall not be bound by any modification to the Deposit Agreement that was not approved in writing by Guarantor, in its reasonable discretion.
14. **Severability.** Should any one or more provisions of this Guaranty be determined to be illegal or unenforceable, all other provisions shall nevertheless be effective and the illegal or unenforceable provision shall be deemed to be modified, but only to the extent necessary to make it legal and enforceable.
15. **Waiver of Enforcement.** No failure or delay on the part of any party to exercise any power, right or privilege under this Guaranty shall impair any such power, right or privilege, or be construed to be a waiver of any default or an acquiescence therein, nor shall any single or partial exercise of such power, right or privilege preclude other or further exercise thereof or of any other right, power or privilege.
16. **Attorneys' Fees.** In any litigation between or among any party hereto arising out of or in connection with this Guaranty, the prevailing party shall be entitled to recover from the other as a part of such judgment reasonable attorneys' fees and court costs incurred in such action.
17. **Governing Law.** This Guaranty shall be governed by, and interpreted and enforced in accordance with, the laws of the State of California.
18. **Document Review.** Guarantor represents and warrants that Guarantor has reviewed and approved copies of the Loan Documents, Deposit Agreement, and DDA, and is fully informed of the remedies of Lender may pursue in the event of a default under such documents.

19. Time. Time is of the essence of this Guaranty and any amendment, modification, or revision of this Guaranty.
20. No Third Party Beneficiaries. This Guaranty may be enforced only by the parties hereto, and no party shall acquire any rights or benefits as a third party beneficiary or otherwise under this Guaranty.
21. Subrogation. Guarantor agrees that Guarantor shall have no right of subrogation against Tenant or any right of contribution against any other Guarantor unless and until all Minimum Monthly and Triple Net Charges due under the Lease have been paid in full. Guarantor further agrees that, to the extent the waiver of Guarantor's rights of subrogation and contribution as set forth herein is found by a court of competent jurisdiction to be void or voidable for any reason, any rights of subrogation Guarantor may have against Tenant shall be junior and subordinate to any rights Lender may have against Tenant, and any rights of contribution Guarantor may have against any other Guarantor shall be junior and subordinate to any rights Lender may have against such other Guarantor.
22. Guarantor represents and warrants to Lender as follows:
 - (a) No consent of any other person, including, without limitation, any creditors of Guarantor, and no license, permit, approval or authorization of, exemption by, any governmental authority is required by Guarantor in connection with this Guaranty or the execution, delivery, performance, validity or enforceability of this Guaranty and all obligations required hereunder. This Guaranty has been duly executed and delivered by Guarantor, and constitutes the legally valid and binding obligation of Guarantor enforceable against Guarantor in accordance with its terms and any on-going reporting requirements, notices, registrations, filings or declarations required by any governmental entity or other third party shall not in any way affect the binding obligations of Guarantor hereunder.
 - (b) The execution, delivery and performance of this Guaranty will not violate any provision of any existing law or regulation binding on Guarantor, or any order, judgment, award or decree of any court, arbitrator or governmental authority binding on Guarantor, or of any mortgage, indenture, lease, contract or other agreement, instrument or undertaking to which Guarantor is a party or by which Guarantor or any of Guarantor's assets may be bound, and will not result in, or require, the creation or imposition of any lien on any of Guarantor's properties, assets or revenues pursuant to the provisions of any such mortgage, indenture, lease, contract or other agreement, instrument or undertaking.
23. Reverter. The parties acknowledge and agree that nothing herein or in the Deposit Agreement shall limit the Guarantor's right of reverter under the DDA; provided, however, that Guarantor agrees and acknowledges that such reverter is not exercisable or enforceable at any time that Guarantor is in default hereunder and provided further, that such right of reverter shall be subject to and limited by and shall not defeat, render or limit: (i) any bona fide mortgage, deed of trust or other security instrument, provided that such mortgage, deed of trust or other security instrument is permitted by the DDA; and/or (ii) any rights or interest provided in the DDA for the protection of the holder of such bona fide, permitted mortgages, deeds of trust or other security interests.
24. Right to Cure or Purchase. Notwithstanding anything to the contrary contained in this Guaranty or otherwise and without limiting any other rights or remedies of Guarantor hereunder or otherwise, Lender and Landlord hereby agree as follows:
 - a. After a default under the Loan Documents, but prior to a foreclosure sale or acceptance by Lender of a deed in lieu of foreclosure, Guarantor shall have the right to take title to

the Premises and the improvements thereon and cure the default relative to the Loan Documents without the Lender exercising any right it might otherwise have to accelerate the Loan Documents by reason of such title transfer; provided, however, that Lender shall have no obligation to delay any such foreclosure sale or acceptance of a deed in lieu of foreclosure in order to permit Guarantor additional time to accomplish such transfer or cure.

- b. After a default under the Loan Documents, but prior to a foreclosure sale or acceptance by Lender of a deed in lieu of foreclosure, Guarantor shall have the right to purchase the Loan by payment to Lender of the amount of the unpaid debt, plus any accrued and unpaid interest, and all other costs and expenses incurred by Lender in connection with the Loan, including, without limitation, attorneys' fees, amounts advanced by Lender for maintenance, insurance, taxes and other costs, and all costs of enforcement.

25. Counterparts. This Guaranty may be executed in any number of counterparts each of which shall be deemed an original and all of which shall constitute one and the same Guaranty with the same effect as if all the parties had signed the same signature page. Any signature page of this Guaranty may be detached from any counterpart of this Guaranty and re-attached to any other counterpart of this Guaranty identical in form hereto but having attached to it one or more additional signature pages.

IN WITNESS WHEREOF, the parties hereto have executed this Guaranty as of the day and year first above written.

GUARANTOR:

OXNARD COMMUNITY DEVELOPMENT COMMISSION

By: Curtis P. Cannon
 Name: CURTIS P. Cannon
 Title: Community Development Director

ATTEST:

By: Eva E. Lopez
 Name: Eva E. Lopez
 Title: Administrative Assistant

APPROVED AS TO FORM:

By: Gary Gillig 06-28-06
 Gary Gillig, General Counsel

APPROVED AS TO FORM AND CONTENT:

Kane, Ballmer & Berkman

By: _____
 Commission Special Counsel

the Premises and the improvements thereon and cure the default relative to the Loan Documents without the Lender exercising any right it might otherwise have to accelerate the Loan Documents by reason of such title transfer; provided, however, that Lender shall have no obligation to delay any such foreclosure sale or acceptance of a deed in lieu of foreclosure in order to permit Guarantor additional time to accomplish such transfer or cure.

- b. After a default under the Loan Documents, but prior to a foreclosure sale or acceptance by Lender of a deed in lieu of foreclosure, Guarantor shall have the right to purchase the Loan by payment to Lender of the amount of the unpaid debt, plus any accrued and unpaid interest, and all other costs and expenses incurred by Lender in connection with the Loan, including, without limitation, attorneys' fees, amounts advanced by Lender for maintenance, insurance, taxes and other costs, and all costs of enforcement.

25. Counterparts. This Guaranty may be executed in any number of counterparts each of which shall be deemed an original and all of which shall constitute one and the same Guaranty with the same effect as if all the parties had signed the same signature page. Any signature page of this Guaranty may be detached from any counterpart of this Guaranty and re-attached to any other counterpart of this Guaranty identical in form hereto but having attached to it one or more additional signature pages.

IN WITNESS WHEREOF, the parties hereto have executed this Guaranty as of the day and year first above written.

GUARANTOR:

OXNARD COMMUNITY DEVELOPMENT COMMISSION

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

By: _____
Gary Gillig, General Counsel

APPROVED AS TO FORM AND CONTENT:

Kane, Ballmer & Berkman

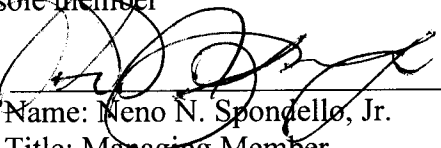
By: 
Commission Special Counsel

ACKNOWLEDGED AND ACCEPTED

LANDLORD:

OXNARD THEATRE GROUP, LLC
a Delaware limited liability company

By: Strand Cinemas, LLC
a California limited liability company,
its sole member

By: 
Name: Neno N. Spondello, Jr.
Title: Managing Member

ACKNOWLEDGED AND ACCEPTED

LENDER:

NOMURA CREDIT & CAPITAL, INC.,
a Delaware corporation

By: _____
Name: _____
Title: _____

ACKNOWLEDGED AND ACCEPTED

LANDLORD:

OXNARD THEATRE GROUP, LLC
a Delaware limited liability company

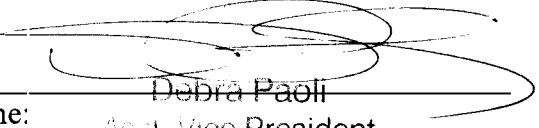
By: Strand Cinemas, LLC
a California limited liability company,
its sole member

By: _____
Name: Neno N. Spondello
Title: Managing Member

ACKNOWLEDGED AND ACCEPTED

LENDER:

NOMURA CREDIT & CAPITAL, INC.,
a Delaware corporation

By:  _____
Name: Debra Paoli
Title: Asst. Vice President



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. 1.6

DATE: September 1, 2020

TO: City Council

FROM: Jeff Pengilley, Interim Community Development Director, (805) 385-8208, jeff.pengilley@oxnard.org

SUBJECT: Planning and Zoning Permit No. 18-300-10 (Final Parcel Map for 18-310-10) for the Lockwood Subdivision. Filed by Eric Widmer for Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230.

RECOMMENDATION

That the City Council:

1. Accept Final Parcel Map 18-300-10 for the Lockwood Subdivision;
2. Receive and file a "Notice of Pending Approval" for Parcel Map 18-300-10 by the Interim Community Development Director including signature of "City Council's Certificate" on the title sheet; and
3. Adopt a Resolution approving a Subdivision Improvement Agreement and Accepting the water rights offered in dedication to the City of Oxnard and accepting public access and utility easements associated with Parcel Map 18-300-10.

BACKGROUND

On September 17, 2019, the City Council approved Tentative Parcel Map 18-300-10 for the Lockwood Subdivision. Tentative Parcel Map 18-300-10 included the subdivision of a vacant undeveloped parcel into two lots and construction of the connection of Lockwood Street, a private street, along with associated infrastructure improvements.

DISCUSSION

The Final Parcel Map (Attachment A) involves subdividing an 11.85 acre undeveloped, commercially zoned property into two lots of net size 6.13 and 4.86 acres and construction of Lockwood Street, a private street, which will connect the east and west portions of the existing private street system. Required infrastructure associated with the connection of Lockwood Street, such as sidewalk, street curb, and improvements for compliance with storm water quality requirements, will be completed.

In accordance with Chapter 15, Division 3, Section 15-55 of the "Subdivision Ordinance" of the OCC, the Interim Director intends to approve the map on September 11, 2020. Ten days after the City Council's receipt of "Notice of Pending Approval" the City Clerk will attest in signature to the Interim Director's approval at that time (see Attachment B).

The City Engineer/Surveyor has reviewed the Final Parcel Map and issued their approval by providing the Verification of Status form indicating that the Final Parcel Map, as currently prepared, will be in compliance with the State Subdivision Map Act and Oxnard City Code requirements, and will conform to the previously approved Tentative Parcel Map (PZ 18-300-10) (Attachment C).

A draft Resolution approving a Subdivision Improvement Agreement and Accepting the water rights offered in dedication to the City of Oxnard and accepting public access and utility easements associated with Parcel Map 18-300-10 has also been prepared (Attachment D).

This Project does not involve the construction of buildings at this time. Future development and use of these parcels will be required to adhere to the development standards of the Business Research Park (BRP) zone in Division 12 of Chapter 16 “Zoning Ordinance” of the Oxnard City Code (OCC).

ENVIRONMENTAL IMPACT

The City Council previously found the Tentative Parcel Map Categorically Exempt from the State of California Environmental Quality Act (CEQA) Guidelines in accordance with Section 15315 (Class 15, Minor Land Divisions). The acceptance of a Final Map consistent with a Tentative Map, Subdivision Improvement Agreement, Accepting the water rights offered in dedication to the City of Oxnard and accepting public access and utility easements and implementing conditions of approval is Statutorily Exempt from the CEQA Guidelines in accordance with Section 15268 (Ministerial Projects).

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 map provides the opportunity for future development that will result in increased property tax revenue to the City.

COMMITTEE OUTCOME

This Map originated from a City Council public hearing on September 17, 2019 approving Tentative Parcel Map 18-300-10 and the recommended actions are consistent with that action; therefore, this item did not originate in Committee.

Prepared by: Paul McClaren, Associate Planner

ATTACHMENTS

1. Attachment A - Final Parcel Map 18-300-10
2. Attachment B - Notice of Pending Approval - PM 18-300-10
3. Attachment C - Verification of Status Form
4. Attachment D - CC Resolution PM 18-300-10

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATE THAT THEY ARE THE OWNERS OF, OR ARE INTERESTED IN THE REAL PROPERTY INCLUDED WITHIN THE BOUNDARY OF THE SUBDIVISION SHOWN ON THIS MAP, THAT THEY ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS TITLE TO SAID REAL PROPERTY, THAT THEY CONSENT TO THE MAKING AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE EXTERIOR BOUNDARY LINE, AND THAT THEY HEREBY OFFER TO DEDICATE TO THE CITY OF OXNARD ALL WATER RIGHTS AND THE RIGHT TO DEVELOP ALL WATER FOUND UNDER SAID LAND WITHOUT HOWEVER, THE RIGHT OF SURFACE ENTRY, AND THAT THEY DO HEREBY OFFER TO DEDICATE TO THE CITY OF OXNARD, THE EASEMENT FOR PUBLIC ACCESS AND PUBLIC UTILITY PURPOSES SHOWN ON THIS MAP AND ALL USES INCIDENT THERETO.

SUNBELT ENTERPRISES, LLC, OWNER

BY: _____ BY: _____

TITLE: _____ TITLE: _____

PRINTED NAME: _____ PRINTED NAME: _____

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF _____

ON _____ 20____ BEFORE ME _____

NAME _____ TITLE _____

PERSONALLY APPEARED _____ AND _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____ NAME PRINTED _____

PRINCIPAL OFFICE IN THE COUNTY OF _____ COMMISSION EXPIRES _____ COMMISSION NO. _____

CITY TREASURER'S STATEMENT

I, _____, CITY TREASURER OF THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO LIENS AGAINST PARCEL MAP NO. 18-300-10 OR ANY PART THEREOF, FOR UNPAID MUNICIPAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS MUNICIPAL TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE. WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY OF OXNARD THIS _____ DAY OF _____ 2020.

CITY TREASURER, CITY OF OXNARD

TAX COLLECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT ALL CERTIFICATES AND SECURITY REQUIRED UNDER THE PROVISIONS OF SECTION 66492 AND SECTION 66493 OF THE SUBDIVISION MAP ACT HAVE BEEN FILED AND DEPOSITED WITH ME.

DATE: _____

STEVEN HINTZ
COUNTY TAX COLLECTOR
COUNTY OF VENTURABY: _____
DEPUTY COUNTY TAX COLLECTOR**SIGNATURE OMISSION NOTES**

THE SIGNATURES OF THE PARTY NAMED HEREINAFTER AS OWNER OF THE INTEREST SET FORTH, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436(a)(3)(A)(i) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE LOCAL AGENCY.

(a) STATE OF CALIFORNIA, PRESENT OWNER OF AN EASEMENT FOR RIGHT OF WAY FOR PUBLIC STREET AND HIGHWAY AND INCIDENTAL PURPOSES, AS DISCLOSED BY DEED RECORDED FEBRUARY 24, 1916, IN BOOK 149 PAGE 116 AND RECORDED APRIL 30, 1934 IN BOOK 393 PAGES 442 AND 446, BOTH OF DEEDS.

(b) STANDARD OIL CORPORATION, PRESENT OWNER OF AN EASEMENT FOR RIGHT OF ACCESS THROUGH THE OPENING TO THE FREEWAY AND RIGHT OF WAY FOR PIPE LINES OR CONDUIT PURPOSES, AS DISCLOSED BY DOCUMENT RECORDED NOVEMBER 28, 1967 IN BOOK 3228 PAGE 333 OF OFFICIAL RECORDS.

(c) SOUTHERN CALIFORNIA EDISON, A CORPORATION, PRESENT OWNER OF AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, AS DISCLOSED BY A DOCUMENT RECORDED AUGUST 15, 1975 IN BOOK 4447 PAGE 418 OF OFFICIAL RECORDS

(d) CITY OF OXNARD, PRESENT OWNER OF AN EASEMENT FOR PUBLIC ACCESS AND UTILITY PURPOSES AS SHOWN ON MAP OF TRACT NO. 4881 RECORDED IN BOOK 125 PAGES 44 THROUGH 47 INCLUSIVE OF MAPS.

(e) ZEPHYR DEVELOPMENT CORPORATION, A CALIFORNIA CORPORATION, PRESENT OWNER OF AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES, AS DISCLOSED BY DOCUMENT RECORDED DECEMBER 14, 1993 AS DOCUMENT NO. 93-238961 OF OFFICIAL RECORDS.

(f) VERIZON CALIFORNIA INC., A CALIFORNIA CORPORATION, PRESENT OWNER OF AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, AS DISCLOSED BY DOCUMENT RECORDED MAY 4, 1994 AS DOCUMENT NO. 94-077045, AND RECORDED MAY 25, 1994 AS DOCUMENT NO. 94-091383 BOTH OF OFFICIAL RECORDS.

(g) SOUTHERN CALIFORNIA EDISON COMPANY, CALIFORNIA CORPORATION, PRESENT OWNER OF AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, AS DISCLOSED BY DOCUMENT RECORDED AUGUST 30, 1994 AS DOCUMENT NO. 94-141644 OF OFFICIAL RECORDS.

(h) OXNARD FACTORY OUTLET PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP, PRESENT OWNER OF AN EASEMENT FOR INGRESS AND EGRESS, UTILITY AND INCIDENTAL PURPOSES, AS DISCLOSED BY DOCUMENT RECORDED AUGUST 4, 1998 AS DOCUMENT NO. 98-130050 OF OFFICIAL RECORDS.

THE SIGNATURES OF THE PARTY NAMED HEREINAFTER AS OWNER OF THE INTEREST SET FORTH, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436(a)(3)(C) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE LOCAL AGENCY.

(1) STATE OF CALIFORNIA, ACTING BY AND THROUGH ITS DIRECTOR OF TRANSPORTATION AS PRESENT OWNER OF OIL, GAS OR MINERAL RIGHTS DISCLOSED BY DOCUMENT RECORDED NOVEMBER 13, 1992 AS DOCUMENT NO. 92-207279 OF OFFICIAL RECORDS

(2) FRANCES ANNA FRIEDRICH, TRUSTEE OF THE FRANCES ANNA FRIEDRICH TRUST UNDER INSTRUMENT DATED MARCH 9, 1993 AS PRESENT OWNER OF OIL, GAS OR MINERAL RIGHTS DISCLOSED BY DOCUMENT RECORDED NOVEMBER 13, 1993 AS DOCUMENT NO. 93-238961 OF OFFICIAL RECORDS.

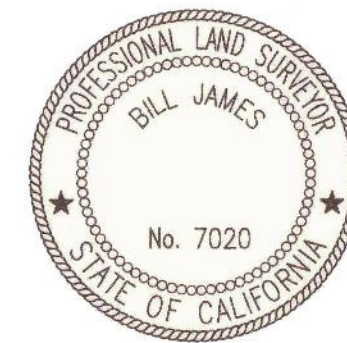
COUNTY RECORDER'S STATEMENT

DOC. _____

FILED THIS _____ DAY OF _____ 20____ AT _____ M. IN

BOOK _____ OF PARCEL MAPS AT PAGES _____ THROUGH _____ AT THE REQUEST OF SUNBELT ENTERPRISES, LLC.

DATE: _____

MARK A. LUNN
COUNTY RECORDER, COUNTY OF VENTURA**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF SUNBELT ENTERPRISES, LLC, IN SEPTEMBER 2019. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED (OR WILL BE SET IN SUCH POSITIONS WITHIN ONE YEAR AFTER FILING OF THIS PARCEL MAP) AND THAT THE MONUMENTS ARE (OR WILL BE) SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. CORNER RECORDS FOR ALL CENTERLINE MONUMENTS SHOWN HEREON AS SET BY ME WILL BE ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR PRIOR TO ACCEPTANCE OF THE IMPROVEMENTS INTO THE CITY ROAD SYSTEM.

DATE: 3/4/2020

BILL JAMES P.L.S. 7020 EX. JUNE 30, 2020

COUNTY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE MAP ENTITLED PARCEL MAP NO. 18-300-10 AND I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

DATE: _____

DAN WALSH
COUNTY SURVEYOR
COUNTY OF VENTURA**CITY ENGINEER'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THE MAP ENTITLED PARCEL MAP NO. 18-300-10 AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATE: _____

PAUL WENDT R.C.E. 46333
CITY ENGINEER
CITY OF OXNARD**CITY COUNCIL'S CERTIFICATE**

THIS MAP, ENTITLED PARCEL MAP No. 18-300-10, CONSISTING OF 3 SHEETS, HAS BEEN PRESENTED TO THE CITY COUNCIL OF THE CITY OF OXNARD, OF VENTURA COUNTY, CALIFORNIA FOR APPROVAL, PURSUANT TO THE CITY COUNCIL'S DELEGATION AUTHORITY ADOPTED NOVEMBER 15, 2016 PURSUANT TO ORDINANCE NO.

2910, THE COMMUNITY DEVELOPMENT DIRECTOR HEREBY APPROVES THIS MAP ON THE _____ DAY OF _____, 20____, AND HEREBY ACCEPT FOR PUBLIC USE THE FOLLOWING SHOWN ON THIS MAP.

1. ALL WATER RIGHTS AS OFFERED HEREON.
2. THE PUBLIC ACCESS AND PUBLIC UTILITY EASEMENT AS SHOWN HEREON, SUBJECT TO IMPROVEMENT.

IN WITNESS WHEREOF, AND PURSUANT TO THE CITY COUNCIL'S DELEGATION OF AUTHORITY DESCRIBED ABOVE, THE COMMUNITY DEVELOPMENT DIRECTOR HEREBY SIGNS THIS CERTIFICATE, WHICH IS ATTESTED TO BY THE CITY CLERK OF SAID CITY AND THE CORPORATE SEAL OF SAID CITY OF OXNARD IS AFFIXED HERETO THIS

_____ DAY OF _____, 20____.

ATTEST:

MICHELLE ASCENCION
CITY CLERK OF THE CITY OF OXNARDJEFFREY LAMBERT
COMMUNITY DEVELOPMENT DIRECTOR

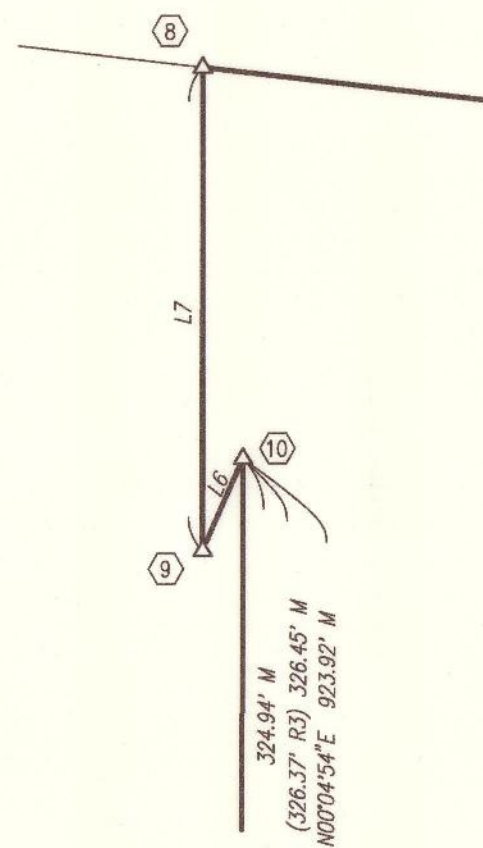
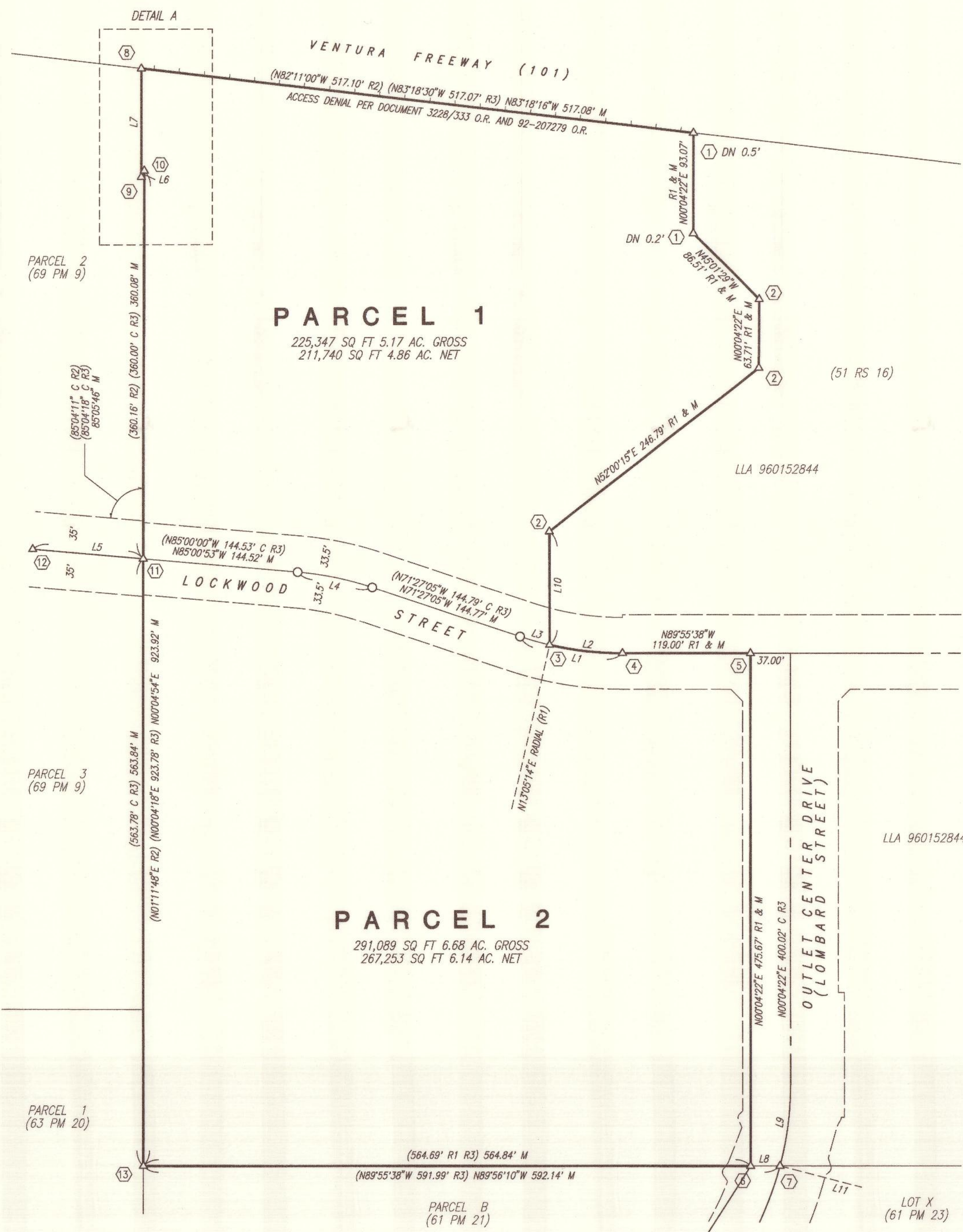
GROSS AREA: 11.85 ACRES

PARCEL MAP NO. 18-300-10IN THE CITY OF OXNARD
COUNTY OF VENTURA, STATE OF CALIFORNIA.

BEING A SUBDIVISION OF THAT PORTION OF LOT 3 OF TRACT NO. 4881, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 125, PAGE 44 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A PORTION OF PARCEL A AND ALL OF PARCEL B OF PLANNING AND ZONING PERMIT NUMBER 99-5-151 (LOT LINE ADJUSTMENT) AS SHOWN ON CERTIFICATE OF APPROVAL FOR LOT LINE ADJUSTMENT, RECORDED FEBRUARY 2, 2000, AS DOCUMENT NO. 2000-25273 OF OFFICIAL RECORDS, SHOWN AS PARCEL 2 OF PLANNING AND ZONING PERMIT NUMBER PZ 00-5-103 (LOT LINE ADJUSTMENT), RECORDED OCTOBER 31, 2000, AS DOCUMENT NO. 2000-171968 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

SEPTEMBER, 2019

Prepared by:
PEAK SURVEYS INC.
Since 1976
CIVIL • SURVEY • DESIGN
2488 TOWNSGATE RD, Suite D
WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.495.7014
www.peakinc.com

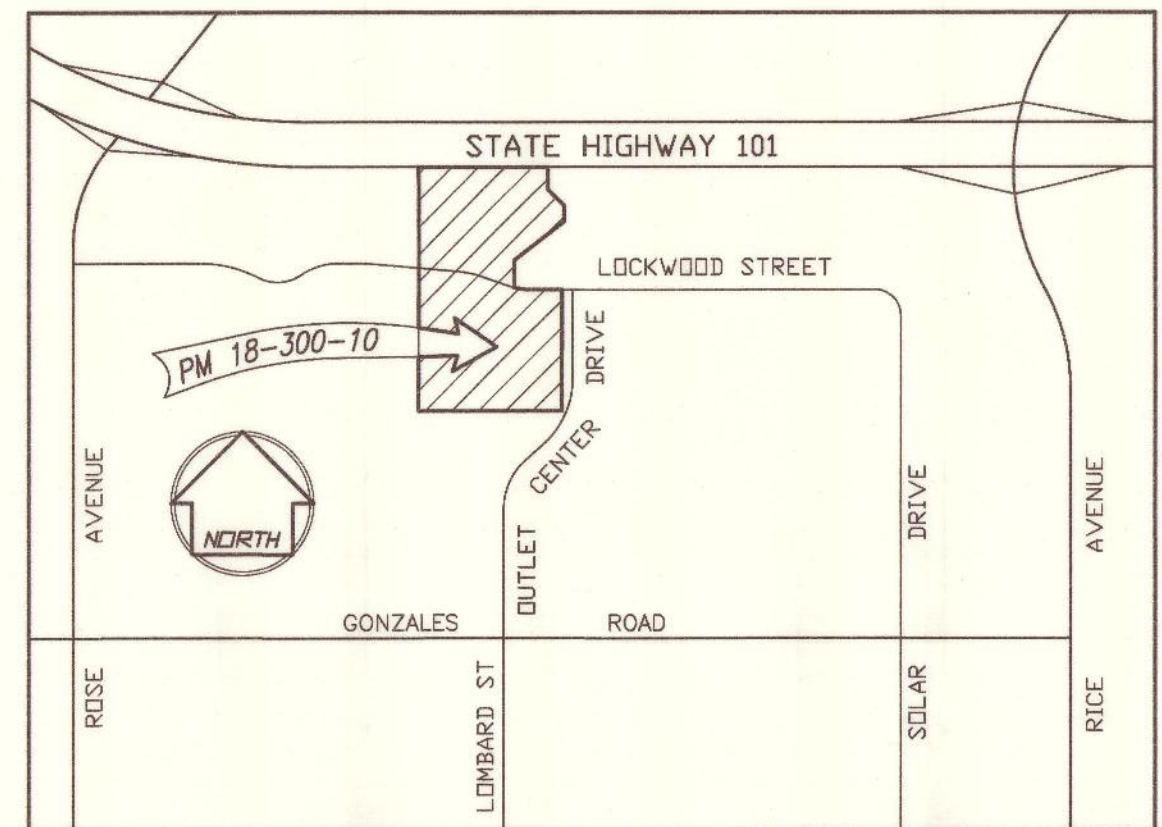


LINE (CURVE) TABLE

L1	$\Delta=18^{\circ}28'33''$ R=300.00' L=96.74' C R3 & M
L2	$\Delta=13^{\circ}00'52''$ R=300.00' L=68.14' R1 & M
L3	$\Delta=5^{\circ}27'41''$ R=300.00' L=28.60' M
L4	$\Delta=13^{\circ}32'55''$ R=300.00' L=70.94' C R3
L5	$\Delta=13^{\circ}33'48''$ R=300.00' L=71.02' M
L6	$\Delta=13^{\circ}32'23''$ W 103.02' R2 N85'00'53" W 103.12' M
L7	$\Delta=13^{\circ}32'23''$ W 103.02' R2 N85'00'53" W 103.12' M
L8	$\Delta=13^{\circ}32'23''$ W 103.02' R2 N85'00'53" W 103.12' M
L9	$\Delta=13^{\circ}32'23''$ W 103.02' R2 N85'00'53" W 103.12' M
L10	$\Delta=13^{\circ}32'23''$ W 103.02' R2 N85'00'53" W 103.12' M
L11	$\Delta=13^{\circ}32'23''$ W 103.02' R2 N85'00'53" W 103.12' M

MONUMENTS

- ① FD 1/2" IP & PLUG LS5617 (R1 R3)
- ② FD 3/4" IP & PLUG LS7020 DN 0.5' (R4)
- ③ FD 3/4" IP & PLUG LS7020 DN 0.5' (R4) RESET S&W LS7020 FLUSH
- ④ FD SHANK IN PAVERS. ACCEPTED AS NAIL & TAG LS5617 PER R1 SET TAG LS7020
- ⑤ FD SHANK IN LEAD ON CONCRETE RIBBON. ACCEPTED AS LT&T LS5617 PER R1
- ⑥ FD LT&T LS5617 IN LIEU OF 1/2" IP & PLUG LS5617 (R1)
- ⑦ FD LT&T LS5617 IN LIEU OF S&W LS5617 (R3)
- ⑧ FD 1-1/2" IP & PLUG LS5617 PER R1
- ⑨ FD 1-1/2" IP & PLUG LS5453 PER R2
- ⑩ FD 1-1/2" IP AND WIRED TAG LS7020 (R5)
- ⑪ FD 1-1/2" IP & PLUG LS5453 PER R2
- ⑫ FD SPINDLE & WASHER LS5453 PER R2
- ⑬ FD 1/2" IP & PLUG LS5617 PER R3



BASIS OF BEARINGS

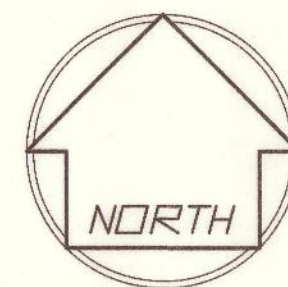
THE BEARING N00'04'22"E ON THE EAST LINE OF LOT 3 AS SHOWN ON TRACT MAP (R3) WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTE

SEE SHEET 3 FOR EXISTING AND PROPOSED EASEMENTS.

LEGEND

Δ	FOUND MONUMENT AS NOTED
O	SET SPIKE & WASHER LS7020
R1	RECORD OF SURVEY (51 RS 16)
R2	PARCEL MAP NO 10-300-06 (69 PM 9)
R3	TRACT NO 4881 (125 MR 44)
R4	CORNER RECORD 74 CR 88
R5	CORNER RECORD 75 CR 66
C	CALCULATED
DN	DOWN (SUBSURFACE)
FD	FOUND
IP	IRON PIPE
LT&T	LEAD, TACK & TAG
M	MEASURED
S&W	SPIKE & WASHER
[#, #]	EASEMENT PER SIGNATURE OMISION SHEET 1
---	ACCESS DENIAL LINE



PARCEL MAP NO. 18-300-10

IN THE CITY OF OXNARD
COUNTY OF VENTURA, STATE OF CALIFORNIA.

BEING A SUBDIVISION OF THAT PORTION OF LOT 3 OF TRACT NO. 4881, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 125, PAGE 44 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A PORTION OF PARCEL A AND ALL OF PARCEL B OF PLANNING AND ZONING PERMIT NUMBER 99-5-151 (LOT LINE ADJUSTMENT) AS SHOWN ON CERTIFICATE OF APPROVAL FOR LOT LINE ADJUSTMENT, RECORDED FEBRUARY 2, 2000, AS DOCUMENT NO. 2000-25273 OF OFFICIAL RECORDS, SHOWN AS PARCEL 2 OF PLANNING AND ZONING PERMIT NUMBER PZ 00-5-103 (LOT LINE ADJUSTMENT), RECORDED OCTOBER 31, 2000, AS DOCUMENT NO. 2000-171968 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

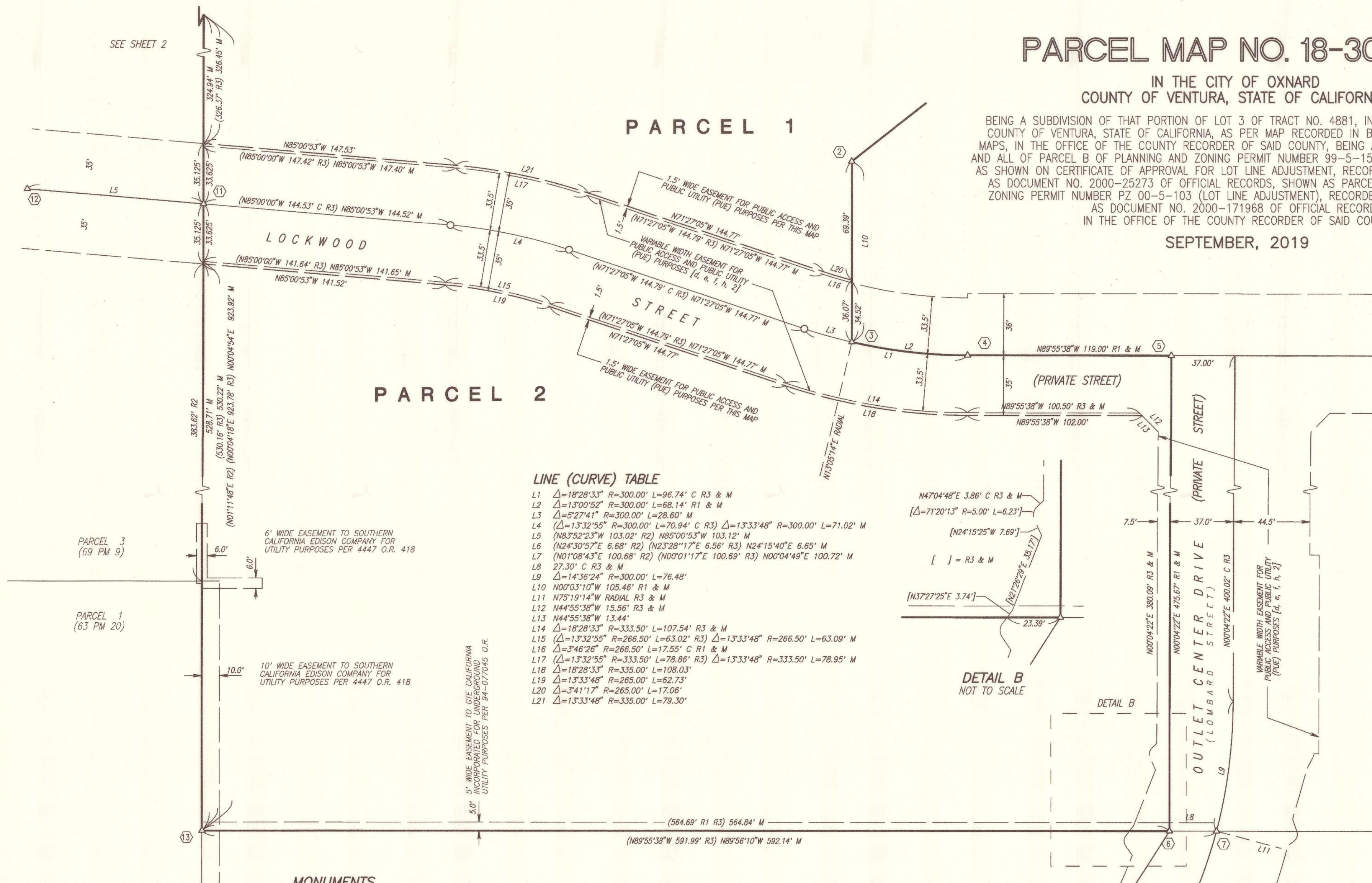
SEPTEMBER, 2019

PARCEL MAP NO. 18-300-10

IN THE CITY OF OXNARD
COUNTY OF VENTURA, STATE OF CALIFORNIA.

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SEPTEMBER, 2019

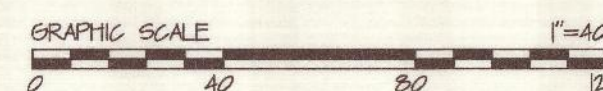


LINE (CURVE) TABLE

L1	$\Delta=18^{\circ}28'33''$ $R=300.00'$ $L=96.74'$ C R3 & M
L2	$\Delta=13^{\circ}00'52''$ $R=300.00'$ $L=68.14'$ R1 & M
L3	$\Delta=5^{\circ}27'41''$ $R=300.00'$ $L=28.60'$ M
L4	$(\Delta=13^{\circ}32'55''$ $R=300.00'$ $L=70.94'$ C R3) $\Delta=13^{\circ}33'48''$ $R=300.00'$ $L=71.02'$ M
L5	$(N83^{\circ}52'23''W$ 103.02' R2) $N85^{\circ}00'53''W$ 103.12' M
L6	$(N24^{\circ}30'57''E$ 6.68' R2) $(N23^{\circ}28'17''E$ 6.56' R3) $N24^{\circ}15'40''E$ 6.65' M
L7	$(N01^{\circ}08'43''E$ 100.68' R2) $(N00^{\circ}01'17''E$ 100.69' R3) $N00^{\circ}04'49''E$ 100.72' M
L8	$27.30'$ C R3 & M
L9	$\Delta=14^{\circ}36'24''$ $R=300.00'$ $L=76.48'$
L10	$N00^{\circ}03'10''W$ 105.46' R1 & M
L11	$N75^{\circ}19'14''W$ RADIAL R3 & M
L12	$N44^{\circ}55'38''W$ 15.56' R3 & M
L13	$N44^{\circ}55'38''W$ 13.44'
L14	$\Delta=18^{\circ}28'33''$ $R=333.50'$ $L=107.54'$ R3 & M
L15	$(\Delta=13^{\circ}32'55''$ $R=266.50'$ $L=63.02'$ R3) $\Delta=13^{\circ}33'48''$ $R=266.50'$ $L=63.09'$ M
L16	$\Delta=3^{\circ}46'26''$ $R=266.50'$ $L=17.55'$ C R1 & M
L17	$(\Delta=13^{\circ}32'55''$ $R=333.50'$ $L=78.86'$ R3) $\Delta=13^{\circ}33'48''$ $R=333.50'$ $L=78.95'$ M
L18	$\Delta=18^{\circ}28'33''$ $R=335.00'$ $L=108.03'$
L19	$\Delta=13^{\circ}33'48''$ $R=265.00'$ $L=62.73'$
L20	$\Delta=3^{\circ}41'17''$ $R=265.00'$ $L=17.06'$
L21	$\Delta=13^{\circ}33'48''$ $R=335.00'$ $L=79.30'$

MONUMENTS

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- ③ FD 3/4" IP & PLUG LS7020 DN 0.5" (R4) RESET S&W LS7020 FLUSH
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WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.495.7014
www.peakinc.com

MEMORANDUM



September 1, 2020

TO: City Council

FROM: Jeff Pengilley, Acting Community Development Director

SUBJECT: Notice of Pending Approval - Parcel Map 18-300-10 for the Lockwood subdivision. Filed by Eric Widmer for Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230

In accordance with Ordinance 2910, the City Council will receive notification at its regular scheduled meeting of September 1, 2020 that the Community Development Director intends to approve PZ 18-300-10, Parcel Map 18-300-10 for the Lockwood subdivision, a 11.85 acre undeveloped, commercially zoned property that will be divided into two lots of net size 6.13 and 4.86 acres and construction of Lockwood Street on September 11, 2020, ten days following the City Council meeting.

On September 17, 2019, the City Council approved Tentative Parcel Map 18-300-10 for the Lockwood subdivision. Tentative Parcel Map 18-300-10 included the subdivision of a vacant undeveloped parcel into two lots and construction of the connection of Lockwood Street, a private street, along with associated infrastructure improvements.

The subject parcel map was reviewed for conformance with the City's conditions of approval and the state Subdivision Map Act (SMA). The City's engineer has certified that the subject map complies with the Planning Commission and City Council Resolutions which approved the Tentative Parcel Map for this subdivision and complies with the provisions of the SMA.

The Community Development Director's action may be appealed to the City Council pursuant to the appeal procedures set forth in Section 15-25 of the Oxnard City Code. Questions concerning this pending action can be directed to Paul McClaren, Associate Planner, by calling 805-385-3945 or via email at paul.mcclaren@oxnard.org.



**VERIFICATION OF STATUS:
FINAL MAPS AND IMPROVEMENT PLANS**

Tract/Parcel Map

Project Location:

Parcel Map 18-300-10

- ☒ Map requires subdivision improvement agreement.
- ☐ The Development Services Program does not require improvement plans for this development.
- ☒ This Program has reviewed the improvement plans and found them acceptable. Based on our review, we believe these plans comply with the resolution of the Planning Commission and the City Council approving the tentative map for this development.
- ☒ This Program has reviewed the Final Map and Title Sheet and found them acceptable. Based on our review, we believe the map complies with the resolution of the Planning Commission and the City Council approving the tentative map for this development and also with the Subdivision Map Act of the State of California.
- ☒ The Final Map has been signed.

DATE: 7/1/20



Jeff Pengilley
Community Development

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT AND ACCEPTING AN OFFER OF WATER RIGHTS AND PUBLIC ACCESS AND UTILITY EASEMENTS ASSOCIATED WITH FINAL PARCEL MAP 18-300-10 (PLANNING AND ZONING PERMIT NO. 18-300-10), FOR THOSE VACANT 11.85 ACRES LOCATED SOUTH OF U.S. ROUTE 101 AND WEST OF OUTLET CENTER DRIVE (APN 213-0-090-105). FILED BY ERIC WIDMER FOR SUNBELT ENTERPRISES, LLC, 5715 MESMER AVENUE, LOS ANGELES, CA 90230.

WHEREAS, the Tentative Parcel Map 18-300-10 (Planning and Zoning Permit No. 18-300-10) for those vacant 11.85 acres located south of U.S. Route 101 and west of Outlet Center Drive (APN: 213-0-090) filed by Eric Widmer for Sunbelt Enterprises, LLC, was recommended for approval by the Planning Commission Resolution No. 2019-26 (October 12, 2018) and approved by City Council Resolution No. 15,257 (September 17, 2019), subject to certain conditions; and

WHEREAS, on July 1, 2020, Eric Widmer (the “**Applicant**”), submitted Final Parcel Map 18-300-10, together with the Subdivision Improvement Agreement proposed to be entered into in connection with the subdivision and an offer of water rights and public access and utility easements; and

WHEREAS, on September 1, 2020, the City Council considered the request and determined that the request is consistent with Oxnard’s 2030 General Plan, Chapter 15 “Subdivision Ordinance” of the Oxnard City Code, and the Subdivision Map Act.

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

SECTION 1. The recitals of this Resolution are hereby adopted into the operative provisions of this Resolution by this reference.

SECTION 2. The City Council, in accordance with the California Environmental Quality Act (CEQA), previously determined that approval of Planning and Zoning Permit No. 18-300-10 (Tentative Parcel Map 18-300-10) was Categorically Exempt from the CEQA Guidelines in accordance with Section 15315 (Class 15, Minor Land Divisions). The City Council finds the acceptance of a Final Map consistent with a Tentative Map, Subdivision Improvement Agreement, Accepting the water rights offered in dedication to the City of Oxnard and accepting public access and utility easements and implementing conditions of approval is Statutorily Exempt from the CEQA Guidelines in accordance with Section 15268 (Ministerial Projects) and City Council Resolution No. 10,851.

Resolution No.

PZ 18-300-10 (Final Parcel Map 18-300-10)

City Council Meeting, September 1, 2020

Page 2

SECTION 3. Based on review of the City Council Staff Report, all exhibits attached thereto and all written and oral testimony, the City Council hereby finds that: (i) Final Parcel Map 18-300-10 conforms to the requirements of the Subdivision Map Act, Oxnard 2030 General Plan as adopted, Chapter 15 of the Oxnard City Code, and every condition of approval previously imposed upon the Tentative Parcel Map 18-300-10; and (ii) Final Parcel Map 18-300-10 is in substantial compliance with the previously approved Tentative Parcel Map 18-300-10.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, the City hereby accepts all water rights and public access and utility easements as offered.

SECTION 5. Planning and Zoning Permit No. 18-300-10 (Parcel Map 18-300-10) is hereby subject to those findings and conditions set forth in City Council Resolution No. 15,257 for the Tentative Parcel Map, which are incorporated herein by this reference.

SECTION 6. The City Council hereby approves the Subdivision Improvement Agreement attached hereto as **Exhibit A** and authorizes the Mayor to execute such Agreement.

SECTION 7. The City Clerk shall certify the adoption of this Resolution.

PASSED AND ADOPTED this 1st day of September, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen Fischer, City Attorney

Stephen M. Fischer
City Attorney

Office of the City Attorney

305 West Third Street, Suite 100E
Oxnard, California 93030
(805) 385-7483
Fax (805) 385-7423



July 29, 2020

Alice Galstian, Manager
Sunbelt Enterprises, LLC
7515 Mesmer Avenue
Los Angeles, CA 92030

Re: Subdivision Improvement Agreement ("Agreement") – Agreement No. 8946-20-CD

Dear Ms. Galstian:

Enclosed for your records is a fully executed copy of the above referenced Agreement for Permit No. PZ 18-300-10.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen Fischer". The signature is fluid and cursive, with the first and last names being more prominent.

Stephen Fischer
City Attorney

SMF:le
Enclosure

cc: City Clerk
Clara Magana, Project Manager

Agreement No. 8946-20-CD

CITY OF OXNARD

SUBDIVISION IMPROVEMENT AGREEMENT

Date of Agreement: May 26, 2020
Permit No.: PZ 18-300-10
Name of Subdivider: Sunbelt Enterprises, LLC
Address: 7515 Mesmer Avenue
Los Angeles, CA 92030

This Subdivision Improvement Agreement ("Agreement") is entered into in the County of Ventura, State of California, between the City of Oxnard ("City") and the above-named Subdivider ("Subdivider") pursuant to Government Code section 66462 et seq., of the Subdivision Map Act and the City's subdivision ordinance. City and Subdivider agree as follows:

1. Agreement to Perform. Subdivider agrees to satisfactorily perform all acts required by City in connection with the subdivision of the above tract.

2. Construction of Improvements.

A. At Subdivider's sole expense, Subdivider agrees to construct and complete in accordance with City standards all street, drainage, water, sewer, lighting, and other public improvements required for approval of the subdivision of the above tract. Such public improvements are set forth in Section 1 of Exhibit A, attached hereto and incorporated herein by this reference. The estimated cost of such public improvements is listed in Section 2 of Exhibit A.

B. Subdivider agrees to construct and complete City's portion, if any, of the public improvements as set forth in Section 1 of Exhibit A. Subdivider shall be reimbursed by City for the cost of such construction and completion in accordance with Resolution No. 10,272.

C. The public improvements are public work, as defined in Chapter 1 of Part 7 of Division 2 of the Labor Code, to which Labor Code section 1771 applies. Subdivider shall comply with all requirements of law applicable to such construction.

3. Repairs or Reconstruction. Subdivider shall promptly repair or reconstruct any portion of the public improvements that the Development Services Director ("Director") determines, in his or her sole discretion, to be unsatisfactory. If Subdivider does not act promptly after reasonable notice from Director, and if City promptly repairs or reconstructs the improvements in order to protect such improvements or the public safety, Subdivider shall pay to City the actual cost of repairs or reconstruction plus 15 percent thereof.

4. Fees and Charges. Subdivider agrees to pay all fees and charges imposed on the development pursuant to federal and state law and regulations and City ordinances, resolutions and policies.

5. Faithful Performance/Labor and Materials Security. Prior to execution of this Agreement by City, Subdivider shall furnish the City with security in a form approved by the City Attorney. Security shall be as follows:

A. 100% of the estimated costs of the public improvements as listed in Section 2 of Exhibit A to secure satisfactory construction and completion of those public improvements.

B. 50% of the estimated costs of the public improvements as listed in Section 2 of Exhibit A to secure prompt payment to any contractor, subcontractor, and/or to persons furnishing labor, materials, or equipment for the construction and completion of the public improvements.

C. No changes or alterations may be made in the construction of the public improvements without the prior approval of Director. Unless otherwise approved, in writing, by Director, Subdivider shall obtain security for 100% of the estimated cost of the public improvements as changed or altered.

6. Release of Security. City agrees that the security furnished by the Subdivider shall be released in the following manner:

A. Security provided for satisfactory construction and completion of the public improvements shall be released upon final completion and acceptance of such construction by Director, subject to the security retained to guarantee that the public improvements are not defective and to pay the costs of enforcement. On written application of Subdivider after partial completion of the construction and acceptance thereof, Director may release a portion of the security. Any partial release shall not be less than 25% or more than 75% of the total security until final completion and acceptance of the public improvements by Director.

B. Security for payment to any contractor, subcontractor, and/or persons furnishing labor, materials, or equipment shall be released 65 days after the recording of a Notice of Completion, or if a Notice of Completion is not recorded, 95 days after the completion of the public improvements. The amount of security released shall be the total security less the amount of all claims of lien that have been recorded and notice given in writing to City. If no such claims of lien have been recorded and no notice given in writing to City, City shall release the security in full.

7. Guarantee of No Defects. Subdivider guarantees that the public improvements shall not be defective in any manner for a period of one year following completion and acceptance thereof by City, and Subdivider agrees to pay City's costs of enforcing such guarantee. Subdivider's guarantee shall be secured by a security in a form approved by the City Attorney equal to 25% of the estimated costs of the public improvements as listed in Section 2 of Exhibit A.

8. Time for Completion.

A. Subdivider shall diligently commence and proceed with the construction so that the public improvements shall be completed and accepted within 12 months after execution of this Agreement by City.

B. If Subdivider is delayed at any time in the progress of the construction by any changes ordered by Director in the scope of Subdivider's construction or by labor disputes, fire, unavoidable casualties or other circumstances beyond Subdivider's control, Director, on written application of Subdivider, may extend the time for completion for a reasonable period. Any extension granted by Director shall be in writing and shall specify the new time for performance.

C. For other good cause shown by Subdivider, Director may extend the time for completion. Any extension granted by Director shall be in writing and shall specify the new time for performance.

D. If the estimated costs of construction of the public improvements have increased, Director may, as a condition of extending the time for completion, require Subdivider to increase the amount of security.

9. Breach of Agreement. Director may declare Subdivider in breach of this Agreement for any of the following reasons:

A. Subdivider does not diligently pursue completion of the public improvements, or any part thereof, or fails to complete the construction of the public improvements within the specified time;

B. Subdivider is adjudged bankrupt, or Subdivider makes a general assignment for the benefit of Subdivider's creditors, or a receiver is appointed in the event of Subdivider's insolvency;

C. Subdivider or any of Subdivider's contractors, subcontractors, agents or employees violate any of the provisions of this Agreement.

10. Use of Security Upon Breach. After notifying Subdivider of Subdivider's breach of this Agreement, Director shall have the following rights with regard to Subdivider's security:

A. To demand that the surety immediately take over and complete the public improvements. The surety shall be obligated to comply with such demand within five days of receipt thereof.

B. To take over and complete the public improvements and use the security to provide for the entire costs thereof.

C. To take other appropriate action to cause the public improvements to be constructed at the expense of Subdivider or Subdivider's surety.

11. Indemnity. Subdivider 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 Subdivider or its agents, employees, subconsultants, subcontractors, consultants and other persons acting on Subdivider'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, or acts for which Subdivider or its agents, employees, subconsultants, subcontractors, consultants and other persons acting on Subdivider's behalf would be held strictly liable.

12. Insurance.

A. Prior to execution of this Agreement by City, Subdivider shall obtain and maintain during the performance of this Agreement the insurance coverages as specified in Exhibit INS-Q, attached hereto and incorporated herein by this reference, issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Subdivider obtain and maintain such insurance coverages.

B. Prior to commencement of any construction under this Agreement, Subdivider shall file with the Risk Manager evidence of insurance coverage as specified in Exhibit INS-Q. Evidence of insurance coverage shall be forwarded to the Risk Manager, addressed as specified in Exhibit INS-Q.

C. Maintenance of proper insurance coverages by Subdivider is a material element of this Agreement. Subdivider's failure to maintain or renew insurance coverages or to provide evidence of renewal may be considered as a material breach of this Agreement.

13. Severability. City and Subdivider agree that the invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

14. Waiver of Any Challenge. Subdivider's execution of this Agreement represents full acceptance of the benefits and the burdens associated with the approval of the subdivision of the above tract and Subdivider hereby fully and completely waives all claims, protests, or challenges concerning any fee, condition or obligation imposed by City in its approval of the subdivision.

15. Costs of Enforcement. Subdivider and City agree that the prevailing party's reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney Department) and expenses, including investigation fees and expert witness fees, shall be paid by the non-prevailing party in any dispute involving the terms and conditions of this Agreement.

16. Arbitration. Subdivider and City agree that in the event of any dispute with regard to the provisions of this Agreement or the construction of the public improvements, the dispute may be submitted to arbitration upon the mutual agreement of Subdivider and City, under such

procedures as Subdivider and City may agree upon, or, if Subdivider and City cannot agree, then under the Rules of the American Arbitration Association.

17. Waiver of Statute of Limitations. For a period of ten years from the date of this Agreement, Subdivider agrees not to plead the statute of limitations as a defense to the obligations imposed by this Agreement.

18. Notices. All notices provided for herein shall be in writing and shall be effective when delivered in person or sent by registered or certified mail to Subdivider at the address given above or to City, c/o Development Services Director, 214 South "C" Street, Oxnard, California 93030-5738.

19. Amendments. City and Subdivider agree that the terms and conditions of the Agreement may be reviewed and/or modified at any time. Any modifications to this Agreement, however, shall be effective only when agreed to in writing by both Director and Subdivider.

20. Binding on Successors. Subdivider and City agree that this Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Subdivider and City.

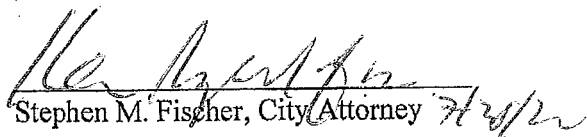
21. Entire Agreement. City and Subdivider agree that this Agreement constitutes the entire agreement of the parties regarding the subject matter described herein and supersedes all prior communications, agreements, and promises, either oral or written.

22. 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 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.

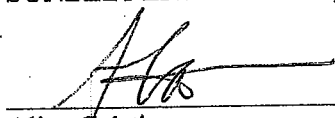
CITY OF OXNARD


Jeffrey Lambert,
Community Development Director

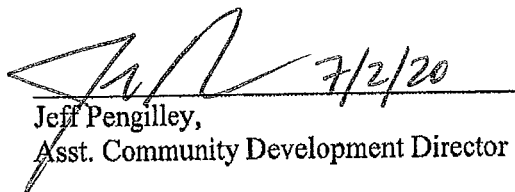
APPROVED AS TO FORM:


Stephen M. Fischer, City Attorney

SUNBELT ENTERPRISES, LLC


Alice Galstian,
Manager

APPROVED AS TO CONTENT:


Jeff Pengilley,
Asst. Community Development Director

APPROVED AS TO INSURANCE:

A handwritten signature in black ink, appearing to be 'W. B. G.', written over a horizontal line.

Risk Manager

EXHIBIT A
TO
SUBDIVISION IMPROVEMENT AGREEMENT
PERMIT NO. PZ 18-300-10

SECTION 1. IMPROVEMENT AND RESOLUTIONS.

Detailed Improvement Plan No. 19-24A
Planning Commission Resolution No. 2019-26
City Council Resolution No. 15,257
and any resolution approving the final map.

SECTION 2. ESTIMATED COSTS OF IMPROVEMENTS.

Streets	\$155,000.00
Removals	\$15,000.00
Wastewater facilities	-0-
Water facilities	\$35,000.00
Storm Drain facilities	-0-
Monuments and related facilities	\$8,500.00
Grading	\$12,000.00
Underground existing utilities	-0-

de
7-2-2020
TOTAL \$225,500.00

Exhibit INS-Q

INSURANCE REQUIREMENTS FOR SUBDIVISION AGREEMENTS

1. Developer shall obtain and maintain during the performance of any activities 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 development of the subdivision by developer, its agents, representatives, or employees.

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. Developer shall, prior to approval of the Subdivision Agreement, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-Q. 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. 8946-20-CD
P.O. Box 100085 - OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3. Developer 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. Developer 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 developer; products and completed operations of developer; premises owned, occupied or used by developer; or automobiles owned, leased, hired or borrowed by developer. 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-Q 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 developer shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

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 notice of cancellation.**

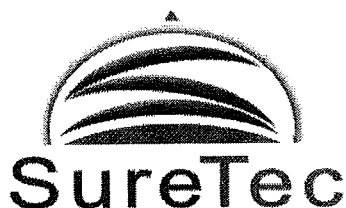
Endorsement Forms

Original endorsements are required for commercial general liability and business 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.

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 ☒ COMMERCIAL GENERAL LIABILITY ☒ CLAIMS MADE ☒ OCCUR ☒ 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 ☒ ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE \$1,000,000 LIMIT 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. 8946-20-CD 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 ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE			

Rev. 5/20

Rev. 5/20



PERFORMANCE BOND

(Subdivision Improvements)

Bond No. : 4432617
Premium: \$5,010.00

Whereas, The City Council of the City of Oxnard, State of California, and Sunbelt Enterprises, LLC (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated May 26, 2020, and identified as project Lockwood Street - Permit No. PZ 18-300-10; Agreement No. 8946-20-CD, is hereby referred to and made a part hereof; and

Whereas, Said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and SureTec Insurance Company, as surety, are held and firmly bound unto the City of Oxnard hereinafter called ("Obligee"), in the penal sum of Two Hundred Twenty Five Thousand Five Hundred and No/100 dollars (\$225,500.00) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless Obligee, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by Obligee in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on June 12, 2020.

Principal**Address of Principal:**

5715 ~~7545~~ Mesmer Avenue
Los Angeles, CA 92030
(818) 222-2355

Sunbelt Enterprises, LLC

By: 

Surety**Address of Surety:**

3131 Camino del Rio N. Ste. 1450
San Diego, CA 92108
619-400-4100

SureTec Insurance Company

By: 

Steve Shike, Attorney-In-Fact

Acknowledgment by attorney-in-fact must be attached.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

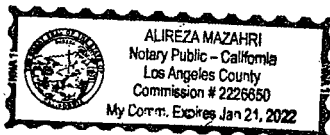
State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 16th
day of June, 2020, by Alice Rose

Galstian

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to read "Alireza Mazahri", written over a horizontal line.

ACKNOWLEDGMENTState of OregonCounty of MarionOn JUNE 12, 2020 before me, Victoria Elizabeth Hatefi, Notary Public,
(here insert name and title of the officer)personally appeared Steve Shike, Attorney-in-Fact,

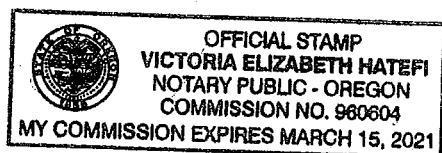
personally known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized
capacity, and that by his signature on the instrument the person, or the entity upon
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature



(Seal)



POA #: 3710007

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Corban Enns, Beulah Hadley-Voth, Steve Shike, Laura A. Marsland

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the CEO, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its CEO, and its corporate seal to be hereto affixed this 11th day of October ; A.D. 2019 .

SURETEC INSURANCE COMPANY

By: _____

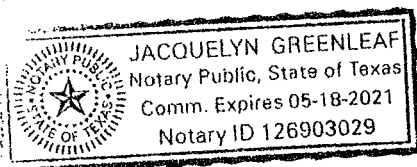
John Knox Jr., CEO

State of Texas
County of Harris

ss:



On this 11th day of October , A.D. 2019 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is CEO of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Jacquelyn Greenleaf, Notary Public

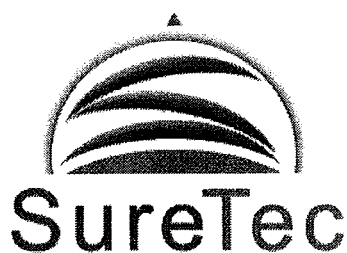
My commission expires May 18, 2021

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 12th day of JUNE, 2020, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.



LABOR AND MATERIAL'S BOND

(Subdivision Improvements)

Bond No. : 4432617

Premium: Included in Performance Bond

Whereas, The City Council of the City of Oxnard, State of California, and Sunbelt Enterprises, LLC (hereinafter designated as "the principal") have entered into an agreement whereby the principal agrees to install and complete certain designated public improvements, which agreement, dated May 26, 2020, and identified as project Lockwood Street - Permit No. PZ 18-300-10; Agreement No. 8946-20-CD, is hereby referred to and made a part hereof; and

Whereas, Under the terms of the agreement, the principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Oxnard to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

Now, therefore, the principal and the undersigned as corporate surety, are held firmly bound unto the City of Oxnard and all contractors, subcontractors, laborers, material suppliers, and other persons employed in the performance of the agreement and referred to in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the sum of One Hundred Twelve Thousand Seven Hundred Fifty and No/100 dollars (\$112,750.00), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this work or labor, that the surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by city in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, Otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration, or addition.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on June 12, 2020.

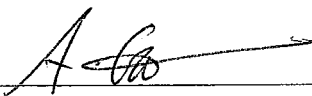
Principal**Address of Principal:**

5715 ~~7515~~ Mesmer Avenue

Los Angeles, CA 92030

(818) 222-2355

Sunbelt Enterprises, LLC

By: 

Address of Surety:

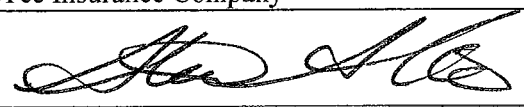
3131 Camino del Rio N., Suite 1450

San Diego, CA 92108

619-400-4100

Surety

SureTec Insurance Company

By: 

Steve Shike, Attorney-In-Fact

Acknowledgment by attorney-in-fact must be attached.

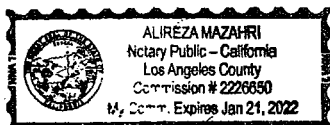
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 16th
day of June, 2020, by Alice Rose
Galshten

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to read "Alireza Mazahri", written over a horizontal line.

ACKNOWLEDGMENT

State of Oregon
County of Marion

On JUNE 12, 2020 before me, Victoria Elizabeth Hatefi, Notary Public,
(here insert name and title of the officer)

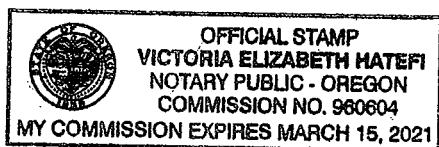
personally appeared Steve Shike, Attorney-in-Fact,

personally known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized
capacity, and that by his signature on the instrument the person, or the entity upon
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Victoria Hatefi

(Seal)



POA #: 3710007

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Corban Enns, Beulah Hadley-Voth, Steve Shike, Laura A. Marsland

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the CEO, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its CEO, and its corporate seal to be hereto affixed this 11th day of October, A.D. 2019.

SURETEC INSURANCE COMPANY

By:

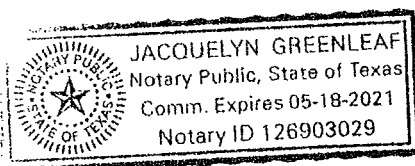
John Knox Jr., CEO

State of Texas
County of Harris

ss:



On this 11th day of October, A.D. 2019 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is CEO of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



[Signature]

Jacquelyn Greenleaf, Notary Public
My commission expires May 18, 2021

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 12th day of JUNE, 2020, A.D.

[Signature]
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.7**

DATE: September 1, 2020

TO: City Council

FROM: Jeff Pengilley, Interim Community Development Director, (805) 385-8208, jeff.pengilley@oxnard.org

SUBJECT: Budget Appropriation for previously endorsed projects using the Downtown Improvement Program Settlement Funds (DIPSF)/Fund 481 City-Downtown Improvement.

RECOMMENDATION

That the City Council approve a budget appropriation, as previously endorsed at Council's December 3, 2019 meeting, in the amount of \$200,000 to Downtown Targeted Police Deployment and \$100,000 to Homeless Outreach from the fund balance of the City-Downtown Improvement Fund 481.

BACKGROUND

On December 3, 2019 City Council endorsed a multi-pronged approach to downtown revitalization that included:

1. Addressing the impact from homelessness and vagrancy
2. Seeking private economic investment through the development of city and privately owned properties
3. Creating a clean and safe environment, and
4. Creating a vibrant downtown environment.

At that meeting City Council supported the use of the as Downtown Improvement Program Settlement Funds ("DIPSF")/Fund 481 (City-Downtown Improvement) to improve the physical environment and safety of the downtown (Attachment 1). With that action Council amended the FY 2019-20 Budget to appropriate \$540,000 for several projects including: homeless outreach, property management/maintenance, downtown targeted police deployment, staff and consultant resources. Three of the projects described in the December 2019 report were multi-year projects that would require a budget appropriation in FY 20-21 and FY 21-22. As described in the December 3, 2019 report the Year 2 (FY 2020-21) and Year 3 (FY 2021-22) funding would total \$390,000 per year for homeless outreach (\$100,000), target police resources (\$200,000), and revitalization services and advice from the New City America consulting firm (\$90,000).

During the FY 2020-21 Budget preparation the Year 2 funding for New City America was appropriated in the FY 20-21 budget, however the appropriations for Year 2 funding for homeless outreach and downtown targeted police deployment were and not included, despite the City Council approval of these priorities on December 3, 2019. To continue delivery of services by the Police and Housing Departments, an appropriation for FY 2020-21 is presented to be considered now.

As described in the December 3, 2019 report \$200,000 annually for Police overtime funding specific to service within the Downtown greatly enhances OPD's ability to address problems in the downtown. The \$200,000 can provide 40 additional hours *per week* dedicated to the Downtown area and is similar to other communities such as Seabridge and Riverpark that fund additional Police personnel (in those cases it is through the Community Facilities Districts (CFDs). These additional overtime funds allow for more weekend coverage and also allow a return to alcohol compliance efforts in the evening hours. Overtime funding, rather than additional authorized officer positions, allows for a more directed

impact by choosing the busiest hours and days for selective uniformed enforcement.

For Homeless Services the \$100,000 in funding provides for two (2) dedicated homeless outreach workers for Downtown. The team, working in close partnership with local homeless services providers and law enforcement, offers daily outreach and response to the homeless population encamped within the downtown area offering resources including counseling and shelter.

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.

Goal 2. Address homelessness through the development and implementation of a multi-tiered strategy.
Objective 2a. Identify the City's homelessness mission and create a 5-year plan to address homelessness.

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.

Goal 2. Enhance business development throughout the City.
Objective 2d. Public safety will collaborate with the business community to promote an environment that supports economic development.

Goal 5. Revitalize Oxnard's downtown and pursue economic development opportunities.

FINANCIAL IMPACT

As initially described in December 2019, there is sufficient fund balance in Fund 481 to cover the appropriation. Fund 481 can only be spent on activities related to the supporting downtown revitalization. The Budget Appropriation Request form is attached (Attachment 2). The budget appropriation in the amount of \$300,000 will provide Year 2 services for Downtown Targeted Police Deployment (Project 20IN03) and Homeless Outreach from the fund balance of the City-Downtown Improvement Fund 481. Assuming this appropriation is approved, the projected ending fund balance at June 30, 2021 will be \$4.2 million for Fund 481.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Rosie Ornelas, Economic Development Manager, Sabrina Rodriguez, Management Analyst III

ATTACHMENTS

1. December 3, 2019 City Council Staff Report (without attachments)
2. Budget Appropriation

Attachment 1

**December 3, 2019 City Council Meeting Staff Report:
Downtown Improvement Program Settlement Funds (DIPSF) - Priority Funding
Recommendations**

Please visit the below link to view the staff report::

<https://drive.google.com/file/d/1jPYeBYwmawKV9ZOICjKuQTfjqSJNiDcf/view?usp=sharing>

Date: September 1, 2020

Manager: Rosie Ornelas

Phone: 385-7932

To appropriate Year 2 of Year 3 Downtown Improvement funding including \$200,000 for Downtown Targeted Police Deployment and \$100,000 for Homeless Outreach.

AMOUNT

Fund: CITY - DOWNTOWN IMPROVEMENT (FUND 481)

DOWNTOWN TARGETED POLICE DEPLOYMENT (PROJECT 20IN03)

481-2103-804.80-03	OVERTIME	200,000
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HOUSING SERVICES ADMINISTRATIVE SUPPORT (5101)

481-5101-804.82-09	SVCS-OTHER PROF/CONTRACT	100,000
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Sub-total Expenditures	300,000
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Net Change to Fund Balance (300,000)

Net Appropriation Change	300,000
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Department Director

Chief Financial Officer

City Manager



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. 1.8**

DATE: September 1, 2020

TO: City Council

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

SUBJECT: Ratification of the Agreement for Hueneme Elementary Afterschool Program Services to Provide COVID-19 Support Services.

RECOMMENDATION

That the City Council

- 1) Ratify an amendment to Agreement No. 8069 between the City and Hueneme Elementary School District to operate the FY20-21 Homework Support Center and provide extended learning program services in a Hybrid/Blended Learning program not to exceed the amount of \$215,265 and
- 2) Approve a budget appropriation in the amount of \$215,265 in FY 20-21 to ASES funding (272-5511/Project AS0951).

BACKGROUND

In November 2002, California voters approved the After School Education and Safety (ASES) Initiative with the passage of Proposition 49. In 2006, the governor signed into law Senate Bill 638, making ASES operational. In 2008, the City of Oxnard and the Hueneme School District partnered to provide service to implement the ASES program.

DISCUSSION

The City and the District amended the agreement (A-8069) to respond to changes brought about by COVID-19 and the need for distance learning.

When the City Council is not in session, Oxnard City Code section 4-75 authorizes the City Manager and the most senior available Oxnard City Council member to approve contracts when there is an immediate need to do so. Given the ongoing COVID-19 crisis and the need for the City to provide distance learning pursuant to the existing agreement it has with the District, there was an immediate need to enter into this agreement while the City Council was not in session. Pursuant to Oxnard City Code section 4-75, this item was placed on the agenda for ratification.

Due to 100% distance learning the District requested additional city service via the ASES grant in the after school program to provide homework support to students at the conclusion of the regular school day. The cost for this proposed service is \$111,870. Further, the District requesting additional staff to provide a full day extended learning program to students who attend the hybrid/blended program when schools reopen. This program is intended to ensure parents are provided with childcare on days of the week that their child is not scheduled on campus. All persons working at school sites will receive training in COVID-19 Protocols and personal protective equipment will be provided. This staffing request is contingent upon schools reopening and the budget will be adjusted accordingly based on the cost per day and number of days the program operates. The cost of this proposed service will be up to the total amount of \$103,395. The total costs for these two services will not exceed \$215,265.

STRATEGIC PRIORITIES

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

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

Objective 1b. Explore alternatives for youth through recreation programs and intervention services.

FINANCIAL IMPACT

All services provided by City staff for the Hueneme ASES grant are fully reimbursable by the Hueneme Elementary School District and do not impact the General Fund. If ratified, the budget amount for Agreement No. A-8069 for FY 20-21 of \$842,290 will be increased by an amount not to exceed \$215,265 in FY 20-21 to ASES funding (272-5511 / Project AS0951).

COMMITTEE OUTCOME

Because the need for these COVID-19 related services arose when the Council was not in session, this item did not originate in Committee.

Prepared by: Julie Estrada, Recreation Coordinator

ATTACHMENTS

1. Amendment to Agreement 8069
2. Exhibit A to Agreement 8069
3. BA Hueneme ASES FY 2021 Amendment

**FIRST AMENDMENT TO AGREEMENT FOR AFTER SCHOOL EDUCATION AND
SAFETY (ASES) PROGRAM SERVICES**

This First Amendment to Agreement for Services ("Amendment") is entered into between the HUENEME ELEMENTARY SCHOOL DISTRICT, a public school district duly operating under the laws of the state of California (the "District"), and The CITY OF OXNARD, a California municipal corporate (the "Provider") on this 19th day of August, 2020.

WHEREAS, effective July 1, 2018, the District and the Provider entered into that certain Agreement for Services ("Agreement") for the purposes of providing specific services pursuant to the ASES Program Grant for eligible District schools and students; and

WHEREAS, the District and Provider wish to add Exhibit A to the Agreement to allow Provider to provide homework support during the existing and ongoing COVID-19 public health crisis; and

WHEREAS, because of the needs to commence the services during the City Council's August recess, this Amendment is approved pursuant to Oxnard City Code Section 4-75 by the City Manager and the most senior available member of the Oxnard City Council ("City Council"), subject to ratification by the City Council at one of the next three meetings of the City Council.

NOW THEREFORE, THE DISTRICT AND PROVIDER AGREE AS FOLLOWS:

Section 1. The recitals hereto form a material part of this Amendment, are true and correct, and are incorporated herein by this reference and made a part of this Amendment.

Section 2. Exhibit A to this Amendment, which is attached hereto and incorporated herein by this reference, is hereby added to the Agreement.

Section 3. If the City Council does not ratify this Amendment at one of its next three meetings following the effective date of this Amendment, this Amendment shall terminate.

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Section 4. Except as specifically amended by this Amendment, all other provisions of the Agreement for Services shall remain in full force and effect.

IN WITNESS THEREOF, the District and the Provider have executed this Amendment on the dates indicated.

DISTRICT

Dr. Christine Walker, Superintendent

Date**PROVIDER**

[Highest ranking available
City Councilmember]

Date**ATTEST**

Michelle Ascencion, City Clerk

Date**APPROVED AS TO CONTENT**

Alexander Nguyen, City Manager

Date**APPROVED AS TO FORM**

Stephen M. Fischer, City Attorney

Date

EXHIBIT A
August 26 - December 18, 2020

Narrative 1:

The District is requesting additional staff to work in the after school program to provide homework support to students at the conclusion of the regular school day during 100% distance learning. When schools reopen for a hybrid/blended program, this additional staff will work in the program in Narrative 2 below. Staff will receive training in COVID-19 Protocols for all persons working at school sites and personal protective equipment will also be provided.

Staffing Request	Hours Per Day	# of Days	Total
22	2:00 - 6:00 p.m.	75	\$111,870.00

Narrative 2:

The District is requesting additional staff to provide a full day extended learning program to students who attend the hybrid/blended program when schools reopen. This program will operate to ensure parents whose children attend school several days a week are provided with childcare on the days of the week that their child is not scheduled on campus. Staff will receive training in COVID-19 Protocols for all persons working at school sites and personal protective equipment will also be provided.

This staffing request is contingent upon schools reopening and the budget will be adjusted accordingly based on the cost per day and the number of days the program operates.

Staffing Request	Hours Per Day	Cost Per Day	# of Days	Total
9	7:30 a.m. - 12:30 p.m.	\$762.75	50	\$38,137.50
9	12:00 - 5:30 p.m.	\$839.03		\$41,951.25
11	7:30 a.m. - 12:30 p.m. 1 additional hour	\$186.45	50	\$9,322.50
11	12:00 - 5:30 p.m. 1.5 additional hours	\$279.68	50	\$13,983.75
Total				\$103,395.00

REQUEST FOR BUDGET APPROPRIATION FY 20-21

Department: Cultural & Community Services
Project/Program ASES - Hueneme District
Manager: Araceli Espinosa

Date: August 17, 2020
Phone: 805 385-8123

Reason for Appropriation:

To recognize and increase \$215,265 to the award amount of \$842,290 for FY 20-21 to provide additional programming in response to changes brought about the COVID-19 and the need for distance learning (ASEs HUENEME DISTRICT); Agreement A-8069.

Accounts and Descriptions**AMOUNT**

Fund: 272- 21ST CENTURY CLCP-ASESP

Revenues/Transfers In

272-5511-531-7201 (AS0951)	FEDERAL & STATE SOURCES/FEDERAL GRANT REV.	<u>215,265</u>
	Sub-total Revenues	215,265

Expenditures/Transfers Out

272-5511-805.80-02 (AS0951)	PERSONNEL SERVICES/DIRECT LABOR-TEMPORARY	<u>(215,265)</u>
	Sub-total Expenditures	(215,265)

Net-Change to Fund Balance	<u>0</u>
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Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

ACM Initial



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. 1.9

DATE: September 1, 2020

TO: City Council

FROM: Steve Naveau, Human Resources Director, (805) 385-7947, steve.naveau@oxnard.org

SUBJECT: Side Letter of Agreement Amending the Memorandum of Understanding (Agreement No. A-8237) with the Oxnard Mid-Managers Association to Extend Post Retirement Medical Benefits Earned through the Oxnard Police Officers Association to a Promoted Employee.

RECOMMENDATION

That the City Council adopt a resolution approving the side letter agreement between the City of Oxnard and the Oxnard Mid-Managers Association and authorizing the City Manager or Designee to take the necessary administrative actions to implement the attached side letter.

BACKGROUND

Currently the Oxnard Peace Officers Association (POA) represents both sworn employees, such as police officers, and non-sworn employees, such as public safety dispatchers. The POA bargaining unit has previously negotiated for the City to contribute to a Retiree Medical Trust Fund (Fund) where employees, once they are vested and retire from the City, will receive a certain contribution each month to pay for health care premiums. The plan and benefits are administered 100% by the POA outside of the City's purview. In the last fiscal year under the current Memorandum of Understanding (MOU) with the POA, the City contributed approximately \$1.5 million to this Fund. Public safety is the only employee group to receive money from the City for this type of benefit.

Recently the Public Safety Communications Manager position became vacant. This is an incredibly difficult position to hire for and retain a highly qualified employee. Also, it is the next logical progression in Police Department's dispatch positional tract, so no one else in the City and very few people from outside are qualified to apply. After a recruitment was completed, the Police Department decided to promote an employee from Public Safety Dispatcher III to the Public Safety Communications Manager vacancy. The Public Safety Communications Manager is a classification assigned to the Oxnard Mid-Managers Association (OMMA), which is a non-safety bargaining unit and as such does not have the retiree benefit contained in the POA contract. Management does not want to reduce an employee's benefits as a result of accepting a promotion, especially in this unique situation. Therefore, staff recommends approving a side letter agreement between the City, the POA and OMMA to continue to make contributions into the program on behalf of this employee who wants to promote out of the POA and into the management level position. Both the POA and OMMA are in agreement with the side letter as attached to this item.

If Council agrees to the side letter, any future POA employee who promotes into this single management level position will bring this benefit with him or her into the OMMA bargaining unit, and the City will continue to make the contribution for this individual into the Fund operated by the POA.

The Fund provides medical insurance subsidies after retirement. The City contributes an amount equal to four percent (4.0%) of total annual compensation for all POA employees, including base wage and all items of compensation that

increase when base wages increase. The contribution to the Fund for non-sworn employees represented by the POA is based on the current salary schedule for a top step Public Safety Dispatcher III, which is the same classification and formula that will be used to calculate the City's contribution for the Public Safety Communications Manager. The calculation is as follows:

Public Safety Dispatcher III

Annual Salary: \$84,745.65

+ 10% Educational Incentive Pay: \$8,474.56

+ 7% Longevity Pay: \$5,932.20

TOTAL ANNUAL COMPENSATION: \$99,152.41

City's Annual 4% Contribution: \$3,966.10

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

This will require General Fund to increase its annual contribution to OPOA Retiree Medical by \$3,966.10 to cover the benefit to the one position. There should be sufficient funding in the FY2020-2021 from the General Fund Police OPOA Retiree Medical (101-21xx-802-8045) to cover for this expense.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Megan Walker, Human Resources Analyst

ATTACHMENTS

1. Resolution
2. Attachment A OMMA Side Letter

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF OXNARD AND THE OXNARD MID-MANAGERS ASSOCIATION AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTIONS NECESSARY TO IMPLEMENT THE ATTACHED SIDE LETTER.

WHEREAS, the Oxnard Mid-Managers Association is the recognized representative for employees occupying positions in the classification specified as Public Safety Communications Manager; and

WHEREAS, the City's memoranda of understanding with the Oxnard Mid-Managers Association expires June 30, 2022; and

WHEREAS, representatives of the City met and conferred in good faith with representatives of Oxnard Mid-Managers Association concerning terms and conditions of benefit for the Public Safety Communications Manager position in the bargaining unit; and

WHEREAS, the City has reached agreement with the Oxnard Mid-Managers Association attached hereto as Attachment A which sets forth the modified terms and conditions of benefit for the Public Safety Communications Manager position in the bargaining unit.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the following attachments:

Attachment A: OMMA Side Letter dated June 25, 2020

PASSED AND ADOPTED THIS _____ day of _____, 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 of Oxnard and OMMA
Letter of Agreement Amending MOU
June 25, 2020**

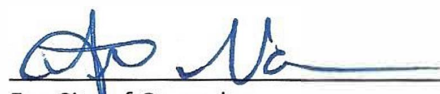
The City of Oxnard (the "City") and Oxnard Mid Manager's Association (OMMA) have agreed to the following changes in terms and conditions of the current memorandum of understanding between the City and OMMA (the "MOU")

- 1) The following language shall be incorporated as Article 6, Section 4

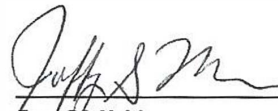
Contributions to Retiree Medical Trust Fund

The City shall continue to make mandatory contributions to the Oxnard Peace Officers' Association (OPOA) - Retiree Medical Trust ("Trust") on behalf of the employee occupying the classification of Public Safety Communications Manager. This applies only to those employees who promote directly from the Dispatcher Series into the Public Safety Communications Manager position and are enrolled in the OPOA Trust prior to promotion. The amount of such contributions made on behalf of the employee shall equal the contribution rate of a top-step Public Safety Dispatcher III (supervisor) including 10% education and 7% longevity as established in the most recent MOU between the City and the OPOA. The City shall adjust the contribution rate to reflect any negotiated OPOA top step Public Safety Dispatcher III increase. Such adjustments to the contribution rate shall be effective on the same date as the negotiated OPOA top-step Public Safety Dispatcher III increase. Payment will be made 30 days following the close of the previous quarter.

- 2) Except as modified by the terms of this agreement, all terms of the MOU shall remain unchanged.



For City of Oxnard

 6-25-2020

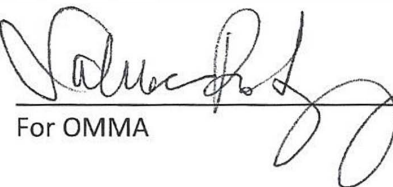
For OMMA
President

 6-29-2020

For OMMA Vice President

 6-29-2020

For OMMA

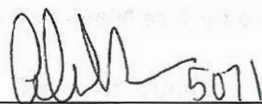
 6/29/2020

For OMMA

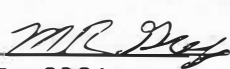
For OMMA

For OMMA

For OMMA

 5071 6/25/2020

For OPOA

 6/30/20

For OPOA



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.10

DATE: September 1, 2020

TO: Housing Authority Board

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

SUBJECT: License Agreement for Development Visioning and Temporary Use for Housing Authority Property Located at 610 Cuesta del Mar.

RECOMMENDATION

That the Oxnard Housing Authority Board of Commissioners approve and authorize the Housing Director to execute the proposed License Agreement A-8233 with LUCHA, for an initial term of three years.

BACKGROUND

The Oxnard Housing Authority acquired that certain real property located at 610 Cuesta del Mar within Oxnard in 1990, hereinafter referred to as "The Property." The Property has remained vacant and unimproved since the Oxnard Housing Authority acquired it. However, the Oxnard Housing Authority intends to develop affordable housing on The Property.

DISCUSSION

The Oxnard Housing Authority wishes to engage the Southwinds Neighborhood and community in which Cuesta Del Mar is located seeking a collective vision for development and use of The Property. The Oxnard Housing Authority anticipates development to occur within the next five years where such development will include affordable housing.

The proposed License Agreement has two objectives. The first is to develop a community vision, through the engagement of the Southwinds Neighborhood Council and community in which Cuesta Del Mar is located, for future development and use of The Property. The Property must include affordable housing, although affordable housing does not need to be the exclusive use. The Oxnard Housing Authority will engage with the Southwinds Neighborhood Council to create a joint development vision for The Property and seek to develop it consistent with that vision.

The second objective is to create a positive interim use for The Property until such time that development starts. The Oxnard Housing Authority wishes to permit the Southwinds Neighborhood Council, sponsored by LUCHA, to operate a use in the immediate and short term as determined by the community. LUCHA is a local area not for profit corporation validly established in California as of March 20, 1980. LUCHA operates with a mission to provide and maintain an organization which will deliver services through affirmative support, development and establishment of grass-roots community projects and programs, designed to meet the multi-faceted needs of our neighborhoods and communities.

The interim use of The Property will be geared at engaging and activating the local community surrounding the Southwinds Neighborhood. Possible concepts consist of utilizing mobile storage containers to store gardening, art, and other pertinent supplies and make them available for local residents who wish to create projects. Community members will be encouraged by the Ventura County Arts Collective, LUCHA, Southwinds Neighborhood Council, The Carpenters Union, and other community stakeholders to develop self-expression while using the space to improve their community.

Poetry readings, mom's knitting groups and mural painting is another concept, which could be combined with the storage containers, are also concepts being considered. Lastly, a third idea is a biweekly USDA food distribution to help alleviate the needs of low-income families within the neighborhood.

The proposed License Agreement is for an initial term of three (3) years, which may be terminated by either party upon 180 days written notice to the other party. This License will be revisited after the initial term on a yearly basis by both parties for possible extension. The Agreement requires that the improvements, once installed, shall be open and useable by members of the public at reasonable times determined by LUCHA and the Housing Authority. The parties understand and agree that the improvements to be installed by LUCHA are temporary and shall be removed when the subject property is needed for development. The Agreement also requires that LUCHA shall be fully responsible for the maintenance and security of the Property associated with the temporary use.

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 immediate financial impact associated with the proposed License Agreement and may offer minimal property maintenance cost savings.

COMMITTEE OUTCOME

The Housing and Economic Development Committee approved 3-0 on July 28, 2020, to approve the staff recommendation and to forward the item for Oxnard Housing Authority Board of Commissioners approval.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. License Agreement A-8233

License Agreement

This License Agreement (“License”) is by and between the Oxnard Housing Authority (“Housing Authority”) and LUCHA, a California Non-Profit Corporation (“LUCHA”) and is dated as of June 10, 2020.

Recitals

- I. The Housing Authority is the owner of a vacant property located at 610 Cuesta del Mar in the City of Oxnard (the “Property”).
- II. Prior to the Property being developed by the Housing Authority, LUCHA wishes utilize the Property for interim uses by the surrounding community, as more fully described in Exhibit A, which is attached hereto and incorporated herein by the reference (hereafter the “Improvements”).
- III. The Housing Authority is willing for LUCHA or its designee to install the Improvements on the Property, subject to the terms and conditions of this License.
- IV. LUCHA also wishes to collaborate with the Housing Authority on envisioning how and what to develop on the Property.
- V. The Housing Authority is willing to collaborate with LUCHA on envisioning how and what to develop on the Property, provided any such development of the Property must include public housing on it and that any development on the Property is subject to the approval of the governing body of the Housing Authority.

NOW, THEREFORE, in consideration of the foregoing Recitals which are hereby incorporated into the operative provisions of this License by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Housing Authority and LUCHA agree as follows:

1. Grant of Nonexclusive License. Housing Authority grants to LUCHA and LUCHA accepts a nonexclusive license to install, maintain and provide public use from the Improvement on the Property, constructed in accordance with plans approved by the Housing Authority.
2. Term. The initial term of this License is effective upon approval of the Housing Authority’s Board of Commissioners and shall continue for three (3) years. Notwithstanding any language in this License to the contrary, this License may be terminated by either party upon 180 days written notice to the other party. This License will be revisited after the initial term on a yearly basis by both parties for possible extension.
3. License Payment. LUCHA shall pay Housing Authority the sum of One Dollar (\$1.00) in advance for this License.
4. Indemnification and Insurance.

- a. LUCHA shall, during the term of this License, hold harmless, indemnify and defend Housing Authority, its elected and appointed officials, employees, agents and consultants from and against any damages, claims, causes of action and liability relating to or in connection with this License and the installation, use of and operation of the Improvement contemplated by this License, except for the sole negligence or willful act or failure to act by Housing Authority.
 - b. LUCHA shall provide Housing Authority with satisfactory evidence of general liability insurance naming the Housing Authority as an additional insured in the amount of \$1,000,000.00 per incident relating to and in connection with the installation and public use of the Improvement contemplated hereby. Such insurance shall be in a form acceptable to the Housing Authority. Housing Authority shall be provided with not less than 30 days prior notice of cancellation or reduction in coverage.
5. Use of Property. Once installed, the Improvement shall be open and useable by members of the public at reasonable times determined by LUCHA and the Housing Authority. The parties understand and agree that the improvements to be installed by LUCHA are temporary and shall be removed when the subject property is needed for development as envisioned in Section 7 below. During the term of this License, LUCHA shall be fully responsible for the maintenance and security of the Property.
6. Liens. LUCHA shall have no right, power or authority to finance, lien, mortgage or encumber in any manner the Property. Any liens resulting from the installation work of the Improvements shall immediately be removed by LUCHA without the necessity by Housing Authority of providing notice or a request.
7. Collaboration and Consultation regarding Development of Property. During the term of this License, the Housing Authority and LUCHA agree to collaborate on envisioning how and what to develop on the Property, provided any such development of the Property must include public housing on it. LUCHA acknowledges that any proposals to develop the Property are subject to the final approval of the governing body of the Housing Authority.
8. Compliance with Laws. For all installation, maintenance and removal or restoration of the Improvement, LUCHA and Housing Authority shall be bound by all laws of the State of California.
9. Applicable Law. This License shall be interpreted and any law applied consistent with California and, as may be applicable, federal laws. Jurisdiction shall be appropriate only in California and federal courts in this state.
10. Possessory Interest Tax. Housing Authority and LUCHA agree that this License may create a possessory property interest which is subject to property taxation, in which event the party in whom such interest is vested may be subject to and shall pay such property taxes.
11. Notices. All communications, notices and demands of any kind that either party may be required or desires to give to or serve on the other party shall be made in writing and delivered personally or sent by registered or certified mail or Federal Express (or other like overnight delivery service) to the following addresses:

To Housing Authority: Oxnard Housing Authority
 435 South D Street
 Oxnard, CA 93030
 Attn: Housing Director

With a copy to: City Attorney's Office
 City of Oxnard
 305 West Third Street
 Oxnard, CA 93030
 Attn: Housing Authority General Counsel

To LUCHA: LUCHA
 1008 Hillside Drive
 Santa Paula, CA 93060
 Attn: Dr. Gabino Aguirre

12. Any such notice shall be presumed to have been received on the earlier of:
 - a. Personal delivery to the address(es) shown above,
 - b. One (1) day after delivery to Federal Express or other like overnight delivery service, or
 - c. Two (2) business days after posting in the United States mail. Either party may change its address by giving the other party written notice of its new address.
13. Entire Agreement. This License represents the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the parties with respect to the matters contained in this License.
14. Section Headings. The section headings contained in this License are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.
15. Counterparts. This License and any modifications hereto may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.
16. Waiver. No waiver of any provision of this License shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought.
17. Severability. If any part of this License is declared invalid for any reason, such invalidity shall not affect the validity of the remainder of the License. The other parts of this License shall remain in effect as if this License had been executed without the invalid part. The parties intend and desire that the remaining parts of this License continue to be effective without any part or parts that have been declared invalid.

18. No Reliance on Other Parties. All parties to this License declare that, prior to the execution of this License, they have informed themselves of sufficient relevant data, either through experts or other sources of their own selection, and have sought and obtained legal counsel, in order that they might intelligently exercise their own judgment in evaluating the contents of this License and making the decision to execute it. The parties each represent and acknowledge that in executing this License, they do not rely and have not relied upon any representation or statement not set forth herein made by any other party to this License or their respective legal counsel with regard to the subject matter, basis or effect of this License.
19. Construction. The provisions of this License shall be liberally construed to effectuate its purpose. The language of this License shall be construed simply according to its plain meaning and shall not be construed for or against any party, as each party has participated in the drafting of this License and has had its legal counsel review it. Whenever the context and construction so require, all words used in the singular shall be deemed to be used in the plural, and vice versa.

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement on the date first written above.

OXNARD HOUSING AUTHORITY

Emilio Ramirez, Director

ATTEST:

Michelle Ascencion, Secretary

APPROVED AS TO FORM:

Stephen M. Fischer, General Counsel

LUCHA, a California Non-Profit Corporation¹

Gabino Aguirre, Chair

Gabriel Serrano, Vice Chair

¹ The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

Exhibit A

Interim Community Uses

Interim Community Use project at Southwinds is geared at engaging and activating the local community surrounding the Southwinds neighborhood. The Project consists of utilizing mobile storage containers to store gardening, art, and other pertinent supplies and make them available for local residents who wish to create projects. Community members will be encouraged by the Ventura County Arts Collective, LUCHA, Southwinds Community Neighborhood Council, The Carpenters Union, and other community stakeholders to develop self-expression while using the space to improve their community. Poetry readings, mom's knitting groups and mural painting will be part of the supervised activities that will be offered at the space. Also, a biweekly USDA food distribution will be held on site to help alleviate the needs of the low-income families that make South Oxnard their home.



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.11

DATE: September 1, 2020

TO: City Council

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

SUBJECT: Notice of Completion for Fire Station 6 Roof Replacement and Remodel Project FD 19-89.

RECOMMENDATION

That the City Council receive an update following a Notice of Completion for the Fire Station 6 Roof Replacement and Remodel Project executed on June 16, 2020.

BACKGROUND

The Fire Station 6 Roof Replacement and Remodel Project (Project) consisted of the replacement of the roof and siding at Fire Station 6 (Station) located at 2601 Peninsula Road within Council District 1. The existing roof and siding for the Station was original to the building and outlived its useful life. This project was part of the City's approved Capital Improvement Program and funded by Measure O funds. The specific work for this Project included furnishing all necessary labor, materials, equipment and other incidentals and appurtenant work to complete a remodel on this Station including weatherproofing, siding, roofing, lighting replacement, mold remediation and associated work.

CIP Reference:

Project No. **MO2206** - Fire Station 6 Roof Repair Project - CIP 2019-2024 - Adopted April 2, 2019, Page 50.

DISCUSSION

The notice inviting formal bids (NIFB) on this Project was published on October 24, 2019 and all bids were due on December 11, 2019. On January 21, 2020, Council approved Agreement A-8203 in the amount of \$377,270.50 with Tomar Construction, Inc. and also approved a project contingency of \$37,727.05.

Construction on this project began on February 18, 2020 and was completed on May 29, 2020.

STRATEGIC PRIORITIES

This item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve the City's 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.

FINANCIAL IMPACT

There is no financial impact to receiving this update report. The budget for Fire Station 6 Roof Repair Project No. MO2206 was \$666,149.00 and was funded by Measure O funds. The construction phase of this project was awarded to Tomar Construction for \$377,270.50 and there were five (5) change orders in the amount of \$6,487.82, for a total cost of \$383,758.32. The project was completed within budget.

COMMITTEE OUTCOME

This item did not originate in Committee, as this is a capital improvement project specifically listed in the City's CIP. A complete listing and page reference are provided in the Discussion section.

Prepared by: Tatiana Arnaout, City Engineer

ATTACHMENTS

1. A-8203 Notice of Completion
2. Project Images

RECORDING REQUESTED BY

CITY OF OXNARD

WHEN RECORDED, MAIL TO:

Renee Hatcher, Public Works Construction Project Coordinator
 305 W. 3rd Street, East Wing, 3rd Floor
 OXNARD, CA. 93030

REQUEST RECORDING WITHOUT FEE. RECORD FOR THE BENEFIT OF THE
 CITY OF OXNARD PURSUANT TO SEC. 27383 OF THE GOVERNMENT CODE.

NOTICE OF COMPLETION OF CONTRACTCERTIFICATION BY PROGRAM PROJECT MANAGER

I hereby certify that the work called for in Contract No. A-8203 dated January 21, 2020 has been completed in accordance with City Standards and Specifications.

DATED: 6-3-20


 KEVIN TURLEY, PROJECT MANAGER

NOTICE OF COMPLETION OF CONTRACT

In accordance with Civil Code Section 3093, NOTICE IS HEREBY GIVEN that the City of Oxnard, 305 W. 3rd Street, Oxnard, CA 93030, as owner in fee with all interest and rights for contract, has caused the following work of improvement to be constructed.

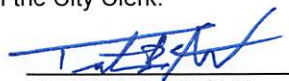
CONTRACT NO. A-8203 DATED January 21, 2020 FOR Fire Station 6 Roof Replacement and Remodel Project LOCATED at 2601 Peninsula Road, Oxnard IN CONFORMANCE WITH PROJECT SPECIFICATION NO. FD 19-89 said work was completed on May 29, 2020, by:

Tomar Construction, Inc. 120 S. Calavo Street, Suite B, Santa Paula, CA 93060
 Contractor Address

The Ohio Casualty Insurance Company is surety under a Public Contract Bond. California Bond No. 024242162 for the obligation of said contractor to the City under said contract. Total Contract Dollar Amount, including Change Orders is \$383,259.03.

Said bond is on file in the Office of the City Clerk.

6/16/2020
 DATE


 TATIANA ARNAOUT
 CITY ENGINEER
 FOR CITY OF OXNARD

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
 COUNTY OF VENTURA) ss

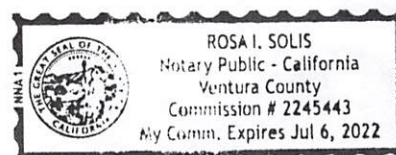
Subscribed and sworn to (or affirmed) before me on this 16th day of June, 2020, by

Tatiana Arnaout proved to me on the basis of satisfactory evidence to be the person who appeared before me.

WITNESS my hand and official seal.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

SEAL



BEFORE IMAGE



AFTER IMAGE



BEFORE IMAGE



AFTER IMAGE





CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.12

DATE: September 1, 2020

TO: City Council

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

SUBJECT: Automatic Public Toilets as Standard for Future Restroom Projects.

RECOMMENDATION

That the City Council approve and authorize City staff to adopt prefabricated self-cleaning Automatic Public Toilets (APT) as the standard restroom for future park restroom projects. (Public Works and Transportation Committee approved 3-0)

BACKGROUND

The Public Works Parks Division (Parks) installs and maintains public restrooms in City parks. There are 27 City park restrooms that are funded by the General Fund and 9 restrooms funded by Special Districts. Restroom facility construction ranges from prefabricated buildings to cinder block construction. Maintenance can be labor intensive, time consuming and expensive because of limited staff and the high public demand on these facilities. Parks has two (2) full-time employees dedicated to open, clean and stock the restrooms and Special District contracts restroom maintenance. Restrooms are repaired as needed and cleaned daily; however, their heavy use and misuse by the public makes cleaning difficult. For example, a restroom can be cleaned and become filthy immediately after a single use. Moreover, it is not always possible to keep to an established cleaning schedule since staff is regularly pulled away to address other park concerns. Vandalism and theft are also persistent problems in park restrooms.

DISCUSSION

To better address the recurring maintenance and vandalism issues in park restrooms, the Public Works Department recommends the adoption of a restroom standard that can mitigate these issues for all future public restrooms. The selection must balance Park's staff and the Parks and Recreation and Community Services Commission's desires to have restrooms that are visually appealing, cost-effective to install and easy to clean. The design must also address vagrancy, vandalism and anti-social loitering.

Staff analyzed two (2) types of restroom construction; build-in-place and prefabricated. Staff does not recommend the build-in-place restroom due to the high costs of construction and only focused on prefabricated options because of their lower cost and easy installation. Further research revealed that in addition to being lower cost, prefabricated restrooms are durable and can be put in place fairly quickly since they do not require detailed design plans and costly architectural drawings. The following options were evaluated:

APT Exeloo (prefabricated)	\$214,739
Public Restroom Company (prefabricated)	\$247,884
Build-in Place (standard block)	\$448,000

City staff is recommending that Automatic Public Toilets (APT) be the new standard. Unlike traditional prefabricated restrooms, APTs have a minimal footprint, provide ADA accessibility, and are relatively easy to install and relocate while providing a functional design with intelligent features. They provide an automated wash down system that washes the unit with disinfectant and water spray after every 30 uses and then dries the surfaces with high-pressure fans before becoming available for the next user which meets the County of Ventura cleaning and sanitizing protocol for COVID-19. APT systems also have an electric door operation that can be set to lock the units at night and open them again at a preset time in the morning, saving staff time and resources. The automated system also captures a large amount of statistical data that can be used by staff to optimize their operation.

The APT Exeloo Jupiter 22DD offers the following features and benefits:

- **Custom design** – A wide range of aesthetic options available.
- **Toilets** - Toilets are stainless steel. Toilets come equipped with a toilet seat.
- **Automated sliding doors with time limits** – Limit occupancy to 10-minutes to eliminate homeless residency and improve sidewalk traffic safety.
- **Self-cleaning** – The 5 stage self-washing cycle is activated after 30 uses. The cycle sanitizes, washes, and dries the high traffic and odor areas including the floor and toilet seat. This feature meets the County of Ventura cleaning and sanitizing protocol for Covid-19.
- **Operational efficiency** – Set lock and unlock times reduce the number of cleans throughout the day with self-washing function, and limits consumables with intelligent and automated fixtures.
- **3 in 1 washbasin** – The recessed lavatory provides soap, water, and drying in one compact unit. This design reduces vandalism and discourages use for any purpose other than washing hands.
- **Fully accessible single occupancy cubicle** – Safe and convenient facility for people of all ages and abilities.
- **Minimal footprint** – The Exeloo Jupiter takes up no more space than approximately a 1 car parking space and is delivered fully assembled ready to plug and play minimizing disruption during commissioning.
- **User comfort** – Ceramic tiled interior reduces odor, improves cleaning efficacy, and provides an inviting and pleasant environment.
- **Safety and security** – Different colored lights are positioned on the front of the unit to display the status of the restroom. The lights are designed to increase the ability to monitor from a distance and will indicate the following: Vacant, Occupied, Washing, and Closed.
- **Usability** – With data taken from units around the world the Exeloo Jupiter twin stall has the capability of serving 200-350 people per day. If usage is found to be greater after the unit is installed a third stall can be easily added.

The Public Restroom Company prefabricated restroom has many of the same features as the Exeloo but lacked the following:

- **Automated sliding doors**
- **Self-cleaning**
- **Operational efficiency**
- **3 in 1 washbasin**

Upon comparison of the two (2) prefabricated options, Staff determined that the APT Exeloo product as the best solution for the City. The Exeloo meets the City's performance needs by addressing the following:

1. Maintenance costs and staff time can be reduced by 2/3 that of traditional build in place restrooms.
2. A 10 minute occupancy limit can be programmed to eliminate unwanted activities and vagrancy. Restroom users are warned at 8 minutes, an alarm goes off at 9 minutes and at 10 minutes the automatic doors open. Signs are posted inside and outside the restroom describing the 10 minute occupancy limit.

3. The wash basins are designed with a shallow pan which prevents laundry activities.
4. All components are constructed inside the restroom walls, preventing breakage or theft of soap dispensers, toilet paper and hand dryers. Smooth tile walls allow easy graffiti removal.
5. The design of a 3 inch connection from the toilet to the sewer prevents blockage.
6. The Exeloo can be outfitted with many different types of interior and exterior design elements
7. The automatic wash element keeps the restroom clean and fresh for all users.

Due to the Covid-19 pandemic, the Parks and Recreation and Community Services Commission (Commission) has not met since February 2020. Therefore, an ATP staff report was not presented to the Commission. However, it was shared with the Parks and Community Services Commission Restroom Ad Hoc Committee and they were in agreement with the ATP Exeloo choice. If approved, APT restrooms will be the standard for all future park restroom capital improvement projects.

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.

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

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

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

FINANCIAL IMPACT

The average cost to purchase the Automatic Public Toilets (APT) Exeloo model currently ranges from \$197,239 to \$214,739, depending on design. The installation cost is separate and to be done by lowest bid on a project by project basis. Funding will be identified at the time of purchase and installation.

COMMITTEE OUTCOME

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

Prepared by: Brian Yanez, Assistant Public Works Director

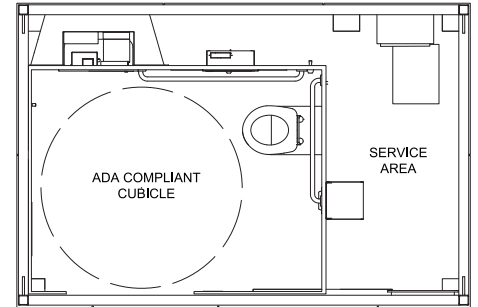
ATTACHMENTS

1. Exeloo Jupiter Floorplans

JUPITER

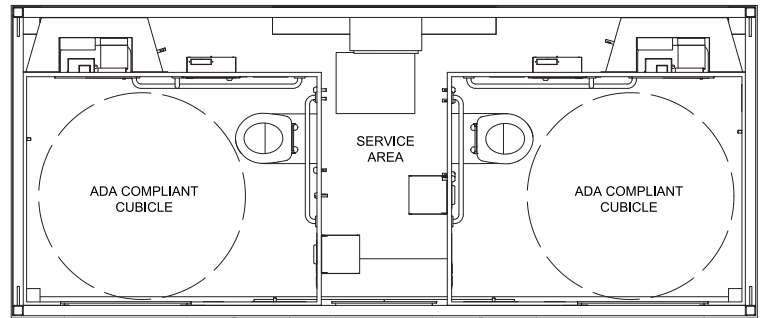
JUPITER SINGLE

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DEPTH: 7' 7"



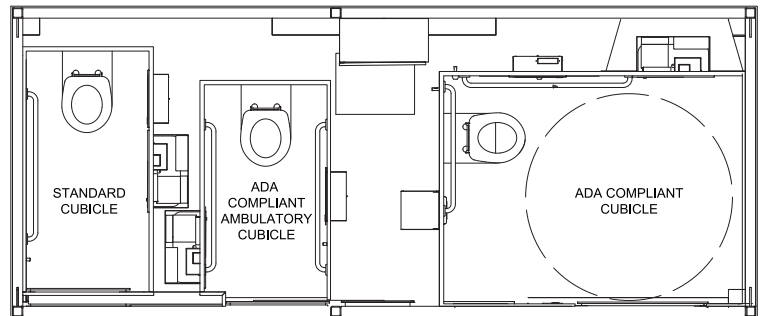
JUPITER TWIN

WIDTH: 18' 1"
DEPTH: 7' 7"



JUPITER TRIPLE

WIDTH: 18' 1"
DEPTH: 7' 7"





CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.13

DATE: September 1, 2020

TO: City Council

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

SUBJECT: Grant Resolution for Active Transportation Program, Highway Safety Improvement Program, and Allocation of Funding for Local Road Safety Plan and Sustainable Communities Grant Projects.

RECOMMENDATION

That the City Council approve and authorize:

1. The adoption of a resolution authorizing the City Manager to submit grant applications and execute grant agreements, if awarded, for Active Transportation Program, an Active Transportation Program Quick Build project in partnership with the Southern California Association of Governments (SCAG), and Highway Safety Improvement Program, authorizing the Finance Director to submit financial reports and claims for the use of the grant funds, and authorizing the Public Works Director or designee to submit non-financial reports;
 2. The budget appropriation recognizing grant revenue in the amount of \$72,000 of Transportation State Grant Funds (Fund 210), and \$7,200 of Traffic Safety matching funds (Fund 182) to the Local Road Safety Plan Project (213102); and
 3. The budget appropriation recognizing grant revenue in the amount of \$410,000 of Transportation State Grant Funds (Fund 210), and \$53,121 of Roadway Maintenance and Rehabilitation Account matching funds (Fund 185) to the Mobility Plan for Sustainable Communities Project (213103).
- (Public Works and Transportation Committee approved 3-0)

BACKGROUND

The California Transportation Commission (CTC) provides grant funding to local agencies through the Active Transportation Program (ATP). ATP projects encourage using healthy active modes of transportation by increasing biking and walking, increase safety and mobility for non-motorized users, advance greenhouse gas reduction, enhance public health, and ensure that disadvantaged communities share in the benefits of the program. Staff is recommending the City submit three (3) applications discussed below. There is no local match required for ATP projects.

The California Department of Transportation (Caltrans) provides grant funding to local agencies through the Highway Safety Improvement Program (HSIP). HSIP projects provide infrastructure improvements utilizing nationally recognized crash reduction methods. Projects are awarded based on the highest benefit cost ratio (BCR), which is the ratio between the cost of collisions and mitigation improvements. The BCR is derived through collision frequency, potential, cause, and engineering data. This year Caltrans is encouraging local agencies to submit multiple applications, incrementally adding intersections, to increase the potential of funding more projects through the BCR metric. In addition, Caltrans is setting aside funding for pedestrian crossing projects and Quick-Build projects, both of which will not require a BCR analysis. Staff is recommending the City submit a total of five (5) applications in these categories as discussed below. There is a maximum 10% local match required for HSIP projects.

The City was successful in being awarded two (2) state grant funded projects, which require recognition of grant funding and allocation. The Local Roadway Safety Plan (LRSP) funds a planning document that will identify and prioritize safety projects

Citywide and identify future projects for HSIP grant funding. The Sustainable Transportation Planning grant is a planning tool that will strategically integrate complete streets with bicycle and pedestrian access, first and last mile transit connections, identify safe routes to schools, and incorporate vision zero goals of eliminating fatal and severe injury accidents, resulting in a comprehensive mobility plan. Upon completion, both plans will identify a prioritized list of projects that will position the City to better compete for future transportation grant funding.

DISCUSSION

The ATP and HSIP grant applications are the primary funding methods for all cities and counties in the state to obtain transportation improvement funding. These grant programs have always been highly competitive, and with the onset of COVID-19 and resulting revenue reduction, the 2020 cycle of grant applications are anticipated to be more competitive than ever before.

The grant applications are submitted through complex Caltrans databases that require detailed narrative responses regarding the project purpose and need, description of public participation, innovative elements, potential to reduce collisions, methods to increase pedestrian and cyclist use, and the anticipated schedule.

City staff is working with consultants to develop the following eight (8) grant applications.

Active Transportation Program (ATP) Grant Applications

1. Safe Routes to School Safety and Enhancements

The proposed project will request up to \$2,000,000 of grant funds (no local match required) to design and construct pedestrian and bicycle improvements adjacent to six schools: Ramona Preschool*, Curren Elementary, Fremont Middle, Harrington Elementary, Kamala Elementary, and Lemonwood Elementary. School selection was based upon collision data and the effort was coordinated between the City of Oxnard Traffic Engineering, Police Department and Oxnard School District Staff. Improvements include curb extensions, high visibility crosswalks, accessible curb ramps, safety markings and signage. This project will also include a non-infrastructure component focusing on education and encouragement activities, which will identify safe active modes of transportation routes to and from schools, transit, community centers, and educational materials to share with students and the community. Safe Routes to School implementation is identified in the City Bicycle & Pedestrian Master Plan.

2. 4th Street Mobility Improvements

The proposed project will request up to \$6,900,000 of grant funds (no local match required) to design and construct pedestrian and cycling connections from the Oxnard Transit Center to downtown along 4th street to C Street. Improvements include high visibility crosswalks, sidewalks, street furniture, Class II bike lanes, bicycle parking, bus pad improvements, lighting, parking stalls, storm drain improvements, signage and striping. This project was identified in the City Capital Improvement Program 2020-2025.

CIP Reference: 4th Street Mobility Improvements - CIP 2021-2025 - Adopted June 16, 2020 - Page 95.

Active Transportation Program (ATP) Grant Application - Quick Build

1. Saviers Road Bicycle Corridor Improvements

In partnership with the Southern California Council of Governments (SCAG), the proposed project will request up to \$135,000 of grant funds (no local match required) to design and construct cycling enhancements along Saviers Road from Channel Islands Boulevard to Pleasant Valley Road. SCAG requested to partner with the City and submit this grant application in the Quick-Build set aside. Quick-Build projects are intended to deliver improvements that do not anticipate lengthy design or right of way constraints. The Saviers Road corridor project proposes to restripe Saviers Road from Channel Islands Boulevard to Pleasant Valley Road for Class II (on-street) bike lanes to maintain consistency throughout the corridor. Currently the Class II bike lanes start and drop along Saviers Road. The proposed

project will also include installation of speed feedback signs to assist with speed reduction. Class II bike lanes and speed feedback signs are identified in the City Bicycle & Pedestrian Master Plan. If the grant application is successful, SCAG will be the lead agency to design and construct the project. The City will partner with SCAG through City Traffic Engineers reviewing plans and ensuring the project is constructed to City standards. Staff time will be billed to SCAG for reimbursement from the grant.

Highway Safety Improvement Program (HSIP) Five (5) Grant Applications

1. Citywide Intersection Improvements - Up to five (5) locations
2. Citywide Intersection Improvements - Up to seven (7) locations
3. Citywide Intersection Improvements - Up to 10 locations

These three (3) HSIP grant applications for intersection improvements require technical data that includes engineering drawings for existing and proposed conditions, collision data, collision diagrams, identification of countermeasures and a BCR analysis. The BCR is the key criteria used in Caltrans' selection process for awarding HSIP grant funds.

More than half of traffic collisions occur at intersections, particularly at signalized intersections with high traffic volumes and increased potential for conflicts among vehicles, pedestrians, and bicyclists. Grant applications should include locations with the highest number of collisions and severity.

As mentioned in the background, Caltrans recommends submitting multiple applications adding incremental intersections based on collision number and injury severity. As the grant writers draft the HSIP applications and obtain the BCR ratio for each project, intersection locations may be eliminated or added to provide the best scenario for the project to be awarded grant funding. This is an iterative process and the final number of locations per application may differ than is listed below depending on the BCR ratios.

Staff recommends submitting three (3) HSIP applications using this method. Based on these metrics, traffic engineers have selected up to 10 signalized intersections. The five (5) locations with the highest collision rates and severity will be included in all three applications per the table below:

	<u>HSIP Application 1</u>		<u>HSIP Application 2</u>		<u>HSIP Application 3</u>
1	Rose Ave & Bard Rd	1	Rose Ave & Bard Rd	1	Rose Ave & Bard Rd
2	Ventura Rd & Doris Ave	2	Ventura Rd & Doris Ave	2	Ventura Rd & Doris Ave
3	Rice Ave & Camino del Sol	3	Rice Ave & Camino del Sol	3	Rice Ave & Camino del Sol
4	Gonzales Rd & Solar Dr	4	Gonzales Rd & Solar Dr	4	Gonzales Rd & Solar Dr
5	Gonzales Rd & Lombard St/Outlet Center	5	Gonzales Rd & Lombard St/Outlet Center	5	Gonzales Rd & Lombard St/Outlet Center
		6	Harbor Blvd & Fifth St	6	Harbor Blvd & Fifth St
		7	C St & Pleasant Valley Rd	7	C St & Pleasant Valley Rd
				8	Saviers Rd & Laurel St
				9	Rose Ave & Camino del Sol
				10	Vineyard Ave & Esplanade Dr

The three (3) proposed projects will request \$1,993,500, \$2,500,500, and \$3,103,500 respectively of grant funds (10% local match required if grant application is successful) to design and construct intersection improvements that provide protected turning movements. Improvements include signal modifications, high visibility crosswalks, ADA improvements, signage and striping.

4. Citywide Median Signal Improvements - Up to eight (8) locations

The proposed project will request up to \$1,720,000 of grant funds (10% local match required if grant application is successful) to design and construct median improvements to remove fixed traffic signals located within the medians and install mast arm poles for overhead left turn signal indications. The intersections recommended are based on collision data and a systemic approach to improvements. This is an iterative process and the final number of locations may differ than is listed below depending on the BCR ratio. The following intersections are being considered as part of this application:

- a. Channel Islands Boulevard & Harbor Boulevard
- b. Channel Islands Boulevard & Peninsula Road
- c. Channel Islands Boulevard & Victoria Avenue
- d. Harbor Boulevard & Costa de Oro
- e. Rose Avenue & First Street/St. Lucia
- f. Ventura Road & Gonzales Road
- g. Ventura Road & Hill Street
- h. Ventura Road & Ivywood Drive

5. Ramona Preschool* Pedestrian Crossing Enhancements

The proposed project will request up to \$250,000 of grant funds (10% local match required if grant application is successful) to design and construct pedestrian and bicycle improvements adjacent to Ramona Preschool. School selection was based upon accident data and coordinated between City Traffic Engineering, Oxnard Police Department, and Oxnard School District Staff. As mentioned in the background above, this project is part of the Caltrans set aside funding and will not require a BCR analysis. Improvements include curb extensions, high visibility crosswalk enhancements, ADA improvements and signage. Safe Routes to School implementation is identified in the City Bicycle & Pedestrian Master Plan.

*Ramona Preschool improvements are being requested in both the ATP and HSIP grant applications to provide additional opportunities for the project to be funded.

Local Roadway Safety Plan Project (No. 213102)

In 2020 Caltrans provided funding for local agencies to create a Local Roadway Safety Plan (LRSP). A LRSP is a planning tool to identify and prioritize traffic safety projects. In order to create a LRSP, the City will release a request for proposals and contract with a traffic engineering consulting firm who will identify and analyze intersections and roadways throughout the City where there have been collisions or that could improve upon safety to prevent future collisions. Caltrans has been focusing on a statewide systemic approach to traffic safety and applying it to local communities. Through a LRSP local roadways can be analyzed to identify improvements that may help reduce or eliminate vehicle, pedestrian and cycling collisions. Through the plan, specific projects will be recommended resulting in a prioritized list of projects. A LRSP document will be required to compete for HSIP grant funding beginning in 2022. The final plan will return to the City Council for adoption.

Sustainable Transportation Planning Grant - Mobility Plan for Sustainable Communities Project (No. 213103)

In 2020 Caltrans awarded the City a Sustainable Transportation Planning grant, which is a planning tool to provide for integrated and safe transportation in the City. The project, Mobility Plan for Sustainable Communities, will work in tandem with land use opportunities to integrate complete streets with bicycle and pedestrian access, provide first and last mile transit connections, Safe Routes to School routes, and a Vision Zero component, which is a goal of eliminating traffic fatalities and serious injuries.

In order to create this Plan the City will contract with a consulting firm who will incorporate previous planning documents, such as the Bicycle and Pedestrian Master Plan and the Transportation Demand Management Plan, conduct and incorporate public outreach efforts from stakeholder partners, with a focus of including voices from disadvantaged communities within Oxnard, and coordinate safety projects being identified through the LRSP. The final plan will return to the City Council for

adoption and ultimately aims to identify capital improvement projects and enhance competitiveness for future transportation grant funding.

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

The ATP grants, including the ATP Quick-Build partnership with SCAG, do not require a local match. The HSIP grants require a 10% local match, which can be funded by Roadway Maintenance and Rehabilitation Account (Fund 185) annual funding. Upon notification of award, City staff will return to Council to recognize and appropriate grant funds and any required local matching funds to assigned project numbers and applicable task orders.

The Local Roadway Safety Plan will require a budget appropriation of \$72,000 of Transportation State Grant Funds (Fund 210) and \$7,200 of required matching fund from Traffic Safety (Fund 182) to the Local Road Safety Plan Project (213102). After this appropriation request from Fund 182, the projected FY 2020-21 unassigned fund balance of Traffic Safety funds (Fund 182) is \$321,000.

The Sustainable Transportation Planning grant will require a budget appropriation of \$410,000 of Transportation State Grant Funds (Fund 210) and \$53,121 of Roadway Maintenance and required matching fund from Rehabilitation Account (RMRA, Fund 185) to the Mobility Plan for Sustainable Communities Project (213103). After this appropriation request from Fund 185, the projected FY 2020-21 unassigned fund balance of RMRA (Fund 185) is \$3.05 million.

COMMITTEE OUTCOME

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

Prepared by: Debbie O'Leary, Transportation Planner

ATTACHMENTS

1. ATP HSIP Grant Applications Resolution
2. Budget Appropriation Planning Grants

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING SUBMITTAL OF GRANT APPLICATIONS

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

WHEREAS, the Public Works Department has requested that City Council approve the submittal of up to three grant applications to the California Transportation Commission for an amount not to exceed \$9,035,000 in Active Transportation Program grant funds to be used for Safe Routes to School Safety and Enhancements, 4th Street Mobility Improvements, and Saviers Bicycle Corridor Improvements, which is a partnership project with the Southern California Association of Governments; and

WHEREAS, the Public Works Department has requested that City Council approve the submittal of up to five grant applications to the California Department of Transportation for an amount not to exceed \$9,567,500 in Highway Safety Improvement Program grant funds to be used for Citywide Intersection Improvements, Citywide Median Signal Improvements, and Ramona Preschool Pedestrian Crossing Enhancements; and

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of grant applications by the City Manager for active transportation improvements and roadway safety improvement projects. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Finance Director or designee is authorized to submit financial reports and grant claims; and the Public Works Director or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED this ____ day of _____, 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

REQUEST FOR BUDGET APPROPRIATION

Department: Public WorksDate: September 1, 2020

Project/Program

Manager: Debbie O'LearyPhone: x5283**Reason for Appropriation:**

Grant Resolutions for Active Transportation Program, Highway Safety Improvement Program, and Allocation of Funding for Local Road Safety Plan and Sustainable Transportation Planning Grant Projects for FY 2020-21

Accounts and Descriptions**AMOUNT****Fund: 210-Transportation Grant State****Revenues/Transfers In**

210-3125-532.72-31	STATE GRANT REVENUES	482,000
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Sub-total Revenues	482,000
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Expenditures/Transfers Out**213102 Local Road Safety Plan**

210-3125-826.82-09	SVCS OTHER PROF/CONTRACT	72,000
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213103 Mobility Plan for Sustainable Communities

210-3125-826.82-09	SVCS OTHER PROF/CONTRACT	410,000
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Sub-total Expenditures	482,000
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Net Change to Fund Balance	0
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Fund: 182-Traffic Safety Fund**Expenditures/Transfers Out****213102 Local Road Safety Plan**

182-3125-826.82-09	SVCS OTHER PROF/CONTRACT	7,200
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Sub-total Expenditures	7,200
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Net Change to Fund Balance	(7,200)
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Fund: 185-Roadway Maintenance Rehabilitation Account**Expenditures/Transfers Out****213103 Mobility Plan for Sustainable Communities**

185-3125-826.82-09	SVCS OTHER PROF/CONTRACT	53,121
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Sub-total Expenditures	53,121
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Net Change to Fund Balance	(53,121)
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Net Appropriation Change	542,321
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Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.14

DATE: September 1, 2020

TO: City Council

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

SUBJECT: Reclassification of Project Appropriation Allocations and Expenditures from State Gas Tax Fund to Roadway Maintenance and Rehabilitation Account Fund.

RECOMMENDATION

That the City Council authorize and approve the City Manager to:

1. Approve a Fiscal Year 2019-20 budget appropriation to: A) Reclassify budget appropriation allocations of \$390,000 for Rice Avenue Street Resurfacing project 183113, and \$132,383 for Annual Pavement System Update project 19IN01 from State Gas Tax Fund (181) to Roadway Maintenance and Rehabilitation Account (RMRA) Fund (185); B) Decrease \$204,000 from State Gas Tax Fund (181) for Cooper Street Resurfacing project 183109; and C) Recognize revenue of \$750,000 in State Gas Tax Fund (181) and appropriate to RMRA Fund (185) for Public Works Road and Signal Maintenance Project 203009; and
2. Approve a Fiscal Year 2020-21 budget appropriation recognizing revenue of \$1,000,000 in State Gas Tax Fund (181) and appropriating to RMRA Fund (185) for Public Works Road and Signal Maintenance Project 203009.
 (Public Works and Transportation Committee approved 3-0)

BACKGROUND

The COVID-19 public health crisis and resulting stay at home order has severely impacted tax revenue statewide. The City is experiencing immediate and significant reductions in cash receipts from sales tax, transient occupancy tax, interest earnings, rental income, fines and other revenues.

Similarly, severe gas tax revenue reductions are occurring in the State Highway Users Tax Account (HUTA), which provides funding for the State Gas Tax Fund (181). The State Roadway Maintenance and Rehabilitation Account (RMRA) Fund (185) that is collected from fuel taxes and vehicle registration is also expected to decline. City Council recently identified six (6) projects that would receive the annual RMRA apportionment. They included Rice Avenue Street Resurfacing, Thin Maintenance Overlay Phase II, La Colonia Thin Maintenance Overlay Phase II, Residential Street Resurfacing, and East and West Gonzalez Road Street Resurfacing. At the time of the report, prepared prior to the COVID-19 crisis, the State estimated that the City would receive \$3,963,952 of RMRA funds in FY 2020-21, which combined with \$6,529,977 of prior year unspent RMRA totaled \$10,493,929 in RMRA funds.

While all revenue is expected to decrease, the City's available fund balance in RMRA (185) is greater than in the State Gas Tax Fund (181), which is estimated to have an operating deficit in FY 2019-20. Historically, both the RMRA and the HUTA revenues and expenditures were accounted for in the same fund (181 State Gas Tax). Based on a recommendation from the League of California Cities, beginning with the FY 2019-20 Adopted Budget, the City created a new fund (185 RMRA) for better tracking and easier auditing by the State Controller's Office and the City's independent financial auditor. Generally, the City utilizes RMRA funds for capital resurfacing projects, while State Gas Tax funds are used for both capital projects and full-time positions that perform street maintenance, signal maintenance and associated work.

As a result, for FY 2019-20 staff is recommending a total of \$726,383 from three (3) public works projects that were previously allocated to the State Gas Tax Fund be reclassified to the RMRA Fund. Staff is also recommending \$1,750,000 of RMRA appropriations to be allocated to Project 203009, Public Works Road and Signal Maintenance for actual labor in FY 2019-20 and FY 2020-21. This will enable full-time positions currently allocated to the State Gas Tax Fund that perform street maintenance, signal maintenance, and associated work to charge to a designated RMRA project.

The creation and utilization of Project 203009 will result in two (2) capital resurfacing projects being delayed to a future year: East Gonzales and West Gonzales Road Street Resurfacing.

DISCUSSION

The Rice Avenue Street Resurfacing Project (183113) has a State Gas Tax Fund allocation of \$390,000, which staff is requesting to reclassify to the RMRA fund. This project was identified in the FY 2020-21 RMRA list of projects. There have been no expenditures to date.

The Annual Pavement System Update Project (19IN01) has a State Gas Tax Fund allocation of \$132,383, which staff is requesting to reclassify to the RMRA Fund. This action will also reclassify eligible actual expenditures incurred to date to be transferred from Gas Tax to RMRA Fund 185.

The Cooper Street Resurfacing Project (183109) has a State Gas Tax Fund allocation of \$204,000. This project requires additional design due to right-of-way restraints; therefore there have been no expenditures to date. Staff is requesting a decrease in budget appropriations from this project. Staff will return to Council for an allocation of available funds when the project is ready to move forward.

The Public Works Road and Signal Maintenance Project (203009) will enable full-time positions that are currently funded with State Gas Tax Fund to charge labor to a designated RMRA project. This labor includes classifications such as street maintenance worker, traffic safety maintenance worker, traffic signal repair, traffic signal technician, streets manager, equipment operator and administrative staff. Labor associated with work performed for road and signal maintenance would be charged to this project for FY 2019-20 and FY 2020-21.

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

FINANCIAL IMPACT

Approval of these recommendation actions would amount to a total of \$2,272,383 budget appropriation reallocation from the State Gas Tax Fund (181) to the RMRA Fund (185): 1) Reclassify \$390,000* budget allocation for Rice Avenue Street Resurfacing Project (183113); 2) Reclassify \$132,383* budget allocation and expenditures for Annual Pavement System Update Project (19IN01); 3) Decrease project budget appropriation of \$204,000 in State Gas Tax Fund (181) for Cooper Road Street Resurfacing Project (183109) and 4) Allocate budget appropriations in the amount of \$1,750,000 from RMRA Fund 185 for Public Works Road and Signal Maintenance Project (203009) for use in FY 2019-20 and FY 2020-21.

*There is no fiscal impact to authorized spending nor total appropriations for projects 183113 and 19IN01. These recommended actions simply re-allocate previously authorized projects and operating expenditures incurred to date

between State Gas Tax Fund (181) and RMRA Fund (185) to match available fund balance with anticipated expenditures.

COMMITTEE OUTCOME

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

Prepared by: Debbie O'Leary, Transportation Planner

ATTACHMENTS

1. FY19- 20 Budget Appropriation
2. FY20-21 Budget Appropriation

REQUEST FOR BUDGET APPROPRIATION - FY19-20Department: Public WorksDate: September 1, 2020

Project/Program

Manager: Debbie O'LearyPhone: 805-200-5283**Reason for Appropriation:**

Reclassification of Project Appropriation Allocations and Expenditures from State Gas Tax Fund (181) to Roadway Maintenance and Rehabilitation Account (RMRA) Fund (185) for FY 2019-20

Accounts and Descriptions**AMOUNT****Fund: 181- STATE GAS TAX****Revenues/Transfers In**181-5704-581.73-37 SERVICES TO OTHER PROGRAMS 750,000Sub-total Revenues 750,000**Expenditures/Transfers Out****RICE AVENUE STREET RESURFACING (Project 183113)**

181-3015-826.82-09 SVCS OTHER PROF/CONTRACT (292,500)

181-3015-826.84-51 SERVICES FROM OTHER PROGRAMS (97,500)

ANNUAL PAVEMENT SYS UPD (Project 19IN01)

181-3224-803.82-09 SVCS OTHER PROF/CONTRACT (132,383)

COOPER ROAD STREET RESURFACING (Project 183109)

181-3015-826.82-09 SVCS OTHER PROF/CONTRACT (153,000)

181-3015-826.84-51 SERVICES FROM OTHER PROGRAMS (51,000)

Sub-total Expenditures (726,383)**Net Change to Fund Balance 1,476,383****Fund: 185-RMRA GAS TAX****Expenditures/Transfers Out****RICE AVENUE STREET RESURFACING (Project 183113)**

185-3015-826.82-09 SVCS OTHER PROF/CONTRACT 292,500

185-3015-826.84-51 SERVICES FROM OTHER PROGRAMS 97,500

ANNUAL PAVEMENT SYS UPD (Project 19IN01)

185-3224-803.82-09 SVCS OTHER PROF/CONTRACT 132,383

PUBLIC WORKS ROAD AND SIGNAL MAINTENANCE (Project 203009)

185-3015-826.84-51 SERVICES FROM OTHER PROGRAMS 750,000

Sub-total Expenditures 1,272,383**Net Change to Fund Balance (1,272,383)****Net Appropriation Change 546,000****Approvals**

Department Director _____

Chief Financial Officer _____

City Manager _____

REQUEST FOR BUDGET APPROPRIATION - FY20-21**Department:** Public Works**Date:** September 1, 2020**Project/Program****Manager:** Debbie O'Leary**Phone:** 805-200-5283**Reason for Appropriation:**

Appropriate RMRA funding and recognize recovery to State Gas Tax for personnel assigned to RMRA project 203009

Accounts and Descriptions**AMOUNT****Fund: 181- STATE GAS TAX****Revenues/Transfers In**181-5704-581.73-37 SERVICES TO OTHER PROGRAMS 1,000,000Sub-total Revenues 1,000,000**Net Change to Fund Balance 1,000,000****Fund: 185-RMRA GAS TAX****Expenditures/Transfers Out****PUBLIC WORKS ROAD AND SIGNAL MAINTENANCE (Project 203009)**185-3015-826-84-51 SERVICES FROM OTHER PROGRAMS 1,000,000Sub-total Expenditures 1,000,000**Net Change to Fund Balance (1,000,000)****Net Appropriation Change 1,000,000****Approvals**

Department Director _____

Chief Financial Officer _____

City Manager _____



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.15

DATE: September 1, 2020

TO: Housing Authority Board

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

SUBJECT: (NEW) Application for the U.S. Department of Housing and Urban Development (HUD) Choice Neighborhoods Planning Grant.

RECOMMENDATION

That the Board of Commissioners authorize the Housing Director to prepare, and the Chair to submit, an application to the U. S. Department of Housing and Urban Development (HUD) for a \$450,000 grant under the Choice Neighborhoods Planning Grants (CNPG) program.

BACKGROUND

The U.S. Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the purpose of funding local initiatives designed to address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Grants to be awarded under this program, entitled “Choice Neighborhoods Planning Grants” (CNPG) will fund planning and community development activities to public housing authorities in collaboration with local entities. Grant applications are due on September 9, 2020.

In order to be eligible for this funding, Grantees must develop a Transformation Plan for the proposed project area. The project area must meet the HUD threshold as a low-income Census area. The Transformation Plan must address specific objectives in three categories: Housing, People, and Neighborhood. Applicants for the Grants must develop metrics for the following specific objectives in the Transformation Plan:

1. Housing: To be well-managed, financially viable, mixed income, energy efficient, sustainable, accessible, healthy, and free from discrimination.
2. People: Enhance ability of local residents to receive effective education outcomes, improved employment opportunities, quality health care, and optimum housing choice and affordability.
3. Neighborhood: Improve private and public investment in the neighborhood; improve amenities; promote effective public schools; and enhance neighborhood safety.

The Oxnard Housing Authority (OHA) owns and operates public housing units in various neighborhoods throughout the City. OHA staff has determined that the Southwinds neighborhood presents an ideal candidate for a Choice Neighborhoods Planning Grant, and is eligible due to the fact that the OHA has multi-family public housing units on Cuesta del Mar. The OHA also owns an undeveloped parcel, adjacent to the public housing complex, located at 610 Cuesta del Mar. The existence of this under-utilized asset contributed to the selection of this neighborhood as a project area for the purpose of the planning grant.

Staff has initiated outreach with various stakeholder organizations in the neighborhood to solicit input on neighborhood

needs and proposed improvements that could be made. Those organizations include House Farm Workers, the Southwinds Neighborhood Council, Art Haycox Elementary School, Clinicas del Camino Real, Cuesta tenant association, LUCHA, a non-profit community-based organization and various Departments of the City of Oxnard. The spectrum of ideas already proposed in the initial outreach meetings include such concepts as improvements to the public housing stock, increased accessibility for sidewalks and pathways, and conversion of under-utilized parcels to a neighborhood pocket park, farmers' market, community gardening, art projects, USDA food assistance distribution, and other community amenity. If approved, a license agreement (A-8233) on the September 1, 2020 Council agenda will allow LUCHA to act as a community collaborative liaison in developing and implementing on-site uses on the currently undeveloped parcel owned by the OHA.

The OHA proposes to apply for \$450,000 in CNPG funding. HUD requires a match equivalent of five percent of the grant amount (or \$22,500) which staff proposes to be contributed as in-kind staff time already adopted as part of the adopted 2020-2021 budget. In addition to complying with this match requirement, the OHA is committing other resources to meet HUD elements that improve the grant-scoring criteria, via a waiver of the land rent for the unimproved parcel (valued at \$40,268 for the two-year life of the planning grant). Finally, as lead applicant for the grant, the OHA will work with our community partners, who have pledged to invest additional material and in-kind resources in order to add value to the CNPG process.

The OHA's grant application must be signed by the Chair of the Board of Commissioners, and must include funding commitments for the match requirement.

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.

Objective 3b. Empower and connect our Inter-Neighborhood Council Organizations, Community Advisory Groups and Neighborhood Watch Program.

Objective 3e. Create a pilot revitalization project for Southwinds Neighborhood.

Objective 3f. Develop a co-sponsorship policy with criteria that would enable the City to encourage local community events.

FINANCIAL IMPACT

There is no impact to the General Fund. Staff will return to the Board of Commissioners to appropriate the grant monies if and when HUD awards the grant to the Authority.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

None



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. I.16

DATE: September 1, 2020

TO: City Council

FROM: Alexander Hamilton, Interim Fire Chief, (805) 385-7708, alexander.hamilton@oxnard.org

SUBJECT: (NEW) National Institute of Health Grant for Early COVID-19 Detection Through Wastewater Testing.

RECOMMENDATION

That the City Council adopt a resolution authorizing:

1. The City Manager to submit a two-year grant application by September 15, 2020, to the National Institute of Health grant for early COVID-19 detection through wastewater testing in the amount of \$800,000;
2. The City Manager or designee to execute the grant agreement if funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2020-21 and FY2021-22 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

BACKGROUND

The City of Oxnard is eligible to submit a grant application to National Institute of Health (NIH) for consideration of federal funds totaling \$800,000. The application does not require a local match. The Fire Department is eligible to apply to the NIH for its Emergency Award: RADx-rad Wastewater Detection of SARS-COV-2 (COVID-19). The primary goal is to slow the spread of COVID-19.

If awarded, the grant will allow the City of Oxnard to create an early detection surveillance system for COVID-19. Through strategic collection and testing of wastewater samples personnel will be able to monitor the prevalence of COVID-19 in specific geographic areas. The virus will appear in wastewater samples five to seven days earlier than symptoms will show in humans, allowing “hot-spots” to be identified and measures to be taken to slow the spread.

Tests will be conducted on a regular schedule for two years. Once a hot-spot is identified, the City will work with Public Health, schools, businesses, neighborhoods and local organizations to educate the region of an impending outbreak. Well informed entities and individuals can decide if closures, quarantines, and more advanced social distancing and precautions are necessary to stop the spread of COVID-19. Continued testing will show if the increased safety measures are working to curb the spread.

Information is power during a pandemic, and this project will allow residents, businesses, government agencies, and other partners to take action to reduce infections, stay well, and protect the community.

The majority of grant funds will be used for the wastewater tests, which cost \$900 each. Additional funds will be used for equipment, supplies and to cover staffing costs for City of Oxnard personnel assigned to the project. No matching funds are required.

The earliest start date for the grant is December 1, 2020, and NIH is expected to announce awards before then.

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

Upon award, federal funds in the amount of \$800,000 (estimated) will be recognized and appropriated. There is no required local match.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Amy Van Atta, Management Analyst II

ATTACHMENTS

1. Resolution NIH COVID detection.rev2

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING
SUBMITTAL OF NATIONAL INSTITUTE OF HEALTH GRANT APPLICATION FOR
EARLY COVID-19 DETECTION THROUGH WASTEWATER TESTING

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

WHEREAS, the Fire Department has requested that City Council approve the submittal of an application to the National Institute of Health in amount of \$800,000 for the purpose of a project to test wastewater in neighborhoods to identify early outbreaks of COVID-19.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for this Fire Department project. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Chief Financial Officer or designee is authorized to submit financial reports and grant claims, and perform all other required financial actions; and the Fire Chief or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED this 1st day of September, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Timothy Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT

REPORTS AGENDA ITEM NO. J.1

DATE: September 1, 2020

TO: City Council

FROM: Kevin Riper, Chief Financial Officer, (805) 385-7475, kevin.riper@oxnard.org

SUBJECT: Reduce Budget Appropriations to Reflect Employee Givebacks. (5/5/5)

RECOMMENDATION

That the City Council reduce FY 20-21 budget appropriations by a total of \$2,836,913 across all funds other than grant funds to reflect employee givebacks. \$1,821,031 would be returned collectively to the General Fund and Measure O (\$1,693,362 to the General Fund and \$127,669 to Measure O).

BACKGROUND

Due to FY 20-21 budget constraints brought on by the COVID-19 pandemic, the City Manager asked the City's labor unions for givebacks for the FY 20-21 budget year.

DISCUSSION

The City's labor unions responded favorably and have agreed to the following givebacks for the FY 20-21 budget year:

IAFF, IUOE, OMMA, OPOA, OPSMA, SEIU, Confidential and Other Non-Represented Employees

1. Freeze new medical cafeteria increase for 6 months (13 pay periods)
2. Vacate newly-increased 401(a) contributions for 6 months (13 pay periods)

Executives

1. Freeze new medical cafeteria increase for 6 months (13 pay periods)
2. Vacate newly-increased 401(a) contributions for 12 months (26 pay periods)
3. Vacate \$500 wellness reimbursement for the entire FY 20-21
4. Eliminate merit increase for the entire FY 20-21

The total value of the employee givebacks is \$2,872,674. The recommended action will reduce FY 20-21 Budget appropriations by \$2,836,913 to reflect the lower cost of employee compensation in all funds other than grant funds, including \$1,821,031 returned collectively to the General Fund and Measure O (\$1,693,362 to the General Fund and \$127,669 to Measure O).

For each of the City's federal and State grant funds that include personnel costs, staff is not recommending a reduction in total appropriations. Rather, the City Manager will use his budget allocation authority within each grant fund to reduce personnel-related line items by \$35,761, which is the amount of the givebacks in the grant funds, and to increase other line items by that same amount, in order to enhance service delivery by those grant funds.

Finally, the agreement between the City and the labor unions includes a provision that if the federal and/or State

governments fully reimburse the City for the lost General Fund revenue (last fiscal year and this fiscal year) caused by the recession and the pandemic, then the City will restore the givebacks to the employees retroactively.

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 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

FINANCIAL IMPACT

The total reduction in employee compensation, across all funds, including the grant funds, is \$2,872,674 for the current fiscal year. In order of fund number, the funds with resulting savings of \$100,000 or more are:

General Fund (101): \$1,693,362

Measure O (Half-Cent Sales Tax) Fund (104): \$127,669

Water Fund (601, 608): \$152,258

Wastewater Fund (611, 621): \$173,295

Solid Waste Fund (631): \$410,064

The attached Request for Budget Unappropriation provides detail for all affected funds other than the grant funds.

The employee givebacks would produce an available ending fund balance of \$5.1 million at June 30, 2021 (3.7 percent of expenditures), compared with the \$3.4 million projected in the Adopted Budget (2.4 percent of expenditures). That assumes all things hold in the economy, which is uncertain.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Kevin Riper, Chief Financial Officer

ATTACHMENTS

1. 09.01.20- FY 20-21 Budget Unappropriation for Employee Givebacks
2. Presentation - Reduce Budget Appropriations to Reflect Employee Givebacks PPT

REQUEST FOR BUDGET UNAPPROPRIATION - FY20-21

Department: Finance
Project/Program _____
Manager: Kevin Riper

Date: September 1, 2020
Phone: 385-7461

Reason for Unappropriation:

Adjust FY20-21 Budget to reflect savings from employee givebacks: 1) Deferred Compensation 2) Cafeteria Medical Contributions 3) Merit Increases

Accounts and Descriptions**AMOUNT**

Fund: GENERAL FUND (101)

Expenditures/Transfers Out**NON-DEPARTMENTAL (1001)**

1)	101-1001-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(3,216)
2)	101-1001-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,036)
3)	101-1001-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(1,952)
3)	101-1001-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(412)

CITY COUNCIL (1101)

1)	101-1101-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(157)
2)	101-1101-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(494)

INVESTMENT/CASH MANAGE. (1201)

1)	101-1201-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(622)
2)	101-1201-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,150)

LICENSING (1203)

1)	101-1203-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,480)
2)	101-1203-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,900)

CITY CLERK (1301)

1)	101-1301-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,452)
2)	101-1301-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,674)
3)	101-1301-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(1,689)
3)	101-1301-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(356)

ELECTIONS (1302)

1)	101-1302-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(502)
2)	101-1302-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(629)
3)	101-1302-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(422)
3)	101-1302-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(89)

CITY MANAGER (1401)

1)	101-1401-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(11,770)
2)	101-1401-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(10,569)
3)	101-1401-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(3,855)
3)	101-1401-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,453)

PUBLIC INFORMATION OFFICE (1405)

1)	101-1405-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(425)
2)	101-1405-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,554)

LEGAL ASSISTANCE (1501)

1)	101-1501-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(13,161)
2)	101-1501-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(13,595)

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3)	101-1501-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(5,656)
3)	101-1501-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,838)
FINANCE ADMINISTRATION (1600)			
1)	101-1600-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,399)
2)	101-1600-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,123)
3)	101-1600-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(3,115)
3)	101-1600-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(648)
GENERAL ACCOUNTING (1601)			
1)	101-1601-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,634)
2)	101-1601-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(23,346)
PURCHASING (1602)			
1)	101-1602-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,631)
2)	101-1602-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(6,562)
MAIL AND COURIER SERVICES (1612)			
1)	101-1612-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(256)
2)	101-1612-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(3,295)
BUDGET/CIP (1616)			
1)	101-1616-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,334)
2)	101-1616-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(9,327)
PERSONNEL (1701)			
1)	101-1701-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(9,224)
2)	101-1701-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(22,117)
3)	101-1701-801.80-01	PERSONNEL SERVICES /DIRECT LABOR	(2,849)
3)	101-1701-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(597)
COMMUNITY PATROL (2101)			
1)	101-2101-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(87,813)
2)	101-2101-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(444,848)
CRIMINAL INVEST/ANALYSIS (2102)			
1)	101-2102-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(20,456)
2)	101-2102-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(97,922)
SUPPORT SERVICES (2103)			
1)	101-2103-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(14,817)
2)	101-2103-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(72,021)
EMERGENCY COMMUNICATIONS (2104)			
1)	101-2104-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,841)
2)	101-2104-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(58,010)
ANIMAL SAFETY (2106)			
1)	101-2106-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(780)
2)	101-2106-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,236)
FIRE SUPPRESSION (2201)			
1)	101-2201-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(40,779)
2)	101-2201-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(230,214)
FIRE PREVENTION (2202)			
1)	101-2202-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,288)
2)	101-2202-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(21,468)
DISASTER PREP. & RESPONSE (2203)			
1)	101-2203-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(638)
2)	101-2203-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,220)

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TRAFFIC ENG & SIGNALS (3102)		
1)	101-3102-803.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,097)
2)	101-3102-803.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (3,885)
DESIGN (3201)		
1)	101-3201-803.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (7,192)
2)	101-3201-803.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (27,894)
PLANNING (4101)		
1)	101-4101-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (5,055)
2)	101-4101-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (16,936)
DEVELOPMENT SERVICES (4301)		
1)	101-4301-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (10,505)
2)	101-4301-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (44,328)
CODE COMPLIANCES (4305)		
1)	101-4305-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (2,828)
2)	101-4305-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (12,794)
DEV SUPPORT/PUBLIC PROJ (4501)		
1)	101-4501-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (4,756)
2)	101-4501-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (8,865)
ECONOMIC DEVELOPMENT (4502)		
1)	101-4502-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,197)
2)	101-4502-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (4,723)
HOMELESS PROG ADMIN (5105)		
1)	101-5105-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (457)
2)	101-5105-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (2,198)
MOBILE HOME RENT STABIL. (5106)		
1)	101-5106-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (314)
2)	101-5106-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,275)
ADMINISTRATIVE SUPPORT (5199)		
1)	101-5199-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,041)
2)	101-5199-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (998)
NEIGHBORHOOD SERVICES (5201)		
1)	101-5201-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (190)
2)	101-5201-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,047)
COMMUNITY OUTREACH (5401)		
1)	101-5401-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (2,433)
2)	101-5401-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (5,033)
3)	101-5401-805.80-01	PERSONNEL SERVICES /DIRECT LABOR (1,132)
3)	101-5401-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (467)
LIBRARY CIRCULATION SERVICES (5402)		
1)	101-5402-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,705)
2)	101-5402-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (10,631)
LIBRARY-INFO/REFER.SERVICES (5403)		
1)	101-5403-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (1,493)
2)	101-5403-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (7,637)
LIBRARY SUPPORT SERVICES (5404)		
1)	101-5404-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (800)
2)	101-5404-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS (4,942)
LIBRARY BRANCH SERV.DIV. (5411)		

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1)	101-5411-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,626)
2)	101-5411-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,384)
COMMUNITY SERVICES (5501)			
1)	101-5501-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(6,415)
2)	101-5501-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(28,990)
3)	101-5501-805.80-01	PERSONNEL SERVICES /DIRECT LABOR	(1,132)
3)	101-5501-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(467)
YOUTH DEVELOPMENT (5502)			
1)	101-5502-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,357)
2)	101-5502-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(13,438)
SENIOR SERVICES (5503)			
1)	101-5503-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,479)
2)	101-5503-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(9,583)
CITYCORP (5511)			
1)	101-5511-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,843)
2)	101-5511-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(21,004)
PRKS & PUB.GROUNDS & OPEN (5701)			
1)	101-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,603)
2)	101-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(58,520)
3)	101-5701-805.80-01	PERSONNEL SERVICES /DIRECT LABOR	(157)
3)	101-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(33)
GRAFFITI REMOVAL PROGRAM (5703)			
1)	101-5703-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,027)
2)	101-5703-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(6,884)
TREES AND MEDIANS (5705)			
1)	101-5705-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,741)
2)	101-5705-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(11,915)
Sub-total Expenditures			(1,693,362)

Net Change to Fund Balance	1,693,362
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Fund: HALF CENT SALES TAX (104)

Expenditures/Transfers Out

ENHANCE COMMUNITY POLICE (PROJECT MO2101)			
1)	104-2101-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(6,872)
2)	104-2101-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(34,200)
CAD/RMS OPERATIONAL (PROJECT MO2102)			
1)	104-7303-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,050)
2)	104-7303-801.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(3,142)
FIRE STATION 8 OPERATIONS (PROJECT MO2201)			
1)	104-2208-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,717)
2)	104-2208-802.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(51,240)
SAFE HOMES SAFE FAMILY (PROJECT MO4301)			
1)	104-4305-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,225)
2)	104-4305-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,603)
3)	104-4305-804.80-01	PERSONNEL SERVICES /DIRECT LABOR	(568)
3)	104-4305-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(119)
HMWRK CENTR MAIN LIBRARY (PROJECT MO5401)			

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4 of 11

1)	104-5401-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(109)
2)	104-5401-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(824)
PAL OPERATIONAL (PROJECT MO5504)			
1)	104-5502-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(196)
2)	104-5502-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,648)
PRE-SCHOOL TO YOU (PROJECT MO5508)			
1)	104-5502-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(143)
2)	104-5502-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,647)
COLLEGE PARK MEAS.O MAINT (PROJECT MO5701)			
1)	104-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,098)
2)	104-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,203)
EAST VILLAGE PARK OP MAIN (PROJECT MO5702)			
1)	104-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(297)
2)	104-5701-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,768)
Sub-total Expenditures			(127,669)

Net Change to Fund Balance	127,669
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Fund: STORM WATER MANAGEMENT (114)**Expenditures/Transfers Out****STORM WATER QUALITY (3501)**

1)	114-3501-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,306)
2)	114-3501-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,384)

STORM WATER FLOOD CONTROL (3502)

1)	114-3502-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(625)
2)	114-3502-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,163)

Sub-total Expenditures	(11,478)
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Net Change to Fund Balance	11,478
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Fund: LMD ADMINISTRATION (172)**Expenditures/Transfers Out****SPECIAL DISTRICTS (1606)**

1)	172-1606-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,095)
2)	172-1606-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,821)

Sub-total Expenditures	(10,916)
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Net Change to Fund Balance	10,916
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Fund: CFD #5-RIVERPARK MAINTENANCE (174)**Expenditures/Transfers Out****SPECIAL DISTRICTS (1606)**

1)	174-1606-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(636)
2)	174-1606-805.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,365)

Sub-total Expenditures	(5,001)
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Net Change to Fund Balance	5,001
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Fund: STATE GAS TAX (181)**Expenditures/Transfers Out****TRAFFIC ENG & SIGNALS (3102)**

- | | | | |
|----|--------------------|--|---------|
| 1) | 181-3102-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (1,050) |
| 2) | 181-3102-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (5,836) |

CONSTRUCTION SERVICES-ST. (3120)

- | | | | |
|----|--------------------|--|---------|
| 1) | 181-3120-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (1,011) |
| 2) | 181-3120-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (2,752) |
| 3) | 181-3120-803.80-01 | PERSONNEL SERVICES /DIRECT LABOR | (314) |
| 3) | 181-3120-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (66) |

STREET MAINT & REPAIRS (5704)

- | | | | |
|----|--------------------|--|----------|
| 1) | 181-5704-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (5,223) |
| 2) | 181-5704-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (34,202) |

Sub-total Expenditures	(50,454)
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Net Change to Fund Balance	50,454
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Fund: TRAFFIC SAFETY FUND (182)**Expenditures/Transfers Out****COMMUNITY PATROL (2101)**

- | | | | |
|----|--------------------|--|---------|
| 1) | 182-2101-802.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (912) |
| 2) | 182-2101-802.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (7,184) |

Sub-total Expenditures	(8,096)
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Net Change to Fund Balance	8,096
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Fund: TDA/LTF4-TRANS.FND-99400c (213)**Expenditures/Transfers Out****OXNARD TRANSPORT.CNTR.OPE (3110)**

- | | | | |
|----|--------------------|--|-------|
| 1) | 213-3110-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (91) |
| 2) | 213-3110-803.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (162) |

Sub-total Expenditures	(253)
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Net Change to Fund Balance	253
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Fund: CUPA OPERATING FUND (370)**Expenditures/Transfers Out****CUPA PROGRAM (2205)**

- | | | | |
|----|--------------------|--|----------|
| 1) | 370-2205-802.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (2,394) |
| 2) | 370-2205-802.80-41 | PERSONNEL SERVICES / EMPLOYEE BENEFITS | (13,416) |

Sub-total Expenditures	(15,810)
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Net Change to Fund Balance	15,810
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Fund: HOUSING-IN-LIEU FEES (371)

BA# (Finance Use Only)_____

BA Doc# (Finance Use Only)_____

Revised : 2/23/2012

Expenditures/Transfers Out**HOUSING ADMINISTRATION (5115)**

1)	371-5115-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(403)
2)	371-5115-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,134)
Sub-total Expenditures			(1,537)

Net Change to Fund Balance	1,537
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Fund: CITY DOWNTOWN IMPROVEMENT (481)**Expenditures/Transfers Out****DOWNTOWN IMPROVEMENT (4503)**

1)	481-4503-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(690)
2)	481-4503-804.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,070)
Sub-total Expenditures			(1,760)

Net Change to Fund Balance	1,760
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Fund: WATER OPERATING FUND (601)**Expenditures/Transfers Out****WATER PRODUCTION (6001)**

1)	601-6001-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,930)
2)	601-6001-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(15,437)

WATER DISTRIBUTION (6002)

1)	601-6002-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(7,792)
2)	601-6002-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(50,199)

WATER METERING (6003)

1)	601-6003-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,430)
2)	601-6003-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(16,037)

PROCUREMENT/ADMIN & OPER (6010)

1)	601-6010-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(7,833)
2)	601-6010-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(23,655)
3)	601-6010-841.80-01	PERSONNEL SERVICES /DIRECT LABOR	(1,515)
3)	601-6010-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(317)

CONSERVATION / OUTREACH (6011)

1)	601-6011-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(557)
2)	601-6011-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,291)

RECYCLE WATER (6012)

1)	601-6012-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,028)
2)	601-6012-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,083)

PUBLIC INFO-SPECIAL PROJ (6045)

1)	601-6045-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(264)
2)	601-6045-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,046)

Sub-total Expenditures	(143,414)
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Net Change to Fund Balance	143,414
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Fund: SECURITY CONTAMINATION PREVENTION FUND (608)

BA# (Finance Use Only)_____

BA Doc# (Finance Use Only)_____

Revised : 2/23/2012

Expenditures/Transfers Out**SEC-CONTAM.PREVENT.PROGRM (6015)**

1)	608-6015-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,463)
2)	608-6015-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(7,381)
Sub-total Expenditures			(8,844)

Net Change to Fund Balance	8,844
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Fund: WASTEWATER COLLECTION OPERATING (611)**Expenditures/Transfers Out****SOURCE CONTROL/SERVICES (6101)**

1)	611-6101-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,368)
2)	611-6101-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(10,510)

COL SYSTEM MAIN & UPGRADE (6103)

1)	611-6103-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(3,970)
2)	611-6103-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(24,223)
3)	611-6103-841.80-01	PERSONNEL SERVICES /DIRECT LABOR	(364)
3)	611-6103-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(76)

PUBLIC INFO-SPECIAL PROJ (6145)

1)	611-6145-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(132)
2)	611-6145-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(523)

Sub-total Expenditures	(42,166)
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Net Change to Fund Balance	42,166
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Fund: WASTEWATER TREATMENT OPERATIONS (621)**Expenditures/Transfers Out****SOURCE CONTROL/SERVICES (6202)**

1)	621-6202-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(15,060)
2)	621-6202-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(71,668)
3)	621-6202-841.80-01	PERSONNEL SERVICES /DIRECT LABOR	(786)
3)	621-6202-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(165)

COL SYSTEM MAIN & UPGRADE (6205)

1)	621-6205-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(7,591)
2)	621-6205-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(34,764)
3)	621-6205-841.80-01	PERSONNEL SERVICES /DIRECT LABOR	(364)
3)	621-6205-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(76)

PUBLIC INFO-SPECIAL PROJ (6245)

1)	621-6245-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(132)
2)	621-6245-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(523)

Sub-total Expenditures	(131,129)
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Net Change to Fund Balance	131,129
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Fund: SOLID WASTE OPERATING (631)**Expenditures/Transfers Out****ADMIN & OPERATIONS (6301)**

BA# (Finance Use Only)_____

BA Doc# (Finance Use Only)_____

Revised : 2/23/2012

1)	631-6301-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(13,290)
2)	631-6301-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(55,733)
3)	631-6301-841.80-01	PERSONNEL SERVICES /DIRECT LABOR	(1,515)
3)	631-6301-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(317)
WASTE REDUCTION & EDUCAT. (6302)			
1)	631-6302-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(899)
2)	631-6302-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(3,867)
RESIDENTIAL COLLECTION (6307)			
1)	631-6307-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,527)
2)	631-6307-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(54,490)
COMMERCIAL COLLECTION (6308)			
1)	631-6308-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(10,755)
2)	631-6308-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(77,579)
INDUSTRIAL COLLECTION (6309)			
1)	631-6309-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,264)
2)	631-6309-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(15,363)
TIP FLR PROCESS/DISP (6312)			
1)	631-6312-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,794)
2)	631-6312-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(38,107)
MRF (MATL RECOV FACILITY) (6313)			
1)	631-6313-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(7,344)
2)	631-6313-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(55,089)
WASTE TRANSFER HAUL (6314)			
1)	631-6314-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,836)
2)	631-6314-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(34,416)
CLEANUP & ILLEGAL DUMPING (6317)			
1)	631-6317-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,013)
2)	631-6317-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(17,583)
PUBLIC INFO-SPECIAL PROJ (6345)			
1)	631-6345-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(61)
2)	631-6345-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(222)
Sub-total Expenditures			(410,064)

Net Change to Fund Balance	410,064
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Fund: GOLF COURSE OPERATING (651)**Expenditures/Transfers Out****RIVER RIDGE GOLF COURSE (6401)**

1)	651-6401-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(122)
1)	651-6401-841.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(273)
Sub-total Expenditures			(395)

Net Change to Fund Balance	395
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Fund: PUBLIC LIABILITY & PROPERTY DAMAGE (701)**Expenditures/Transfers Out****RISK MANAGEMENT (1704)**

BA# (Finance Use Only)_____

BA Doc# (Finance Use Only)_____

Revised : 2/23/2012

1)	701-1704-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(781)
1)	701-1704-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,757)
Sub-total Expenditures			(3,538)

Net Change to Fund Balance	3,538
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Fund: WORKERS' COMPENSATION FUND (702)**Expenditures/Transfers Out****WORKERS' COMP (1702)**

1)	702-1702-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(756)
1)	702-1702-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,935)
Sub-total Expenditures			(2,691)

Net Change to Fund Balance	2,691
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Fund: CUSTOMER BILLING OPERATING FUND (725)**Expenditures/Transfers Out****INVESTMENT/CASH MANAGE. (1201)**

1)	725-1201-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,728)
2)	725-1201-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,089)

UTILITY/CUSTOMER SERVICES (1211)

1)	725-1211-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(2,592)
2)	725-1211-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(10,004)

Sub-total Expenditures	(22,413)
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Net Change to Fund Balance	22,413
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Fund: INFORMATION TECHNOLOGY (731)**Expenditures/Transfers Out****FINANCIAL SERVICES (7301)**

1)	731-7301-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,540)
2)	731-7301-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(10,665)
3)	731-7301-851.80-01	PERSONNEL SERVICES /DIRECT LABOR	(2,358)
3)	731-7301-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(971)

GEOGRAPHIC INFO SYSTEMS (7302)

1)	731-7302-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,490)
2)	731-7302-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(6,087)

HELP DESK OPERATIONS (7303)

1)	731-7303-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,400)
2)	731-7303-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(4,915)

COMPUTER/NETWORK SERVICES (7304)

1)	731-7304-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,952)
2)	731-7304-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(7,162)

TELECOMMUNICATIONS (7306)

1)	731-7306-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(1,597)
2)	731-7306-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(5,362)

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Sub-total Expenditures (49,499)

Net Change to Fund Balance 49,499

Fund: FACILITIES MAINTENANCE (735)

Expenditures/Transfers Out

MAINTENANCE CUSTODIAL (7401)

1)	735-7401-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(8,745)
2)	735-7401-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(51,481)
3)	735-7401-851.80-01	PERSONNEL SERVICES /DIRECT LABOR	(157)
3)	735-7401-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	<u>(33)</u>
Sub-total Expenditures			<u>(60,416)</u>

Net Change to Fund Balance 60,416

Fund: FLEET SERVICES FUND (741)

Expenditures/Transfers Out

FLEET SERVICES (7501)

1)	741-7501-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(6,040)
2)	741-7501-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	(29,778)
3)	741-7501-851.80-01	PERSONNEL SERVICES /DIRECT LABOR	(157)
3)	741-7501-851.80-41	PERSONNEL SERVICES / EMPLOYEE BENEFITS	<u>(33)</u>
Sub-total Expenditures			<u>(36,008)</u>

Net Change to Fund Balance 36,008

Net Appropriation Change (2,836,913)

Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

REDUCE BUDGET APPROPRIATIONS TO REFLECT EMPLOYEE GIVEBACKS

Presentation to City Council

Kevin Riper, Chief Financial Officer

September 1, 2020



RECOMMENDATION

That the City Council reduce FY 20-21 budget appropriations by a total of \$2,836,913 across all funds other than grant funds to reflect employee givebacks. 1,821,031 would be returned collectively to the General Fund and Measure O (\$1,693,362 to the General Fund and \$127,669 to Measure O).

BUDGET REDUCTION

The following funds will have savings of \$100,000 or more:

General Fund (101)	\$1,693,362
Measure O Half-Cent Sales Tax Fund (104)	\$127,669
Water Fund (601, 608)	\$152,258
Wastewater Fund (611, 621)	\$173,295
Solid Waste Fund (631)	\$410,064

3

Questions



4